

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
February 1, 2018

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

Prayer by Reverend Lara Campbell, First Parish Unitarian
Universalist Church in Kennebunk.

REVEREND CAMPBELL: Good morning. First, let me thank
Senators Deschambault and Collins for inviting me to be with you
here today and join me now in a moment of prayer and reflection.
Spirit of life and love, who is known by many names and remains
unnamed by others, we ask for your blessing on this and every
day. We gather in this hallowed place, aware that we are just one
part of its story, aware that the people of Maine have called all
who serve here to be stewards of our state, if only for a short time
in its long history. Help us to hold fast to the hopes and the
dreams of those that we serve, knowing that we are all connected
and believing that the well-being of one impacts the well-being of
many. Help us to use the gifts we have been given responsibly,
speaking our truth with love and respect, and listening with an
open mind and heart. Help us to be patient and forgiving,
realizing that mistakes are inevitable and perfection impossible,
and that remembering to laugh will help make our work easier.
Help us to reach out rather than in, setting aside our individual
differences and personal gains, and courageously reaching
across the aisles. Spirit of love and light, help us to lend a hand,
to light the way, and to build the beloved community both here
and at home. So let us be about this challenging and rewarding
work. Let us give thanks on this day and every day. We ask this
in the name of all that we hold sacred and holy. Blessed be and
amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of
Piscataquis County.

Reading of the Journal of Tuesday, January 30, 2018.

Doctors of the day, Walter L. Blackburn, D.O. of Gorham and
Aaron Tebbs, M.D. of Cumberland.

Off Record Remarks

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

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. 679

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, February 6, 2018 at 10:00 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 818

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

January 30, 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 Miles R. Williams of
Caribou, for reappointment to the Loring Development Authority
of Maine.

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, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland, Vachon of Scarborough

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 **Miles R. Williams** of Caribou for reappointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

NAYS 0

ABSENT 4 Sen. Langley of Hancock, Rep. Bates of Westbrook, Rep. Handy of Lewiston, Rep. Lockman of Amherst

Off Record Remarks

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 Miles R. Williams of Caribou, for reappointment to the Loring Development Authority of Maine be confirmed.

The Following Communication: S.C. 819

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

Signed,

S/Amy F. Volk
 Senate Chair

S/Ryan M. Fecteau
 House Chair

January 30, 2018

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

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?"

Dear Mr. President:

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.

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 Steven H. Levesque of Farmingdale, for reappointment to the Loring Development Authority of Maine.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#500)

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: None

YEAS Senators 2 Volk of Cumberland, Bellows of Kennebec
 Representatives 6 Fecteau of Biddeford, Austin of Gray, Doore of Augusta, Mastraccio of Sanford, Sylvester of Portland, Vachon of Scarborough

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

NAYS 0

EXCUSED: Senators: HILL, ROSEN, WOODSOME

ABSENT 5 Sen. Langley of Hancock, Rep. Bates of Westbrook, Rep. Handy of Lewiston, Rep. Lockman of Amherst, Rep. Stetkis of Canaan

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

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 Steven H. Levesque of Farmingdale, for reappointment to the Loring Development Authority of Maine be confirmed.

January 30, 2018

Signed,

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

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

Dear Mr. President:

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., 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 Dana A. Saucier, Sr. of Eagle Lake, for reappointment to the Loring Development Authority of Maine.

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.

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:

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#501)

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

YEAS: Senators: None

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

EXCUSED: Senators: HILL, ROSEN, WOODSOME

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 Dana A. Saucier, Sr. of Eagle Lake, for reappointment to the Loring Development Authority of Maine be confirmed.

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 **Steven H. Levesque** of Farmingdale for reappointment to the Loring Development Authority of Maine was **CONFIRMED**.

Signed,

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

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 820

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 (#502)

YEAS: Senators: None

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

EXCUSED: Senators: HILL, ROSEN, WOODSOME

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 **Dana A. Saucier, Sr.** of Eagle Lake for reappointment to the Loring Development Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 814

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 29, 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 State and Local Government has had under consideration the nomination of David R. Ciullo of Springvale, for reappointment to the State Civil Service Appeals Board.

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	Davis of Piscataquis, Deschambault of York
	Representatives	7	Martin of Sinclair, Beebe- Center of Rockland, Bryant of Windham, Harrington of Sanford, Hogan of Old Orchard Beach, Madigan of Rumford, Pickett of Dixfield
NAYS		0	
ABSENT		4	Sen. Keim of Oxford, Rep. Grignon of Athens, Rep. Ordway of Standish, Rep. Spear of South Thomaston

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 David R. Ciullo of Springvale, for reappointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Paul T. Davis
Senate Chair

S/Danny Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#503)

YEAS: Senators: None

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

EXCUSED: Senators: HILL, ROSEN, WOODSOME

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 **David R. Ciullo** of Springvale for reappointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 815

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 29, 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 State and Local Government has had under consideration the nomination of Susan H. Wasserott of Woolwich, for appointment to the State Civil Service Appeals Board.

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	Davis of Piscataquis, Deschambault of York
	Representatives	7	Martin of Sinclair, Beebe- Center of Rockland, Bryant of Windham, Harrington of Sanford, Hogan of Old Orchard Beach, Madigan of Rumford, Pickett of Dixfield
NAYS		0	
ABSENT		4	Sen. Keim of Oxford, Rep. Grignon of Athens, Rep. Ordway of Standish, Rep. Spear of South Thomaston

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 Susan H. Wasserott of Woolwich, for appointment to the State Civil Service Appeals Board be confirmed.

Signed,

S/Paul T. Davis
Senate Chair

S/Danny Martin
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **STATE AND LOCAL GOVERNMENT** 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 (#504)

YEAS: Senators: None

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

EXCUSED: Senators: HILL, ROSEN, WOODSOME

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 **Susan H. Wasserott** of Woolwich for appointment to the State Civil Service Appeals Board was **CONFIRMED**.

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

The Following Communication: S.C. 809

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

January 29, 2018

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

Dear Secretary Priest:

Pursuant to my authority under Title 5, Chapter 5, MRSA §90-T, I have re-appointed Stephen Rich of Glenburn to the Maine Regulatory Fairness Board.

Please contact my office if you have any questions regarding this re-appointment.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 816

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

January 26, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1574 Resolve, To Require Greater Clearing of
Vegetation along Portions of Route 161 in the
Town of Allagash

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis S/Rep. Michelle Ann Dunphy
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 810

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

January 24, 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 Health and Human Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 470 An Act To Strengthen Maine's Hospitals and
Increase Access to Health Care
L.D. 898 An Act To Address Mandatory Overtime for
Hospital Professionals
L.D. 1214 An Act To Create Fairness in Home-based
Care Fees for Service
L.D. 1495 An Act To Break the Generational Cycle of
Domestic Violence

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey S/Rep. Patricia Hymanson
Senate Chair House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 811

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

January 26, 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 Health and Human Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 272 An Act Requiring Meningococcal Meningitis Vaccinations for Teenagers
- L.D. 1273 Resolve, To Redispense Donated Prescription Drugs
- L.D. 1612 An Act To Support Maine Families through Universal Family Care

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey S/Rep. Patricia Hymanson
 Senate Chair House Chair

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

The Following Communication: S.C. 817

**STATE OF MAINE
 ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
 COMMITTEE ON STATE AND LOCAL GOVERNMENT**

January 29, 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 State and Local Government has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 473 An Act To Quantitatively Evaluate State Contracts
- L.D. 823 An Act To Promote Transparency with Respect to Surveillance Technology
- L.D. 890 An Act To Include a Representative of the Aroostook Band of Micmacs in the House of Representatives
- L.D. 1068 An Act To Require That State-funded Buildings Be Constructed with Wood Products

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis S/Rep. Danny Martin
 Senate Chair House Chair

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

The Following Communication: S.C. 813

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

January 23, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 1565 An Act To Ensure the Effectiveness of Tax Increment Financing

This is notification of the Committee's action.

Sincerely,

S/Sen. Dana L. Dow S/Rep. Ryan Tipping
 Senate Chair House Chair

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

The Following Communication: S.C. 812

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

January 30, 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 Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1688 An Act To Require That Railroads Grant Easements to Owners of Land That is Otherwise Inaccessible

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins
Senate Chair

S/Rep. Andrew J. McLean
House Chair

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

The Following Communication: S.C. 804

**MAINE TURNPIKE AUTHORITY
2360 CONGRESS STREET
PORTLAND, MAINE**

January 26, 2018

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

Re: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear President Thibodeau,

Enclosed are the reports required under 5 M.R.S.A. §12023, due February 1, 2018. The reports include: a list of all procurements in 2017 exceeding \$10,000 for which competitive procurement was waived; a list of contributions made in 2017 that exceed \$1,000. Section 12023(2c) requires a description of changes to the written policies and procedures required by Section 12022. There were no changes to the policies and procedures required by this section in 2017, therefore, there is nothing to report.

In 2017, the Maine Turnpike Authority made \$85 million in payments to approximately 679 vendors. The vast majority of these payments, approximately \$74 million, were for competitively bid products or services or were legally or legislatively required. The Authority sole-sourced approximately \$9.6 million in 2017. Most of these products or services were either proprietary in nature or were procured under long-term contracts. As these long-term contracts expire, the Authority will seek competitive bids.

Respectfully,

S/Peter Mills
Executive Director

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

The Following Communication: S.C. 805

**MAINE HOUSING
MAINE STATE HOUSING AUTHORITY
353 WATER STREET
AUGUSTA, MAINE**

January 29, 2018

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine State Housing Authority due by February 1, 2018.

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

Thank you.

Sincerely,

S/Peter Merrill
Interim Director

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

The Following Communication: S.C. 806

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

January 29, 2018

The Honorable Sara Gideon
Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333-0002

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

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S. §12023, please consider this the letter of transmittal for the required report from the Maine Human Rights Commission due by February 1, 2018.

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

Sincerely,

S/Amy M. Sneirson
Executive Director

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

The Following Communication: S.C. 807

**NORTHERN NEW ENGLAND
PASSENGER RAIL AUTHORITY
75 WEST COMMERCIAL STREET
PORTLAND, MAINE**

January 29, 2018

RE: Statutory Citation P.L. 2011 c. 616: An Act to Implement the Recommendations of the Office of Program Evaluation and Government Accountability and the Government Oversight Committee Regarding Quasi-Independent State Entities

Dear President Thibodeau:

Please find enclosed the Northern New England Passenger Rail Authority's annual report as required under section 12023 (2) "Ongoing Reports" of the Statutory Citation referenced above for NNEPRA's Fiscal Year 2017.

Required Reports:

2A. A list of all procurements exceeding \$10,000 in the preceding year (NNEPRA Fiscal Year 2017) for which competitive procurement was waived under the policies adopted pursuant to section 12022, subsection 3 - Attached.

28. A list of all persons to which the entity made contributions greater than \$1,000 in the preceding year (NNEPRA Fiscal Year 2017) and the total amount contributed to each - Attached.

2C. There were no changes made to the written policies and procedures required by Section 12022 or to the procedures used by the governing body to monitor compliance with those policies and procedures.

Sincerely,

S/Mr. John Melrose
Chairman
Northern New England Passenger Rail Authority

S/ Ms. Patricia Quinn
Executive Director
Northern New England Passenger Rail Authority

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.

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

SECOND READERS

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

Senate As Amended

Bill "An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act" (EMERGENCY)
S.P. 660 L.D. 1775
(C "A" S-346)

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

Sent down for concurrence.

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

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (1/30/18) matter:

JOINT ORDER - To Amend the Joint Rules To Require Annual Harassment Training

S.P. 677

Tabled - January 30, 2018 by Senator **LIBBY** of Androscoggin

Pending - **PASSAGE**

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

Senator **LIBBY:** Mr. President, men and women of the Senate, thank you. Recent events across the country have highlighted the need for workplaces of all kinds to do better in the way of harassment prevention training. As you know, State Houses are very public places and unique among workplaces. Here legislators, partisan staff, non-partisan staff, the lobby, staff from the Executive Branch, staff from the Constitutional Offices, and the public at-large all interact in what is intended and expected to be a professional setting. But, as we better understand now, harassment takes many forms and happens more often than is acceptable. During the most recent legislative preconference at the beginning of our 2-year session I was absent from the harassment prevention training session that was conducted down in the other chamber. In lieu of participating in that session, I signed a piece of paper that included the legislature's sexual harassment policy. While this action likely meets the requirements of State law, I find it insufficient given what we can expect happens in our workplace. So, working with the presiding officers, the Executive Director's Office, I set about proposing a change to our Joint Rules. In my view, increased and enhanced sexual harassment prevention training is a personnel policy and rightly belongs in the Joint Rules where the presiding officers are responsible for enforcement. Working with the Executive Director's Office, we proposed language that I feel will greatly enhance member's understanding of norms that are expected in today's workplace. This Joint Rule proposal received a unanimous endorsement from the Personnel Committee, as well as a unanimous endorsement from the Joint Rules Committee. I ask for your support today. I thank you for your consideration. Mr. President, I request a roll call.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#505)

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

NAYS: Senators: None

EXCUSED: Senators: HILL, ROSEN, WOODSOME

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being excused, and 32 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

Ordered sent down forthwith.

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Improve Multimodal Facilities, Highways and Bridges"
S.P. 682 L.D. 1815

Presented by Senator HAMPER of Oxford. (GOVERNOR'S BILL)
Cosponsored by Senator: COLLINS of York, Representatives: McLEAN of Gorham, PARRY of Arundel.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Charter of the Lisbon Water Department"
S.P. 681 L.D. 1814

Presented by Senator MASON of Androscoggin.
Cosponsored by Representative MASON of Lisbon and Representative: TIMBERLAKE of Turner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Penalties for Hunting Deer over Bait"
S.P. 684 L.D. 1816

Presented by Senator DAVIS of Piscataquis.
Cosponsored by Representative MARTIN of Sinclair and Senators: CARPENTER of Aroostook, CYRWAY of Kennebec, DILL of Penobscot, JACKSON of Aroostook, Representatives: BLACK of Wilton, SKOLFIELD of Weld, STEARNS of Guilford, TIMBERLAKE of Turner.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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.

Joint Resolutions

On motion by Senator **CHENETTE** of York (Cosponsored by Representative **STEWART** of Presque Isle), the following Joint Resolution:

S.P. 680

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

**JOINT RESOLUTION
RECOGNIZING FEBRUARY AS 2-1-1 MONTH**

WHEREAS, 2-1-1 Maine is a comprehensive statewide directory of more than 8,000 health and human services available in the State; and

WHEREAS, in order to promote the 2-1-1 Maine health and human services and emergency preparedness helpline, which provides Maine citizens free and confidential referrals to needed resources, we recognize February 2018 as 2-1-1 Month; and

WHEREAS, 2-1-1 Maine helps to identify existing gaps in health and human services; and

WHEREAS, throughout the State, 2-1-1 Maine provides around-the-clock service through efficient and effective responses to questions arising from the growing complexities and needs in health, financial and human services; and

WHEREAS, 2-1-1 Maine provides emergency operations during times of natural and other disasters, including providing accurate and timely information for preparations and longer-term referrals for follow-up services, as evidenced by its role in supporting the Maine Emergency Management Agency during the agency's responses to the 2016 drought and the October 2017 wind storm; and

WHEREAS, during this past year, 2-1-1 Maine has directed nearly 6,500 Maine citizens to heating and utility assistance services, which may have prevented people from contacting the wrong agency for a federal Low-Income Home Energy Assistance Program benefit, prevented utility shutoffs and saved people from spending winter nights without fuel; and

WHEREAS, since 2006, 2-1-1 Maine call specialists have assisted with more than 700,000 requests to locate health and human services information; and

WHEREAS, 2-1-1 Maine handles a number of specialized services, including the opiate helpline and the gambling helpline, and is also a resource for finding information about such needs as tax preparation and mental health services; 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 February 2018 as 2-1-1 Month.

READ.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** Thank you, Mr. President. Today we are highlighting a very important resource for our constituents. 2-1-1 Maine is a free, confidential service that connects people all over Maine to needed services in their area. 2-1-1 employs specialists that assist people in finding local services that help them stay healthy, safe, and independent. This includes everything from heating assistance, mental health resources, food pantries, housing, and veteran's assistance. Mainers can connect to 2-1-1 Maine and receive information and referrals by calling 211, texting their zip code to 898211, or visiting 211maine.org. 2-1-1 is available 24 hours a day, seven days a week, 365 days a year here in Maine. In addition to helping Mainers connect to the spectrum of health and human services, 2-1-1 is involved in very specific initiatives. One in particular I think is very relevant to today's conversation. It's called the Maine Opiate Help Line. 2-1-1 works in partnership with the Maine Department of Health and Human Services to provide a toll-free, statewide help line for individuals seeking services for opiate use. If you contact 2-1-1 you can connect to the Opiate Help Line and receive referrals to treatment options in your particular area. All contacts and referrals are free and confidential. People can contact the Opiate Help Line for themselves or for someone they know. Anyone connecting to the Opiate Help Line for themselves, they can speak directly with a 2-1-1 specialist to identify treatment options or other resources. 2-1-1 provides additional assistance to pregnant women in particular. For pregnant women, 2-1-1 specialists offer resources for health and offer an immediate transfer, known as a Warm Handoff, to a service provider. Anyone connecting with the Opiate Help Line will be offered a follow-up phone call. With permission, 2-1-1 specialists will check in with the caller or texter to make sure they can start services. Just so everyone knows, in 2017 2-1-1 specialists received nearly 40,000 phone calls, including 1,500 calls in particular for individuals looking for substance related resources for themselves or someone they know. 2-1-1 is an initiative of the United Ways of Maine in collaboration with the State of Maine and the Opportunity Alliance, and we appreciate the work they do on a daily basis.

ADOPTED.

Sent down for concurrence.

On motion by Senator **MIRAMANT** of Knox (Cosponsored by Representative **SPEAR** of South Thomaston and Senators: **CHIPMAN** of Cumberland, **DOW** of Lincoln, **JACKSON** of Aroostook, Representatives: **BEEBE-CENTER** of Rockland, **CASÁS** of Rockport, **HERBIG** of Belfast, **SIMMONS** of Waldoboro, **SUTTON** of Warren), the following Joint Resolution:
S.P. 683

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

**JOINT RESOLUTION
SUPPORTING MAINE CEMENT MANUFACTURING AND
OPPOSING SUBSIDIZED FOREIGN CEMENT IMPORTS**

WHEREAS, the Dragon Products Company cement plant in Thomaston is the only cement manufacturer in Maine and in all of New England; and

WHEREAS, Dragon Products Company directly employs over 100 citizens of the State in the process of manufacturing cement from limestone and Dragon Products Company's manufacturing operations directly or indirectly support over 500 Maine jobs; and

WHEREAS, the Canadian Province of Quebec has subsidized the construction of McInnis Cement's new 2,000,000-ton per year capacity cement manufacturing plant in Port-Daniel-Gascons, Quebec; and

WHEREAS, both McInnis Cement executives and Quebec officials have stated publicly that there is no Canadian market for the new plant's cement production and that over 90% of the new plant's production will be exported to the United States to compete directly with Dragon Products Company and other domestic cement manufacturers; and

WHEREAS, McInnis Cement has completed construction of a deep-water cement import terminal in Providence, Rhode Island to serve the Boston, Massachusetts and southern New England cement markets and is building a 2nd deep-water cement import terminal in the Bronx, New York City to serve the New York and New Jersey cement markets; and

WHEREAS, McInnis Cement started manufacturing cement in July 2017 and shipped its first vessel of subsidized Canadian cement to its Providence terminal in August 2017; and

WHEREAS, the subsidized Canadian cement being exported by McInnis Cement to the United States poses a threat to the continued operations of the Dragon Products Company cement plant in Thomaston and the hundreds of Maine jobs directly or indirectly supported by the plant; 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:

1. Condemn any violation of international trade laws and treaties between the United States and Canada;
2. Express our full support for the efforts that may be undertaken by domestic cement manufacturers to bring countervailing duty and antidumping petitions against McInnis Cement before the United States Department of Commerce and the United States International Trade Commission;
3. Support international trade litigation against McInnis Cement through all appropriate means to preserve Maine cement manufacturing jobs and to enforce the international rule of law against subsidizing exports and dumping products into the United States; and
4. Support the efforts of Maine businesses and local governments to purchase, to the maximum extent possible, Maine-manufactured and other domestically manufactured cement for use in all public and private construction projects across the State.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, often we're dealing with issues of fairness and this Resolution is about one of those issues. We encourage free and fair trade across borders with companies that seek to provide competition and improve products and improve pricing. When an issue comes to our attention that maybe the rules aren't being followed it's up to us to do something about it. This Resolution addresses that and speaks to moving back to a fair playing field for Maine businesses that employ over 140 people in my community and some of the adjacent communities, as well as having a ripple effect of millions of dollars throughout the country by shipping its products. Thank you.

ADOPTED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities"

H.P. 1175 L.D. 1695

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**.

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

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

REFERRED to the Committee on **JUDICIARY**, in concurrence.

Pursuant to Public Law

The Committee on **JUDICIARY** on Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services (EMERGENCY)

H.P. 1257 L.D. 1812

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Public Law, chapter 284, Pt. UUUU, section 17.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **JUDICIARY**.

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

Resolve and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Pursuant to Statute

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Board of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources"
H.P. 1253 L.D. 1807

Reported that the same be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

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

Bill and accompanying papers **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in concurrence.

Pursuant to Statute

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Implement Recommendations Resulting from a State Government Evaluation Act Review of the Department of Environmental Protection by the Joint Standing Committee on Environment and Natural Resources"
H.P. 1254 L.D. 1808

Reported that the same be **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, pursuant to the Maine Revised Statutes, Title 3, section 955, subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**.

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

Bill and accompanying papers **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES**, in concurrence.

Ought to Pass As Amended

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Update Maine's Water Quality Standards"
H.P. 895 L.D. 1298

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-574)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-574)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-574) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Create the Bar Harbor Port Authority" (EMERGENCY)
S.P. 478 L.D. 1400

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-347)**.

Report **READ**.

On motion by Senator **LANGLEY** of Hancock, **TABLED** until Later in Today's Session pending **ACCEPT OF THE REPORT**.

Senator COLLINS for the Committee on **TRANSPORTATION** on Bill "An Act To Create The Barbara Bush Children's Hospital Registration Plate"
S.P. 621 L.D. 1685

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-348)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-348) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

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

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

ORDERS

Joint Order

Senator **MASON** of Androscoggin moved to present the following Joint Order.

Senate at Ease.

The Senate was called to order by the President.

Senator **MASON** of Androscoggin requested and received leave of the Senate to withdraw his motion to present the following Joint Order.

On motion by Senator **MAKER** of Washington, the following Joint Order:

S.P. 685

**STATE OF MAINE
128TH LEGISLATURE**

ORDERED, the House concurring, that the Joint Standing Committee on State and Local Government shall report out, to the Senate, a bill requiring Legislators, legislative staff and lobbyists to personally attend and complete a course of education and training regarding harassment, including sexual harassment, at the beginning of every legislative session.

READ and PASSED.

Sent down for concurrence.

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

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

ORDERS

Joint Order

On motion by Senator **CARPENTER** of Aroostook, the following Joint Order:

S.P. 686

**STATE OF MAINE
128TH LEGISLATURE**

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a bill regarding the use of funds by political campaigns and political action committees and clarifying the process for reporting contributions and expenditures. In developing the bill, the joint standing committee shall invite input from the Commission on Governmental Ethics and Election Practices.

READ and PASSED.

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

RECESSED until 12:45 in the afternoon.

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

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

On motion by Senator **SAVIELLO** of Franklin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 6, 2018 at 10:00 in the morning.