

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature
State of Maine

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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 22, 2018

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

Prayer by Reverend Stephen Bascom, The United Methodist
Church in Auburn.

REVEREND BASCOM: Thank you. It's good to be with you. I
bring greetings from the people of Auburn and thank you for the
hard work that you do. Let us be in prayer together.

Eternal God, giver of life and human capacity, we welcome
and join together today for Your blessing on this assembly of civic
and servant leadership. We are grateful for those who have
answered the call to serve, represent, and champion the public
good. Grant them wisdom and deliberation and discernment, for
the responsibility of governing is a trust which requires greater
understanding and knowledge and experience often afford.
Thank You for preserving grace and integrity and congressional
character. Thank You for the opportunity to make a difference in
the lives of Mainers living at different points of the compass.
Thank You for the cooperative spirit which shapes legislation to
the benefit of all. With the gift of two ears and one mouth, help us
to listen twice as much as we speak so the fruit of our speech
may be seasoned with thoughtful reflection and judicious
decision. Remind us of our need to respect and appreciate those
whose views differ from our own. Inspire us to take hold of
qualities You offer this morning. No courage emerges in time of
crisis which does not value compassion above fear. We take
courage. No freedom endures for our children which does not
build upon the example of our own citizenship. We take freedom.
No honor adorns the life unless it strives for the best of what can
be. We take honor. And no peace can come to the human family
which does not blend the melodies of justice and mercy as a
sacred harmony before God, who made us all in the image of the
divine. We take peace. By taking hold of these qualities we not
only legislate well, we live well. So guide us and be with us. To
echo the words of Billy Graham, whom we trust to Your eternal
care on this birthday of our first President, 'When wealth is lost
nothing is lost. When health is lost, something is lost. When
character is lost, all is lost.' Amen.

Pledge of Allegiance led by Senator Lisa M. Keim of Oxford
County.

Reading of the Journal of Tuesday, February 20, 2018.

Doctor of the day, Ronald Blum, M.D. of Patten.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **VOLK** of Cumberland, under unanimous consent on
behalf of Senator **MASON** of Androscoggin, the following Joint
Order:

S.P. 697

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, February 27, 2018 at 10:00 in
in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 855

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

February 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 Education and Cultural Affairs has
voted unanimously to report the following bill(s) out "Ought Not to
Pass":

L.D. 1698 An Act To Promote Innovation and Growth in
Maine's Traditional Industries

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. 856

L.D. 691 An Act To Prevent Lead Poisoning in Children (EMERGENCY)

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

February 13, 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. 1481 Resolve, To Establish a Pilot Project To Provide Travel Vouchers to Persons with Disabilities in Rural Communities

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. 857

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

February 14, 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. 386 An Act To Establish Universal Health Care for Maine

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. 858

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

February 12, 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. 1779 An Act To Increase Safety, Ensure Efficient Operation and Improve Traffic Flow on the Maine Turnpike by Requiring All-electronic Toll Collection at New and Reconstructed Toll Facilities (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins S/Rep. Andrew J. McLean
Senate Chair 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.

Off Record Remarks

SENATE PAPERS

Bill "An Act To Amend Career and Technical Education Statutes"
S.P. 696 L.D. 1843

Presented by Senator **LANGLEY** of Hancock.
Cosponsored by Representative **TUELL** of East Machias and
Senators: **DAVIS** of Piscataquis, **DIAMOND** of Cumberland, **DOW**
of Lincoln, **KATZ** of Kennebec, **MAKER** of Washington,
Representatives: **LOCKMAN** of Amherst, **MASTRACCIO** of
Sanford, **SIROCKI** of Scarborough.
Submitted by the Department of Education pursuant to Joint Rule
203.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the
Committee on **EDUCATION AND CULTURAL AFFAIRS** and
ordered printed.

Ordered sent down forthwith for concurrence.

The President requested the Sergeant-At-Arms escort the
Senator from Kennebec, Senator **KATZ**, to the rostrum where he
assumed the duties as President Pro Tempore.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tempore
ROGER J. KATZ of Kennebec County.

Joint Resolution

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the
death of:

Riley Henry Boulay, of Liberty, who passed away unexpectedly at
16 years of age. Riley loved to help all those in need: his family,
his friends and even strangers. He was a junior at Mount View
High School and a student in the electrical trades program at
Waldo County Technical Center. He won first place in the
Augusta ABC Electrical Competition this year. He had recently
started working at O'Reilly Auto Parts in Belfast. Riley will be
long remembered and sadly missed by his parents, Luke and
Jackie, and by his family, his friends and all those whose lives he
touched;

SLS 718

Sponsored by President **THIBODEAU** of Waldo.
Cosponsored by Representative: **ZEIGLER** of Montville.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the
Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. Chair. Ladies and
gentlemen of the Senate, it's moments like these that we're
reminded how special our State is. You know, each and every
one of us comes from a community that we're very, very proud of
and we know that when tragedy strikes our community rallies
because we are filled with a State of caring people. We've very
blessed. Very blessed. That doesn't happen in every state in the
nation, but it happens here. Today we're here to remember a
young man from Waldo County, Riley. Many of his friends and
his family are here with us in the Chamber. They've come to
remember a young man that meant so much to them. I want to
tell you just a little bit about the community that I'm from, the folks
in Waldo County. Every one of us has had tragedy strike in our
communities and seen our communities rally. Well it's no
different back home in Waldo County. When there's a lot of
broken hearts and a lot of tears have been shed, the community
rallied and has held many fundraisers in Riley's memory because
they are setting up a memorial scholarship fund. You see, Riley
was a terrific young electrician. He got that from his Dad. He
grew up doing that kind of work right by the side of his Dad.
Riley's Dad invested in his son and he is very proud of the fact
that during the competitions over at the Augusta Civic Center just
recently that he finished first place in the electrical competition.
Very proud of that. This scholarship is going to be given out to
folks that are going on to train in the - at our vocational technical
schools, learning a trade. I'll assure you that Waldo County isn't
known for its wealth. They've raised \$34,000 in this young man's
memory. I think that speaks volumes both about our community
as well as what they thought of Riley. Today is February 22,
Riley's baseball uniform number. If you ever have the pleasure of
going and watching baseball and seeing the Mount View
Mustangs play, you'll never again see a young man with that
number. It's every parent's worst nightmare and there's only one
thing that we can do for one another in cases like this and that's
to convey to our friends, to our neighbors, and the people that are
grieving that we care. So that's what we're here today to do, is to
convey to Riley's entire family and to the community that I have
the good fortune of representing in the State Senate that we care.
We're going to miss Riley but we will never forget him. Thank
you, Mr. President.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is honored to
recognize in the rear of the Chamber the following family
members and friends of Riley. Jackie and Luke Boulay; Crystal
Gillespie; Ilana Currier; Sam Levesque; Joanne Pease; Jaclyn
Cox; Alyvia Ripley; and Melanie Ripley. Would they please rise
and accept the condolences of the entire Senate.

Off Record Remarks

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Kennebec, Senator **KATZ**, to his seat on the floor.

The Senate was called to order by the President.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Continued Coverage for Essential Health Care"

H.P. 1015 L.D. 1476

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-595)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-595)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-595) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Revise the Grandparents Visitation Act"

H.P. 1157 L.D. 1670

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-597)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-597) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **JUDICIARY** on Bill "An Act To Clarify the Authority of the Chief Medical Examiner To Properly Dispose of Abandoned Human Remains"

H.P. 1197 L.D. 1717

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-596)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-596)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-596) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Authorize the Oxford County Commissioners To Close the Western District Registry of Deeds"

H.P. 1167 L.D. 1679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-598)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-598)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-598) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow Hemp Growers To Grow Hemp from Clones and To Grow Hemp Indoors" (EMERGENCY)

H.P. 522 L.D. 742

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

DAVIS of Piscataquis
DILL of Penobscot

Representatives:

DUNPHY of Old Town
ACKLEY of Monmouth
BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
MARTIN of Sinclair
McELWEE of Caribou
SKOLFIELD of Weld

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-594)**.

Signed:

Representative:

CHAPMAN of Brooksville

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish
H.P. 12 L.D. 11

Reported that the same **Ought Not to Pass**.

Signed:

Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-589)**.

Signed:

Senator:

WOODSOME of York

Representatives:

MASON of Lisbon
THERIAULT of China
WOOD of Greene

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, **TABLED** until Later in Today's Session pending **ACCEPTANCE OF EITHER REPORT**.

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

ENACTORS

The Committee on **Engrossed Bills** reported as truly and strictly engrossed the following:

Acts

An Act To Create the Bar Harbor Port Authority
S.P. 478 L.D. 1400
(C "A" S-347)

An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places
H.P. 1163 L.D. 1675

PASSED TO BE ENACTED and, having been signed by the President, were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (1/30/18) matter:

JOINT ORDER - Capital Area Staffing Solutions, Inc., of Augusta, which has been named the Small Business of the Year by the Kennebec Valley Chamber of Commerce. We extend to everyone at Capital Area Staffing Solutions our congratulations and best wishes;

SLS 673

Tabled - January 30, 2018 by Senator **KATZ** of Kennebec

Pending - **PASSAGE**

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I would ask for your indulgence to speak briefly to this, as well as to items 4-5 and 4-6 which were tabled, but to speak to all of them at once if I might.

Erika Bush, of Augusta, who has been named the Cynergy Young Professional by the Kennebec Valley Chamber of Commerce. We extend to Ms. Bush our congratulations and best wishes;

SLS 723

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: BRADSTREET of Vassalboro, DOORE of Augusta, POULIOT of Augusta.

Cecil Munson, of Augusta, who has received the Community Service Award from the Kennebec Valley Chamber of Commerce. We extend to Mr. Munson our congratulations and best wishes;

SLS 724

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: BRADSTREET of Vassalboro, DOORE of Augusta, POULIOT of Augusta.

THE PRESIDENT: The Senator may proceed.

Senator **KATZ:** These are three honorees of the Kennebec Valley Chamber of Commerce recently that are from my district that I know well and that I, with everyone's indulgence, would just like to brag about for a few moments. First of all, Cathy DeMerchant, who is the President of Capital Area Staffing Solutions, her business was recognized as one of the businesses of the year by the Chamber. Cathy may be known to some of you. She's the President of the Sportsman's Alliance of Maine. I don't know how she runs her business because she seems to be in almost every major community organization there is. She's vice-chair of the Board of Bar Overseers that disciplines lawyers, which is another reason I'm trying to say nice things about her today. She's on the board of the local hospital and of the Chamber of Commerce, and her fingerprints are all over many good things in Augusta. Cathy is also, with all due respect to Senator Davis, probably the best deer, bear hunter rather, in this Chamber and I think I saw something like 11 bucks. In fact, there is a rumor, which I'm not going to ask her to confirm or deny, that

she actually shot at a 12-point buck out of her bedroom window one time. Probably didn't happen because I don't think it's legal. But just very proud to honor Cathy here today.

The second person, Mr. President, is Cecil Munson, who received a Community Service Award from the Chamber. Cecil had a distinguished career with the Army Intelligence Corps and then was the Chief Social Worker at Togus for many years and then he went on after his retirement to serve nine years on the City Council, some of which while I was Mayor and it was my honor to serve with him. He's always, has been, and still is a passionate advocate for those less fortunate and don't always have a voice themselves. For those of you who have served here a while, think Joe Brannigan. Cecil Munson is the - really the Joe Brannigan of the Augusta City Council and he's always, always been that strong voice and still is.

Lastly, but not least, Erika Bush, who received the Young Professional Award. I've known Erika since she was a kid and watched her grow up. She's here with her Mom, Joyce, today and in her home they raised - they took in many foster kids and I think that really instilled in Erika a real sense of doing for others and she's continued that as a young adult. While she lived in New York for a while, she was the co-founder of a group called Hear The Hungry in New York City, then moved back here and been very involved with the United Way, with the Children's Center, with the Chamber of Commerce, and, just as Cathy DeMerchant is probably the best shot in this room, I wager you that Erika Bush is the best singer in this Chamber here today.

So thank you, Mr. President. Also here, I might add, is a former member of the other Body, Pat Paradis, who served many terms in the Maine House. So I thank you for this opportunity to give a shout out to three members of our community that we are extraordinarily proud of. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Mr. President, I don't know how many deer I have shot in my lifetime, but I would wager you it's more than the good Senator from Kennebec has. I know Cathy DeMerchant just from my work in the Sportsman's Alliance of Maine and I know that she is well-deserved, I'm certain, of this sentiment and this award. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the back of the Chamber Cathy DeMerchant, Erica Bush, and Cecil Munson. Would they please all rise and accept the greetings of the Senate.

Off Record Remarks

Senator **DIAMOND** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **DIAMOND**: Thank you very much, Mr. President. Waylaid down at the other end of the hall, in the other Body, two very special young men who will not be able to get here in time to be recognized by all of us. But I did want to say, on the record, Mr. President and ladies and gentlemen, mention their names and who they are and why they're being honored. The first is a young man named Mike Gilman. He's a senior at Windham High School. He's here with his parents, Peter and Tammy. The second young man is Nick Curtis and he's here with his parents, Eric and Meg, and they're with their basketball coach, Coach Pulkkinen, and their assistant coach, Mr. McCrillis. They are here because both young men are outstanding leaders in their school and in the community and really outstanding characters and it's nice to recognize these young men. Also, by the way, they've each scored 1,000 points in their high school basketball career, the first time that's happened in Windham in 26 years. So we wanted to recognize them for that. But above and beyond what the coaches and parents will tell you, that is important but not as important as what these young men have done for their school and their community. They are really outstanding and if you want to see them in person, they'll be here, we'll bring them down to the Senate, but beyond that they'll be playing for the Regional Championship at the Cross Arena in Portland Friday night. They did have an opportunity to beat Portland in the game last week and will be playing Edward Little this Friday. So thank you very much for this time and I do hope you get a chance to say hi. Thank you, Mr. President.

Off Record Remarks

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

On motion by Senator **VOLK** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 27, 2018 at 10:00 in the morning in memory of and lasting tribute to Riley Henry Boulay of Liberty.