

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
March 15, 2018

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

Prayer by Reverend Susan Reisert, Old South Congregational
Church, United Church of Christ in Hallowell.

REVEREND REISERT: Please join me in prayer. Gracious and
Holy God, we take a moment this day to be in prayer, to be quiet,
to speak, to listen. We pray for strength and wisdom, that those
assembled in this place will endeavor and work together for all who
call this beautiful state home. As we have been taught through
holy scripture, may these makers of laws and policy look out for
the wellbeing of the widow and orphan, the oppressed, the
afflicted, the lonely, the old and the young, those on the margins;
that in their deliberations always seeking the good of all, that Your
light, O God, may rise among us. As we look at the chaos and
violence of this world, may we never take for granted the
freedoms we enjoy, nor for those who work so hard to protect us.
Loving God, help us to show our gratitude for this day and those
who work so hard to clear paths and roadways, that we might
gather in this place. May Your grace, O God, be felt in this place,
that we may all be renewed in Your service. On this bright, chilly
day may we open ourselves to the warmth of Your love. As our
diversity reflects Your image, O God, we offer this prayer in Your
many names. Amen.

Pledge of Allegiance led by Senator Nathan L. Libby of
Androscoggin County.

Reading of the Journals of Tuesday, March 6, 2018; Thursday,
March 8, 2018; and Tuesday, March 13, 2018.

Doctor of the day, John McGuckin, M.D. of Sanford.

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. 710

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, March 20, 2018 at 10:00 in in
the morning.

READ and PASSED.

Ordered sent down for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide the State the Right of First Refusal for the
Purchase of Certain Land on Which a Subsidy Has Been Paid"
S.P. 698 L.D. 1844

Committee on **TAXATION** suggested and ordered printed.

In Senate, March 1, 2018, on motion by Senator **DAVIS** of
Piscataquis, **REFERRED** to the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** and ordered printed.

Comes from the House, **REFERRED** to the Committee on
TAXATION in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, the Senate
INSISTED.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Ensure the Safe and Consistent Regulation of
Pesticides throughout the State by Providing Exemptions to
Municipal Ordinances That Regulate Pesticides"
S.P. 700 L.D. 1853

In Senate, March 1, 2018, **REFERRED** to the Committee on
AGRICULTURE, CONSERVATION AND FORESTRY and
ordered printed.

Comes from the House, **REFERRED** to the Committee on **STATE
AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill
"An Act To Increase the Jurisdictional Limits for Small Claims"
H.P. 216 L.D. 283

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-590)** (5 members)

In Senate, March 1, 2018, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-590)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT NOT TO PASS** Report was **READ** and **ACCEPTED**.

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Joint Resolutions

The following Joint Resolution:

H.P. 1290

**JOINT RESOLUTION
RECOGNIZING MARCH 2018
AS SOCIAL WORK MONTH**

WHEREAS, social workers have paved the way for change by enhancing the well-being of all people, especially the most vulnerable in society; and

WHEREAS, social workers have helped lead America's struggle for social justice and continue to advocate for positive social change and, more than the members of any other profession, social workers recognize that more must be done to address the persistent social problems that plague the State; and

WHEREAS, social workers support diverse families in every community and understand that individuals and communities together can bring about change; and

WHEREAS, social workers advocate for the rights of the disadvantaged; and

WHEREAS, social workers advocate for children's rights to a safe environment and a good education; and

WHEREAS, social workers work to ensure good care is provided to older adults; and

WHEREAS, social workers help provide community support for veterans and their families after their service; and

WHEREAS, social workers strive to improve access to mental health treatment and health care services in order to save lives; and

WHEREAS, social workers effect change and put the ideals of citizenship into action every day through legislative, regulatory and social policy efforts; 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 March 2018 as Social Work Month; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine chapter of the National Association of Social Workers.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1291

**JOINT RESOLUTION
RECOGNIZING THE STATE'S REALTORS**

WHEREAS, the Maine Association of REALTORS® has more than 4,700 members actively involved in the business of real estate and it has approximately 500 affiliate members, including lenders, appraisers, title companies, building inspectors, surveyors and insurance providers; and

WHEREAS, the not-for-profit association provides each member with an equal voice and representation in the real estate profession in the State, serving members in all 16 Maine counties and in their communities; and

WHEREAS, real estate transactions stimulate Maine's economy; the components of these transactions include not only the money spent and reinvested in the sale price of a property, but all the services and expenditures that occur in relation to a property transaction; and

WHEREAS, according to national statistics, it is estimated that one job is generated for every 2 home sales and that each home sale contributes about \$58,500 to the economy; and

WHEREAS, the residential real estate market in Maine is strong, as evidenced by the number of home sales increasing by nearly 2% to 20,663 homes sold in 2017, with a total value of \$4,990,000,000; and

WHEREAS, real estate ownership is an investment in the future and one of the best ways to build financial security through equity accumulation, and for many in Maine their home represents their life savings; and

WHEREAS, expanding home ownership will strengthen our State and its families and communities, enhance our economy and create jobs; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, take this opportunity to recognize the Maine Association of REALTORS® and its members for their positive contributions to and the significant role they play in the lives of Maine citizens and their communities and to acknowledge that their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Association of REALTORS® and its 13 local association boards and councils.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication:

S.C. 883

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

March 6, 2018

The Honorable Michael D. Thibodeau
President of the Senate

The Honorable Sara Gideon
Speaker of the House of Representatives

128th Legislature State House
Augusta, ME 04333

Dear President Thibodeau and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Department of Agriculture Conservation and Forestry under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Department of Agriculture, Conservation and Forestry is operating within its statutory authority.

Sincerely,

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

S/Representative Michelle Dunphy
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 884

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

March 7, 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 Nils R. Whitman, Jr. of Marshfield 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.

The Following Communication: S.C. 885

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

March 9, 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 Mark C. Draper of Caribou for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 886

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

March 9, 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 Dr. William H. Cassidy of Standish for reappointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 887

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

March 9, 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 Beth Anne Lorigan of Brewer for reappointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 888

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

March 9, 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 Kimberley N. Lindlof of Fairfield for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 880

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

February 27, 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 Energy, Utilities and Technology has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1699 An Act To Revise the Renewable Portfolio Standard Laws To Allow Certain Hydropower Facilities To Qualify as New Renewable Capacity Resources

L.D. 1732 An Act To Protect Maine Citizens from an Out-of-state Entity's Misleading Use of In-state Telephone Numbers (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. David Woodsome
Senate Chair

S/Rep. Seth A. Berry
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 881

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

March 2, 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. 1712 An Act Regarding Health Care Ombudsman Services

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. 882

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

March 7, 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. 605 An Act To Support Evidence-based Treatment for Opioid Use Disorder
- L.D. 1177 An Act To Create an Appeals Process for Child Care Providers

- L.D. 1474 An Act To Reduce the Regulation of Child Care Facilities

- L.D. 1748 An Act Regarding Rules Governing Family Child Care Provider Licensing

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. 878

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

6 March 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1400, "An Act To Create the Bar Harbor Port Authority."

Creating a port authority for Bar Harbor is an unnecessary municipal bureaucracy whose purpose is to deflect accountability from the town. Bar Harbor is aware they cannot legally prohibit cruise ships from visiting, and very recently the citizens defeated a proposed moratorium on cruise ships. The fact of the matter is hundreds of cruise ships have visited Bar Harbor and over one hundred are anticipated to come in this year. Maine has several coastal towns, including Bar Harbor, where cruise ship traffic is handled by the municipalities and has been for years. The municipalities can maintain and expand the necessary infrastructure to land any cruise ship just as, if not more, effectively than a local port authority.

The unintended consequences of creating local authorities despite the existence of centralized, structured, and regulated authorities are playing out today. The Legislature should be more interested in utilizing our existing authorities and state operated agencies than offering autonomy to anyone seeking it, which may create serious safety concerns.

For these reasons, I return LD 1400 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Create the Bar Harbor Port Authority
S.P. 478 L.D. 1400

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Could leadership approach the rostrum?

Senate at Ease.

The Senate was called to order by the President.

Senator **ROSEN** of Hancock requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending **CONSIDERATION**.

Off Record Remarks

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

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

SENATE PAPERS

Bill "An Act To Include Operating a Motor Vehicle in a Parking Area in the Law Regarding Operating after Habitual Offender Revocation"

S.P. 706 L.D. 1859

Presented by Senator **MAKER** of Washington.
Cosponsored by Representative **TUELL** of East Machias.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund"

S.P. 703 L.D. 1858

Presented by Senator **MILLETT** of Cumberland.
Cosponsored by Representative **PIERCE** of Falmouth and Senators: **BELLOWS** of Kennebec, **CARPENTER** of Aroostook, **DESCHAMBAULT** of York, **JACKSON** of Aroostook, **LANGLEY** of Hancock, **MAKER** of Washington.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding the Limit on the Number of Children Who May Be Placed in a Single Foster Home"

S.P. 708 L.D. 1863

Presented by Senator **JACKSON** of Aroostook.
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 **HEALTH AND HUMAN SERVICES** and ordered printed.

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

Expressions of Legislative Sentiment recognizing:

Dr. Susan J. Hunter, of Orono, who is retiring as President of the University of Maine. Dr. Hunter began her full-time career at the University of Maine in 1991 as a faculty member in the Department of Biological Sciences. Her administrative positions included Chair of the Department of Biological Sciences, Associate Provost and Dean for Undergraduate Education, and she served 5 years as the Executive Vice President for Academic Affairs and Provost. She was named the 20th President of the University of Maine on July 7, 2014. On July 1, 2017, she also became President of the University of Maine at Machias, now a regional campus of the University of Maine. Just prior to her appointment as the university's first woman president, Dr. Hunter served as Vice Chancellor for Academic Affairs for the University of Maine System. Under her leadership, the University of Maine has made significant advances in enrollment, fund-raising and advocacy and partnerships. We extend to Dr. Hunter our appreciation for her service to the University of Maine and the State and offer her our congratulations and best wishes;

SLS 760

Sponsored by Senator CUSHING of Penobscot.

Cosponsored by Senators: BELLOWS of Kennebec, BRAKEY of Androscoggin, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, COLLINS of York, CYRWAY of Kennebec, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, HAMPER of Oxford, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, KEIM of Oxford, LANGLEY of Hancock, LIBBY of Androscoggin, MAKER of Washington, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, ROSEN of Hancock, President THIBODEAU of Waldo, VITELLI of Sagadahoc, VOLK of Cumberland, WHITTEMORE of Somerset, WOODSOME of York, Representatives: AUSTIN of Skowhegan, BAILEY of Saco, BATTLE of South Portland, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BRADSTREET of Vassalboro, BROOKS of Lewiston, BRYANT of Windham, CARDONE of Bangor, CASÁS of Rockport, CHACE of Durham, CHAPMAN of Brooksville, COLLINGS of Portland, COOPER of Yarmouth, DAUGHTRY of Brunswick, DeCHANT of Bath, DILLINGHAM of Oxford, DOORE of Augusta, DUNPHY of Old Town, ESPLING of New Gloucester, FARNSWORTH of Portland, FARRIN of Norridgewock, FAY of Raymond, FECTEAU of Biddeford, FOLEY of Wells, FREDETTE of Newport, FREY of Bangor, FULLER of Lewiston, GERRISH of Lebanon, Speaker GIDEON of Freeport, GILLWAY of Searsport, GINZLER of Bridgton, GOLDEN of Lewiston, GRANT of Gardiner, GROHMAN of Biddeford, GUERIN of Glenburn, HANINGTON of Lincoln, HARLOW of Portland, HARRINGTON of Sanford, HERBIG of Belfast, HICKMAN of Winthrop, HUBBELL of Bar Harbor, HYMANSON of York, KINNEY of Knox, KORNFELD of Bangor, KUMIEGA of Deer Isle, LONGSTAFF of Waterville, MASTRACCIO of Sanford, McCREA of Fort Fairfield, McCREIGHT of Harpswell, MONAGHAN of Cape Elizabeth, O'NEIL of Saco, ORDWAY of Standish, PERRY of Calais, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Dresden, PIERCE of Falmouth, RECKITT of South Portland, RILEY of Jay, RYKERSON of Kittery, SAMPSON of Alfred, SCHNECK of Bangor, SHEATS of Auburn, SIROCKI of Scarborough, SPEAR of South Thomaston, STANLEY of

Medway, STEARNS of Guilford, STEWART of Presque Isle, SUTTON of Warren, TEPLER of Topsham, TERRY of Gorham, THERIAULT of China, TIMBERLAKE of Turner, TIPPING of Orono, TUELL of East Machias, TURNER of Burlington, WADSWORTH of Hiram, WARD of Dedham, WARREN of Hallowell.

The Joint Order was **READ**.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise to add some of my comments to this sentiment for President Hunter. She has served, as the sentiment indicates, a number of years in our University System, has served as the first female President of the University of Maine, our land grant university, and has, during that time, taken on a number of responsibilities that have improved the opportunities and grown the University of Maine System and its position among those who are seeking postsecondary education. I believe, as we look at our resumes and see the years of service that are listed there in black and white, sometimes the most important factor is that dash between the years because it points out the accomplishments and the contributions that we have made along the journey. Some of those include her time as chair of the Department of Biological Sciences, time as the Associate Provost and Dean for Undergraduate Education, five years as Executive Vice President for Academic Affairs, and as Provost, and now as the 20th President of the University of Maine and, as of last summer, the President of the University of Maine at Machias, a campus that has served an important role within the University of Maine System but, as we all know, at times was struggling and the University of Maine saw the value of that and, under President Hunter's leadership, they formed an alliance that I think will serve the State of Maine and those who wish to participate in that campus very well. Personally, I've been very pleased during my legislative tenure to be able to interact with President Hunter, both as Provost and now as President. She's always been open and receptive. She's done a wonderful job as a cheerleader and advocate for the University of Maine System in connecting with both us here in the Legislature, the communities around the State of Maine that are served by the University of Maine, and all of those who are in the business community that have had strong alliances with different divisions of the University. She's also, I believe, as exhibited by the people that she has brought along as her leadership team, shown the ability to mentor and grow people to serve well within the team that has run the University of Maine. She's done a wonderful job in building alliances with other campuses, as is exhibited by today's reception hosted by two of her colleagues from the University of Maine Augusta and University of Maine Farmington here to honor her. So, Mr. President, I regret that she has found this point in her life where she needs to leave this role, but I think she leaves it in a capable position and better off for our future as a result of her leadership and I thank her for that.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, it's a real pleasure and honor to be able to stand. That's one of the joys of this job, you get to recognize people who you've come to respect and admire. When this came - when this sentiment was coming for us I jotted down some notes and what were the first thoughts that would come to mind if you were going to describe President Hunter. I've always found her to be very thoughtful. I've never ever heard a disparaging remark. I'm sure she's thought them and maybe has spoken them. I certainly have never heard any. She's as calm as they come. Never ever seen her rattled, and she's as smart as they come and it doesn't take but a minute or two in a conversation to know you're talking to somebody who's incredibly smart. She listens very well. She's always present in the conversation when you're talking with her. She's not off somewhere else when you engage with her. She's committed to furthering the mission of a land grant university, our land grant university, and uphold the charge of a land grant. I've always found her to be happy, especially now that retirement's in her near future. Every time I talk to her she's smiling pretty broadly. Well respected and admired by all who have met her. Loyal to her staff, the institution, and the State of Maine, and I have personally enjoyed every encounter that I've had with President Hunter and I feel really blessed, you know, for some of us who are on our way out and termed out, that in this job, my job as a State Senator, I get to meet and work with people that I never ever would have run across in my private life and so, for me, I consider this one of the privileges, that I've been able to spend a little time over the past eight years serving on the Education Committee with such a fine person as Sue Hunter. Thank you, Mr. President and men and women of the Senate.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise as well to offer my brief remarks, first to congratulate the University of Maine for recognizing President Hunter's incisive and insightful intellect as an academician, faculty member, and chair of the Biological Sciences Department, and then further recognizing her strong leadership skills along her esteemed career within the System. Her contributions to Maine's acclaimed university system have been enumerated and are numerous and well celebrated. I want to thank President Hunter for her dedication to higher education in Maine and working tirelessly to bring the highest quality academics to Maine, its students, and families. I imagine that there are many new exciting adventures that are waiting for President Hunter. I'm going to use this opportunity to reflect on how much our state, our nation, and our world would benefit from any new ways that she chooses to direct her energy, intellect, and leadership skills, and I look forward to seeing what President Hunter takes on next. Thank you.

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise, too, after hearing everything that has been said. There's not a lot I can add to this. I have known President Hunter just about since the day she stepped foot on campus, both having served in the Department of Biological Sciences. She's been here, as people have pointed out, for many, many years.

Not quite as many as I've been here but, nevertheless, she's been here for a long time. She's had some super accomplishments. I, too, would commend her on being the first woman President of the University of Maine, and under her direction the University has really leaped forward, in my estimation. On a personal note, I want to thank her for, over the years, her very huge support for cooperative extension, which is what I'm a major portion - part of my responsibilities are at the University. So I, too, would add my congratulations. Good luck in retirement. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber President Susan Hunter; Dave Lambert, Associate Professor of Plant Pathology and President Hunter's husband; University of Maine Farmington President, Kate Foster; University of Maine Augusta President, Becky Wyke; Samantha Warren, Director of Government and Community Relations; Jake Ward, Vice President of Innovation and Economic Development; Robert Dana, Vice President of Student Life and Dean of Students; Joe Lee, Vice President of Enrollment Management; Dana Humphrey, Dean of College of Engineering; Philip Hamilton, Chair of the Board of Visitors; Tim O'Neil, Board of Visitors member; and Amber Thompson, Special Assistant Office of the President. Would they please all rise and accept the greetings of the Senate.

Off Record Remarks

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

ORDERS

Joint Order

On motion by Senator **ROSEN** of Hancock, the following Joint Order:

S.P. 709

ORDERED, the House concurring, that the Joint Standing Committee on Criminal Justice and Public Safety shall report out, to the Senate, a bill concerning female genital mutilation.

READ and PASSED.

Sent down for concurrence.

Joint Resolution

On motion by Senator **CARSON** of Cumberland (Cosponsored by Speaker **GIDEON** of Freeport and Senators: President **THIBODEAU** of Waldo, **VOLK** of Cumberland), the following Joint Resolution:

S.P. 705

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

**JOINT RESOLUTION
RECOGNIZING THE MAINE PUBLIC SAFETY PIPE AND
DRUM CORPS,
THE MAINE POLICE EMERALD SOCIETY AND
THE POLICE EMERALD SOCIETY GB**

WHEREAS, the Maine Public Safety Pipe and Drum Corps was formed in the aftermath of the September 11, 2001 attacks to ensure that the funerals of Maine public safety personnel could include bagpipers; and
WHEREAS, the Maine Police Emerald Society was also formed after the September 11, 2001 attacks as an organization allowing law enforcement officers of Celtic heritage to foster community and camaraderie and to raise money for local charities; and
WHEREAS, the Police Emerald Society GB, which is the Irish staff association for Great Britain's police, represents its members' views and those of the wider Irish community at various levels of the Metropolitan Police Service and works with colleagues in other forces throughout Great Britain to provide advice, support and social connections; and
WHEREAS, the Police Emerald Society GB is marching in the London St. Patrick's Day Parade on March 18, 2018; and
WHEREAS, members of the Maine Public Safety Pipe and Drum Corps and the Maine Police Emerald Society are traveling to London and marching in the St. Patrick's Day Parade with the Police Emerald Society GB and the Maine Public Safety Pipe and Drum Corps will also be playing in London at memorials to fallen police officers and firefighters; 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 the Maine Public Safety Pipe and Drum Corps and the Maine Police Emerald Society as they represent the State and the United States at the London St. Patrick's Day Parade; and be it further
RESOLVED: That We recognize the Police Emerald Society GB for its fostering the bonds between public safety personnel and citizens of different nations; and be it further
RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Public Safety Pipe and Drum Corps, the Maine Police Emerald Society and the Police Emerald Society GB.

READ and **ADOPTED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals (EMERGENCY)

H.P. 1224 L.D. 1778

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-622)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-622)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-622) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-623)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-623)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-623) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure the Availability of In-person Visitation in County Jails"

H.P. 972 L.D. 1414

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-618)**.

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
LONGSTAFF of Waterville
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-618)**.

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide

H.P. 1174 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-621)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Representative:

TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-621)**.

Reports **READ**.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-621) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish the Maine Coastal Risks and Hazards Commission"

H.P. 769 L.D. 1095

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-625)**.

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot

Representatives:

TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Senator:

VOLK of Cumberland

Representatives:

CAMPBELL of Orrington
KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-625).**

Reports **READ.**

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **LIBBY:** May we approach the rostrum, please?

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances"
H.P. 1043 L.D. 1519

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

Signed:

Senators:

MAKER of Washington
BRAKEY of Androscoggin

Representatives:

ALLEY of Beals
HAGGAN of Hampden
HAWKE of Boothbay Harbor
SUTTON of Warren
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-611).**

Signed:

Senator:

VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle
BLUME of York
DEVIN of Newcastle

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611).**

Reports **READ.**

Senator **MAKER** of Washington moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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

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

Senator **VITELLI:** Thank you, Mr. President. This bill in question simply changes the definition of the intertidal zone to extend to the subtidal area, which is land that is always submerged. This bill will create a sharper, more consistent line than the current extreme low tide that is used and, while subtidal is not defined specifically in Section 12, it is used consistently in other Chapters

with the same meaning. This bill will make it clear where the lines of responsibility are. Municipalities will manage, as they do now, the intertidal zone and the State will retain its responsibility for managing the subtidal zone. I believe this bill is a move in the right direction, but it is just a first step. The resources that exist in both of these zones, the intertidal and the subtidal zones, are subject to more and more competition and pressure, and I think this bill helps us by clarifying the lines of responsibility, but it is also a beginning step to suggest that we need greater management of both those areas. So I would ask that people reject this motion and take up the Minority Report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I believe my colleague is saying what she believes. I do not believe the same. This is under the town, municipalities. Always has been and I think this is going to change the ordinances so that it's going to not work well. The Clam Association is very, very opposed to this bill. I think that there needs to be more thought put in it. There are other descriptions of the subtidal zone in other parts of marine law. I think we need to know exactly why this is being done. I don't think it's clear enough. I don't think we have enough explanation in order to pass this. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#529)

YEAS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DOW, HAMPER, KEIM, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, DIAMOND, DILL, DION, GRATWICK, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senators: BRAKEY, CHENETTE, HILL

16 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **MAKER** of Washington to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Modernize and Improve Maine's Property Tax System" H.P. 1018 L.D. 1479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-624)**.

Signed:

Senator: DOW of Lincoln

Representatives: TIPPING of Orono BICKFORD of Auburn COOPER of Yarmouth GRANT of Gardiner HILLIARD of Belgrade POULIOT of Augusta STANLEY of Medway TEPLER of Topsham TERRY of Gorham WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass**.

Signed:

Senator: CHENETTE of York

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-624)**.

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, 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 (#530)

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

NAYS: Senators: None

EXCUSED: Senators: BRAKEY, CHENETTE, HILL

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being excused, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-624) **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

Seven members of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Create Equity for Wine and Spirits Container Deposits"

H.P. 1183 L.D. 1703

Reported in Report "A" that the same **Ought Not to Pass**.

Signed:

Senator:
GRATWICK of Penobscot

Representatives:
TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-626)**.

Signed:

Senator:
VOLK of Cumberland

Representatives:
KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-627)**.

Signed:

Senator:
SAVIELLO of Franklin

Representative:
CAMPBELL of Orrington

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

Reports **READ**.

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-627)**, in **NON-CONCURRENCE**.

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session pending the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-627)**, in **NON-CONCURRENCE**.

Senate

Ought to Pass As Amended

Senator **ROSEN** for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement" (EMERGENCY)

S.P. 634 L.D. 1735

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-383)**.

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

Bill **READ ONCE**.

Senate at Ease.

The Senate was called to order by the President.

Committee Amendment "A" (S-383) **READ**.

On motion by Senator **ROSEN** of Hancock, Senate Amendment "A" (S-384) to Committee Amendment "A" (S-383) **READ** and **ADOPTED**.

Committee Amendment "A" (S-383) as Amended by Senate Amendment "A" (S-384) thereto, **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY SENATE AMENDMENT "A" (S-384)** thereto.

Sent down for concurrence.

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Preserve Medication Management for Persons with Mental Health Needs"

S.P. 636 L.D. 1737

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-379)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-379) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MAKER for the Committee on **MARINE RESOURCES** on Bill "An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons"

S.P. 609 L.D. 1652

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-376)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-376) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MASON for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations"

S.P. 689 L.D. 1837

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-378)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-378) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide for In-person Visitation of Incarcerated Persons"

S.P. 665 L.D. 1782

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

NADEAU of Winslow

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

ROLL CALL (#531)

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine"

S.P. 383 L.D. 1162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-380)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-381)**.

Signed:

Representative:

PERRY of Calais

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380)** Report.

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.

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

NAYS: Senators: None

EXCUSED: Senators: BRAKEY, CHENETTE, HILL

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-380) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380)**.

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Patient Protections in the Health Insurance Laws"

S.P. 431 L.D. 1279

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

Signed:

Senators:

WHITTEMORE of Somerset
DOW of Lincoln

Representatives:

CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-377)**.

Signed:

Senator:
CARSON of Cumberland

Representatives:
LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
MELARAGNO of Auburn
SANBORN of Portland

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **JACKSON** of Aroostook, 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 (#532)

YEAS: Senators: COLLINS, CUSHING, CYRWAY, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

ABSENT: Senator: DION

EXCUSED: Senators: BRAKEY, CHENETTE, HILL

14 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being absent and 3 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-377) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow the Efficient and Responsible Acquisition and Sale of Property by the Department of Administrative and Financial Services"
S.P. 672 L.D. 1794

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

Signed:

Senators:
DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:
MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representatives:
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Modify the Number of Retail Liquor Licenses Allowed in a Jurisdiction per Person"
S.P. 642 L.D. 1743

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

Signed:

Senators:
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-382).**

Signed:

Senator:
MASON of Androscoggin

Representative:
HICKMAN of Winthrop

Reports **READ.**

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** 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 Authorizing the Deorganization of Codyville Plantation
H.P. 1160 L.D. 1673
(C "A" H-609)

An Act To Protect Persons Who Provide Assistance to Law Enforcement Dogs, Search and Rescue Dogs and Service Dogs
H.P. 1196 L.D. 1716
(C "A" H-579; H "A" H-612)

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

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.

An Act To Amend the Laws Governing Employer Recovery of Overcompensation Paid to an Employee
H.P. 935 L.D. 1345
(C "A" H-610)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Amend the Laws Governing Retirement Benefits for Capitol Police Officers
S.P. 610 L.D. 1653
(C "A" S-366)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Maintain Mental Health Staffing at the Dorothea Dix Psychiatric Center and Support Statewide Forensic Services
H.P. 1150 L.D. 1665
(C "A" H-602)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

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
(C "A" H-608)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

Resolve

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, Bucksport, Limestone, Brookton Township and Rockwood Strip Township
S.P. 673 L.D. 1804
(C "A" S-367)

FINALLY PASSED and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: S.C. 889

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

March 8, 2018

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

Dear Secretary Priest:

Pursuant to Senate Rules, I hereby appoint the Senator from Kennebec, Senator Katz to preside from the rostrum over the legislative business conducted in the chamber for the session to be held on March 8, 2018. This temporary assignment shall commence at the beginning of that daily session, and expire at the end of that daily session if not sooner by the return to the rostrum of the President or the Senator with the standing appointment on March 29, 2017 to otherwise serve as President Pro Tempore.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 890

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

March 13, 2018

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

Dear Secretary Priest:

Pursuant to Senate Rules, I hereby appoint the Senator from Kennebec, Senator Katz to preside from the rostrum over the legislative business conducted in the chamber for the session to be held on March 13, 2018. This temporary assignment shall commence at the beginning of that daily session, and expire at the end of that daily session if not sooner by the return to the rostrum of the President or the Senator with the standing appointment on March 29, 2017 to otherwise serve as President Pro Tempore.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills"

H.P. 1295 L.D. 1860

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

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

Bill "An Act To Increase Transparency in the Direct Initiative Process"

H.P. 1301 L.D. 1865

Comes from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

**Pursuant to Statute
Administrator of the unorganized territory**

The **Administrator of the unorganized territory**, pursuant to the Maine Revised Statutes, Title 36, section 1604, asked leave to report that the accompanying Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19" (EMERGENCY)
H.P. 1297 L.D. 1862

Be **REFERRED** to the Committee on **TAXATION** 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 **TAXATION** and ordered printed pursuant to Joint Rule 218.

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

REFERRED to the Committee on **TAXATION** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/20/18) matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law"

S.P. 130 L.D. 389

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-362)** (4 members)

Tabled - February 20, 2018 by Senator **LIBBY** of Androscoggin

Pending - motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dion.

Senator **DION:** Thank you, Mr. President. I rise to discuss this particular piece of legislation by just making the Body aware of how significant it is. It belies the title. One could read past this and say it's not much import other than I want to remind you of the fact that members of this Chamber and that down the hall have spent well over a year working on marijuana issues, as our colleagues on the Medicinal Committee. We are talking hundreds of millions of dollars that exist in our State economy and we have been diligent and try to ensure that we create processes by which we recover appropriate revenue for the State. At the same time, this legislation would suggest that we do not exert a similar influence and energy in creating a banking system that would support that legalized industry. So I just want to bring that to your attention, that it's easy to oppose this concept and, yes, it would be work if the Minority position, in fact, prevailed. But I think it's essential to send some indication to the banking industry, whether it's traditional banks or credit unions, that there is a process by which they should seek a pathway to welcome those dollars, in a lawful manner, into our economy. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you to speak about this situation. I have heard from one of my colleagues earlier in the session that banks would overlook the use of tax money for marijuana. This is directed towards trying to make it legal, and so it is an illegal drug. It is at the height of hashish at this point. It's gone from the marijuana of 3% THC to 80% and 90% THC levels, which is very highly used in teenage worlds. By approving this, this is one more step to harming our youths. I see before me young individuals who have gleaming stars in their eyes of what they want to be. I was just talking to one of them that said they want to be an NHL player. This can destroy their dreams. Here we are, trying to just grab money, tax money, which is just going to go back towards taking care of the problem. We're going to be allowing marijuana use and then we're going to have to put that money towards correcting abuse, addictions, health, mental health, jails, treatment. It just goes on. Then all we're doing is just making a big cycle of allowing abuse to happen in our state. We talk about the opioid crisis. I have never - in my career in law enforcement I've always shown respect to anyone I arrested but many of them would say the first use that they ever used was marijuana and then it led to harder and harsher drugs. This is a gateway drug. We're allowing - to get tax money, which is not even being done in any part of our government, to go and ensure to be able to get tax money that's illegal money, to get that to be able to use. I just wish that all of you consider this and thank you, Mr. President, for this time to look at this and hopefully you'll follow my light in saying Ought Not to Pass. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. Looks like I arrived just in time to speak on one of my favorite topics. You know, I rise in opposition to the Ought Not to Pass Report. Speaking as the Senate Chairman for the Health and Human Services Committee, where we oversee Maine's medical cannabis program, I can say that this bill, which I appreciate the good Senator from Oxford County sponsoring, really seeks to fix what

is a very real problem, which is a very real problem where we have businesses in this state, which are legal businesses under State law, which, because of interference from the federal government, is forced to operate - they are forced to operate on an all cash basis. That is not something I think we want to see any business forced to operate in that way. It, potentially, makes these businesses a target. It means that they have to store large amounts of cash on their property of their business and that is an invitation to those who would - who might be seeking to do harm to others and seeking for an opportunity to find themselves a whole lot of cash that they may not have any right to. So this legislation seeks to address that problem. It seeks to give banks an opportunity to do something a little different. It doesn't seem to me to be a mandate on anyone and it seems to make common sense to me. I'm going to be voting against the Ought Not to Pass Report so that, hopefully, we can move on to the other report and, hopefully, we can start to do something about this problem and address this issue that many of our very legal businesses in the state are struggling with.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in brief opposition to this motion as well. I say brief because probably a few weeks from now you'll be hearing from a number of us at a little more length on this subject of marijuana. But this bill, as I understand it, Mr. President, simply makes it easier for credit unions to be able to get kind of insurance they need in order to legally be able to take money that comes from legal marijuana enterprises. I, once again, admire the passion of my colleague from Kennebec, Senator Cyrway, and how he feels about how our society is dealing with the subject of marijuana. But medical marijuana is now legal in the State of Maine. Adult use marijuana is now legal in the State of Maine. The only question here is do we want to do everything we can to change it from an entirely cash business, which is the way it is now, and get it into our banking systems. One of the things I think we've learned on the Implementation Committee is if you're trying to set up a system of regulating a new business the very last thing you want, the worst thing you could do and sometimes almost guaranteeing the system isn't going to work well, is make it all cash. No accountability. No ability to track money. No ability to tell if organized crime is involved or not. So whether - however you feel about the subject of marijuana, I think we all should want it to be a well-regulated business so that we can collect the taxes on it that we want, so we can keep the bad actors out. This bill is a small step in that direction, I think. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when we say well-regulated, when you're talking about 12 plants for two people a year, one plant is equal to two-year's supply for one person. So do you think that that's really going to be helpful to the families and do you think it's not going to be sold on the black market. We are dreaming if you think that. The other part of this, the medical part and the part that people have approved. We're talking about federal government. Jeff Sessions, our Attorney General, the U.S.

Attorney General, who says it is illegal. Certainly part of it is the resources. It's not being able to be enforced because of all that has taken place. But there are situations where it is going to be handled and we also - it should be handled through the FDA, Federal Drug Administration. No different than any other drug. If they want to do that, that's fine. But for us to take tax money from illegal drugs and think that it's okay to supply our kids, which it's getting out of control already. I've talked to school resource officers. I've talked to principals. I've talked to teachers. They say the schools are just out of control with the marijuana. In fact, now they've even come up with thumb drives and they can even track where each of their friends are that they can vape with. So this is how serious it's getting and we're going to allow this by saying, 'Let's tax - get that tax money so we can approve - that we can grab that money for marijuana.' We are just taking another step saying that it's okay. I ask you, as the Senate, to please think about this. Think about our children and their future. Think about ones that want to join the military. Think of the ones that want to be a law enforcement officer. Those that want to be able to fly an aircraft plane or operate a carrier. Those that have secret service chances. You're taking all those chances away from our children. They may want to be something some day and we're taking that away. Please think of their future. I do. I've been in their classes for 25 years and I've seen kids rise to the occasion of becoming somebody they wanted to be. Let's not take that away, please. Let's not do that. Please follow my light. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. I wish to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **VOLK:** Thank you. I just want to preface this question by saying that sometimes we may agree with certain policy in the State of Maine, but that policy can come against federal law. So I guess the question that I would have is: would this legislation, in any way, infringe upon federal law?

THE PRESIDENT: The Senator from Cumberland, Senator Volk, has posed a question through the Chair to anyone who may want to respond. The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. Chair. Men and women of the Senate, my colleague raised a couple of points that I just wanted to mention. If we are taxing a legal substance and suddenly have money that can be used to help folks, I disagree with the level that he believes may be happening because of them. But if that's what he believes then there will be money to help them, which is something we haven't because it's all been in the black market. So that's a good thing. The point was already made that this is legal several ways, but the one that's different. Just last week I ran into one of our police chiefs in Knox County and I said, 'Do you give a lie detector test to candidates since you're having so much trouble filling seats?' Well, not seats. We'll get to the airline part in a minute. Filling the job of law enforcement and other departments post their officers and it's really hard to keep a full compliment. And he said, 'I'd like them

to be honest, but I wouldn't restrict them from being a police officer for having tried marijuana and admitting it because it gives them a sense of what's going on in the culture. It's not something that makes them unable to enforce laws. It's just something they try when they're young and it doesn't keep them from doing jobs that a reasonable person can do. We have many examples of unreasonable people in that job that have nothing to do with marijuana.' So the other is, and the airlines do not do lie detector tests, if you keep your body clean and you don't do your job under the influence of alcohol, which seems to be a much more destructive force in our culture for so many reasons, then you can do the job. So I'm glad that my colleague cares about the ability to have those jobs because they're wonderful jobs and people should be able to get them and we should be represented by a cross-section of the population in both of those jobs. So, again, I hate it when you suffer and I try to find reasons for you to not suffer. Maybe that will help. But certainly this bill, for a legal substance, for a legal business, needs to be put in place and, from what I've heard, the federal attorney is not interested in prosecuting crimes against states that pass legal marijuana. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I just want to rise in response to the question from the good Senator from Cumberland County. I'm not a member of the committee, so all I can do is read the bill and share my understanding. But this seen as how this bill is limited to allowing State chartered credit unions to provide private insurance in lieu of - seeing as how this is limited in scope to State chartered credit unions, I don't see, in any way, how it could be argued that this bill would bring us out of compliance with federal law any more than our current cannabis laws in the state already are. I just also want to say, very briefly, in response to the good Senator from Kennebec County, I'll just say this, I know many adults in this state over the age of 21 who use cannabis for medical purposes and for adult use purposes and they are good people. They're people who work professional jobs. They're - many of them are people we probably know and love and we just don't necessarily, you know, we don't still always necessarily know what they're preferences are with things. Maybe they prefer something else to alcohol. So I just want us to be careful how we characterize people in this Body, good people here in the State of Maine. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Dion.

Senator **DION:** Thank you for your indulgence, Mr. President, for allowing me to speak a second time on this matter. To go to Senator Volk's question, this bill provides a pathway for credit unions to secure private insurance. The reason for that is their shares are currently insured for loss by a national credit union association which would trigger federal involvement if there were any irregularities. Currently, banks and credit unions, for that matter, are governed by federal regulations having to do with something called a SAR report, Suspicious Activity Report, and they have to exercise a certain level of due diligence in order to confirm that the shareholder applicant or the entity looking to do transactions with their institution has not engaged in an illicit criminal enterprise. For a variety of reasons, national banks, and

most banks for that matter, have shied away from that because it triggers federal involvement and they feel they may not be able to assure themselves and their stakeholders that they have exercised due diligence. So this particular bill strikes interest because it seems to suggest that some credit unions chartered within the state are looking to insure their shareholders through private resources rather than rely on a pool of federal money and, therefore, side-step any conflict that could occur with the federal government. So I think if we vote against the Majority Report it would allow us to move forward on a strategy that would be uniquely State based and allow us to exercise our right as a State to move what is rational drug policy forward. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. Is the Senate ready for the question? If you are in favor of accepting that report you are going to be voting yes, the Ought Not to Pass Report. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#533)

YEAS: Senators: COLLINS, CYRWAY, DAVIS, DOW, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHIPMAN, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HAMPER, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

EXCUSED: Senators: CHENETTE, HILL

6 Senators having voted in the affirmative and 27 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-362) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/1/18) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce"
S.P. 521 L.D. 1492

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-368)** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - March 1, 2018 by Senator **LANGLEY** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **KATZ:** Thank you, Mr. President and men and women of the Senate. I think there's one constant thing we hear over and over again in our service here in the Legislature in the last few years, the problem we face with a lack of a skilled workforce here in Maine. People who have the training to fill the jobs, not only that are available right now but that we know are going to be available in the future, no matter what committee you serve on, or what district you're from, we've all heard it. Nurses, computer technology workers, engineers, bio-tech workers, nursing home and direct care workers, doctors, hospitality industry workers. I think that all of us realize that the shortage of both skilled labor and, in certain cases, relatively unskilled labor is holding us back as a state. It's like we're going forward with one hand tied behind our back. This isn't a city issue or a rural issue. It's true all over the state. In York County, we read stories about the lack of seasonal workers, places actually having to close early in the season because they couldn't get the workers. In Hancock County, Jackson Laboratory, again, struggling with recruiting because they've got jobs to fill and no people to fill them. Right here in Kennebec County, a precision tool manufacturer who can't grow his business, even though he'd like to, because he just can't find the skilled workers to do the job. I know we've all been trying our best to deal with this, trying in a number of ways. First of all, we've tried to match up our educational opportunities with the jobs of the present and in the future, what skills we know are going to be needed. We're doing a good job of that through our technical colleges, in our universities, in our - also our technical education in high school. We're doing a better job with stranded learners, people who are partway to getting their certificate or their degree but just aren't quite there yet, and we're spending millions of dollars on these efforts, as we should. But as time goes by, I think we've also - we've all realized that the fundamental problem underlying all of it, which is maybe even more important, is our demographic problems. This is not news to any of us in this Chamber. It's a nice way of saying that we have an age problem in this state. Too many people look like Senator Gratwick and me and not enough like Senator Brakey and Senator Mason. We're the oldest state in the country, and we are getting older. Again, I know we've all heard this, but I ask

you to think about it in the context of this bill. The national median age, Mr. President, is 38 years old. We are 43 and getting older. I just read in the paper last week that I think it's in 2020 that those who are over 65 years old will be the majority of people who live in our state. Think about that for a minute. We are going in the wrong direction and even though our economy seems to be doing pretty well now, I wonder how well it's doing, particularly compared with other places in the country, as we remind ourselves that we compete with 48 other - with 49 other states, as well as other countries, for workforce. Our workforce now is smaller than it was 10 years ago. That should scare us. There are fewer and fewer young people supporting more and more of an aging population, making it harder for us to attract investment capital into our state. So it's really a numbers problem, in some ways, and there are only, I think, three ways to deal with it. We can start having more kids and maybe we should be passing public policy that will encourage people to have more children. Secondly, we can do a better job of keeping our own kids here in the State of Maine. But the sobering fact is even if we kept every single kid who is in school in Maine now here in the state after they graduate we've only made a relatively small dent in this growing demographic problem.

So how can we attract more people into Maine? I mean, there are some ways of dealing with it. I know that there's currently a few bond issues suggestions for loan forgiveness for people who get their education here in Maine, or perhaps move to Maine. That's a good idea. We'll be talking about that. We've got to look to other ways as well. How can we attract young people to Maine who have the American Dream, wherever they come from, whether it's Massachusetts or Ohio or Norway or Iraq or Sweden? Wherever they're from. Immigration is a very politically charged word, but here we're talking about legal immigrants, people who are here legally, who have a legal status as a refugee, as U.S. citizen perhaps, as an asylum seeker, and our effort to try to grow ourselves out of this problem, it's pretty sobering, you know. We are in the bottom ten in the nation and dead last in New England where legal immigrants are settling within our country and we're one of two states in the country with more deaths than births. So who are these people, statistically, who are here legally, who want to become part of our society? Statistically, Mr. President, they are younger than the rest of us. They are better educated than our population as a whole. They are motivated to succeed. These people have the American Dream, want to open up businesses, want to go into our professions, want a better life for their kids. So these people, where are they going? They're not going here. I think we ignore that in our peril. Many people see immigration as a social justice issue, and I do as well. But I'm suggesting to you that it's really increasingly much more of an economic development and an economic survival issue for our state. If you look at the handout of those who are supporting L.D. 1492, you will see it is businesses from Maine. There are people reflected on that handout from Aroostook County, from York County, and everywhere in between. Increasingly, it is the business community asking us to do something about this. So I would suggest it's good public policy to be addressing this, to help legal immigrants already here to integrate into the Maine society and, secondly, to do everything we can to attract others who may live elsewhere in America, who are also legally here, to want to move to Maine, to live out their pursuit of the American Dream here.

That brings us to L.D. 1492. I think it sets us on a course on how to, maybe, solve some of our demographic issues. Not all of

them, but it's a start. Again, we compete with 50 other states and many of them have figured this out and are doing some of the things I'm going to mention now. This bill is a modest down payment on this issue. The bill recognizes that the biggest single barrier to entry into the job market, and really integration into our society, is speaking English. We are a country of immigrants of various ethnic backgrounds and minorities. But one thing we've always done is made sure that people coming to this country can speak English. It's not, maybe, the national official language, but it's everything - but maybe it should be. In order to succeed in our society we know that people need to speak English. We expect people to be able to speak English if they come and stay here. This bill helps us with that by - particularly by some modest funding for our adult education centers throughout Maine that have been teaching English as a second language in the most cost effective way of any other institutions in our state. It helps beef up our adult ed centers for more English as a second language by getting more people on board. The single most important thing we could do. There's a welcome center in Portland you may have heard about that helps people integrate, immigrants who are here, to learn how to speak English, but also how to translate the certificates or the degrees they may have in their own country and to be able to do it here in the State of Maine as well. It's a huge success. That welcome center got off the ground, in part, because of funding from this Legislature several years ago. It's working well. This bill would provide for a second one in Lewiston and also provide the possibility of grant funding for a third one in some other part of the state. It also sets up a series of competitive grants to local communities, particularly in rural areas, towns that may have found themselves depopulated, by a mill closing or otherwise, who have ideas of how they may want to attract certain immigrant populations to their town to have the workforce to be able to attract the capital investment. Employer-based English. Barber Foods down in the southern part of the State has English training for their people right there on the worksite. They give their workers some time off during the day to learn how to speak English more effectively and we ought to be replicating that, and this bill provides some money for some other pilot projects to replicate the incredibly successful Barber Foods experiment. The total fiscal note is a modest \$750,000. That is cut down from what was a much more ambitious bill when the process started. My request to you is that you pass this and that we send it to the Appropriations Table, where I'm sure it's going to have to compete with other priorities but I think it will be able to do so. This bill is part of the solution and I hope that Maine will not find ourselves five years from now still in the bottom ten in this category, still dead last in New England. Thank you, Mr. President.

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

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President and women and men of the Senate. I find myself in some days it's a great position and other days not so much to serve on both LCRED and Education. They are both very demanding committees. But it's a great linkage between our education system and our labor force. I rise to support Senator Katz's motion and his bill. He has

spoken eloquently to this. But I would like to speak from the employer's perspective. This - over the summer and into the fall, I was able to chair, along with good colleagues, Senator Libby and Senator Vitelli, a task force on Maine's 21st Century Workforce and L.D. 1492 was a topic of that. As we listened to our state chambers and other business leaders from around the state, it was very evident that we would have to leave no stone unturned in our quest to get enough people to be able to keep our economy thriving. So this would be one of many measures to be able to do that. On the Education Committee, last year, as the Welcome Center, that funding is in the budget. It comes through the Education Committee and that's something that we get to talk about. We've had the pleasure to actually meet quite a number of folks who were taking advantage of the Welcome Center. I remember talking to a Ph.D. mathematician, a banker from their home country, and another young woman who was an executive assistant. They all wanted to work and to be involved in our economy. But more important, I believe in what Senator Katz was saying, we are an aging state. We are - as he had said, I read the same article, we'll have more people over 65 by 2020 than 19 and under. So that doesn't bode well. But more - as important in my own district and hometown as I see businesses are changing their business model because they don't have enough employees. As Senator Katz had said, I've witnessed it. I've seen people limiting the amount of services that they're providing to their customers, by that they could be closing up a day or two where they normally hadn't or reducing the hours of their operation, and they are feeling somewhat frustrated that, as we've come out of a recession and our economy is growing, they can't take advantage of that by having enough people to work. I read some of the economic forecast and I remember one of November 1, 2016 that really stood out to me where we had had three straight quarters of economic growth in our GDP and we had seen wages rise more in the past two years in that report than in the past 20, and everything looked really rosy until you read the next sentence that this would probably flatten out and decline because of a limited workforce and a declining workforce. So we'll be back. This issue is our number one issue, I think, facing the State and I'm hoping that we can start down the road to making the changes ahead of time that we'll need in order to keep our economy thriving. Thank you very much for listening.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion in front of us and I want to start by saying that last year in this Chamber we had a bill come before us with a divided report out of the Health and Human Services Committee, sought to do much of the same things, though very different in implementation. I understand, I think this is probably a much more fully crafted bill and I respect and appreciate that. But what we had come before us last year was a split report from the Health and Human Services Committee where one report wanted to fund these kinds of services and the other report wanted to fund these kinds of services as well. But the difference was how it is paid for. The report that I supported out of the Health and Human Services Committee last year would have paid for it by cutting welfare for noncitizens. We're one of only a small handful of states in this country that provides welfare benefits to noncitizens that do not qualify under federal law for federal benefits. If this is something that's important to us, let's pay for it

that way. We could do it. If we want to use State taxpayer resources to help immigrants get assimilated, to learn the language, to become work ready, great. Let's take it from welfare for noncitizens. If we're not doing that, then I cannot support this. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. I intend to support this bill. I think it's a great bill. As a business, I'm having trouble finding workers myself and I would like to have some workers that had better educations. But I want to say this, this is another example of a band-aid bill which attempts to fix a problem by nibbling around the edges and sometimes I wonder, looking at some of the materials that are handed out, and I'm looking at the support L.D. 1492 sheet, and there are some statements on there that I agree with. Maine does have a severe and growing shortage of workers. But you've got to ask yourself why. Why do we have this severe shortage of workers? Our worksite based English classes helped recruit and retain workers. Fantastic. I once offered a bill, an education reform bill for funding that would have included 100% funding for English as a second language teachers. I agree with that statement. I agree with this statement: if Maine is going to compete economically, Maine needs to be able to supply the workers that businesses need. But the reverse of that statement is even more correct. If Maine is going to complete economically, Maine needs to supply the businesses that workers need. So while I support this bill, I think it's only a band-aid. I'm glad it's there, but there's other more far reaching things that I'm looking forward to that will not only help educate workers but keep workers here and bring more workers back into this state by retaining and inviting businesses to come here. But our climate doesn't allow that. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise briefly to add my voice in support of the pending motion. In the six years that I've served on the Education and Cultural Affairs Committee, with my good colleague from Hancock, Senator Langley, we have heard over and over again about the looming demographic cliff that we are facing and the need not only for young people to fill our jobs but also to be educated. This motion before us will address both of those issues. It is smart for our economy. It is smart for our businesses and I hope that you will join me in support of this motion. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, I am pleased that the good Senator from Kennebec singled me out in a particular way, which is to say I am the most chronologically advanced of all the Senators here and I'm delighted with that. So speaking for that particular age group, I think this is an extraordinarily important bill. I support it very emphatically. We have to invest in ourselves. Thank you, Mr. President.

Off Record Remarks

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "B" Report. There is a roll call that has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#534)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, COLLINS, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

NAYS: Senators: BRAKEY, CUSHING, DAVIS, KEIM, MASON, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CHENETTE, HILL

26 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill READ ONCE.

Committee Amendment "B" (S-368) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/6/18) matter:

NOMINATION - of George C. Gervais of North Yarmouth for appointment as Director of the Maine State Housing Authority

Tabled - March 6, 2018 by Senator **VOLK** of Cumberland

Pending - **CONSIDERATION**

(In Senate, Communication (S.C. 874) from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Mr. President, I wish to address the Body regarding this nomination. This was a surprisingly arduous nomination process in the Labor, Commerce, Research and Economic Development Committee, as you might expect from the committee vote. It was disappointing to many of us, but what was most arduous about it actually was the record number of people who turned out to testify in support of Commissioner Gervais appointment by the Governor to become the Director of the Maine State Housing Authority. There was actually only one person who testified in opposition of the appointment. That person was actually escorted out by security at the request of my co-chair and making a lot of interesting comments regarding the nomination, basically based upon the fact that the Department had not returned his phone calls telling them that he had a wonderful idea that was going to almost overnight make millions of dollars for the State of Maine and that he didn't feel that he was taken seriously enough. Again, he was escorted out by security at the behest of my co-chair. I was actually out of the room when the gentleman testified. But there were a lot of people who stepped forward to support Commissioner Gervais and they included housing industry professionals like Chris LeRoche, who is the Executive Director of the Westbrook Housing Authority; finance industry professionals like Bruce Wagner, the CEO of FAME; community development officials like Yellow Breen, who is the head of the Maine Development Foundation. I want to just quote Yellow, 'First, Gervais has been a notably engaged and accessible MDF board member. Second, in our deliberations he has persistently focused on and used integrity to the underlying mission and fidelity to the organizing statute. Third, he has consistently advocated for doing the right thing for the right reasons, even if the situation involves political complications.' I guess that last part bears some repeating. He has consistently advocated for doing the right thing for the right reasons, even if the situation involves political complications. That was Yellow Breen. We heard from economic development officials such as Steve Levesque, who is now the head of MRRA in Brunswick. He is also the former Commissioner of DECD, so he held the same position held by Mr. Gervais under Governor Baldacci. We heard from private sector developers such as Nathan Szanton, a Democrat who said, 'Exactly the type of person we should want running agencies charged with the efficient use of public funds. If this nomination is turned down, we would be doing a disservice to the cause of affordable housing to waste this opportunity.' We also heard from a number of well-respected public leaders from across the political spectrum, including Democrats and Republicans, but the few that stood out to me are Jim Nimon, former Economic Advisor to Governor Baldacci and current Executive Director of the Sanford Regional Economic Growth Council. We also heard from former Governor Baldacci, himself, who called me a couple of days prior to let me know that he regretted he would not be there to testify in person but that he was asking a colleague to read his testimony in front of the committee and that he wholeheartedly endorsed Commissioner Gervais, who actually was hired by him originally to work at the Department of Economic Development, and a quote from John Baldacci, former Governor of the State of Maine, 'I found George willing to work across the aisle, to focus on mission not politics,

on Maine families and small business, and this experience, personally and professionally, prepares him very well for housing.' Commissioner Gervais was subjected to, I think it was, about an hour and a half of questioning, mostly about ancient history in his life. Yes, he, at one point, declared bankruptcy, or his business declared bankruptcy. He address the accusation that he had left taxes unpaid and said that those were all paid up, I believe, within a year and that he worked very diligently to make sure that those bills were paid. You know, I think that we have, none of us, led a perfect life and this is the Governor's choice. I believe it's a good choice. I believe that the Department of Economic and Community Development has operated very well, has had many successes over the last seven years while the Commissioner has been in charge, and I wholeheartedly support his nomination. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I, too, rise in support of George Gervais. Frankly, I went in fairly skeptical, you know, but I was sort of reserving judgment and always tell people that there's a process that we go through and you have to work through that process, which is to listen to the people that come in and testify. I've run hundreds of confirmation hearings since I've been here and I've never seen any confirmation hearing that had like 22 people come to speak in support. If we have two on a nominee, that's a lot. On rare occasions we've had a little bit more, in Education I'm speaking about anyways. So to have 22, that said a lot. One of the concerns that I had was the transferability of skills from DECD over into the Maine Housing Authority, but there were quite a number of developers that were there that had worked with Mr. Gervais in his role with the DECD, and one project was a \$12 million housing project in Sanford. So this developer had nothing but good things to say about that experience and Mr. Gervais' ability to, you know, understand the housing projects and their relationship to economic development in Maine. We spoke with - people spoke to us who had been previous bosses that hired George, previous employees that work for George, and all had said good things to say. What's real important to understand is that this particular organization that has a board, this board can, with five people, the recommendation of five people, can bring his employment in front of them and actually can fire him. So if he's not living up to the standards that the board has set, and they don't think it's going right, they don't have to wait for someone else to come along. Lastly, sitting there and listening on the day we took the vote and trying to get a sense of where the opposition to this nomination was coming from, what I gathered was, in some cases, there was some concerns of, you know, about his prior history. You know, he'd gone through a bankruptcy. He was in the restaurant business, like I'm in, and you know those go bankrupt every day. Often through no fault of people's own. They are just a tough business. But I think the thing that I heard the most that was, as I was trying to read between the lines and not so much between the lines, that some members of our committee felt was a lack of participation and a lack of coming in front of the committee to speak to them and, as a chair myself, I can say that I share some frustrations with the process that sometimes we have to go through to get folks from departments to come and work with us. We have to send in a request and it has to get, you know, to the Administration and then, you know,

sometimes you get what you want and sometimes you don't. So I just don't think that's a really good reason to hold that against Mr. Gervais, because, you know, he does have a boss and he does work for people, so he's trying to respond to two masters. So with that, I would ask for your support and I think we normally, most often, are pushing the red light, but I think this time we would like to push the green light and override. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today as a former member of the LCRED Committee who dealt with Commissioner Gervais on a number of issues that came before us and I can assure you that he was either directly or through his department very responsive to the committee. I guess, Mr. President, having been there and observed a fair amount of the committee hearing that I was troubled that Mr. Gervais was not weighed on the credibility of his experience, his service to this state, but, Mr. President, I believe that there was an effort here to deny him the opportunity to continue serving in state government. I think that's unfortunate, Mr. President. The fact that the Speaker of the House refused to meet with him sends a clear signal as to the decision process that was going on before this committee ever did the nominating process. I think when you look at the fact that that three hours of testimony.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. I don't think it's appropriate to call another member of another Body out in that manner.

THE PRESIDENT: The Chair would advise Senator Cushing, if we could talk about Mr. Gervais' qualifications that would be helpful.

Senator **CUSHING:** Thank you, Mr. President. If we had talked about Mr. Gervais' qualifications we probably would be voting in favor of that nomination right now, but clearly there's an underlying effort here that does not look to the experience, the commitment, and the credibility of this individual, and I find that unfortunate. When you see a former Governor, who hired this gentleman to serve, who recognized that he had skills that he believed could be beneficial to the people of Maine. When you see that same Governor coming forward, along with people who served in that Administration, people who have served with this individual in his role as Commissioner and worked with him on projects; when you see the former House and Senate Leadership, who were in a position to speak to Mr. Gervais' nomination as Commissioner, who supported that it leads to a big question as to whether we, in this Body, are dealing with issues that will affect the future of Maine in a positive way or if we are looking at things through a different lens. In full disclosure, Mr. President, George Gervais' father, Paul Gervais, and I served in the Jaycees together. He was a mentor to me. I learned a great deal under his guidance and tutelage during my years there, and I'd just like to leave you with a simple 65 word creed that we would recite at each meeting. It says, 'We believe as Jaycees that faith in God gives meaning and purpose to human life, that the brotherhood of

man transcends the sovereignty of nations, that economic justice can best be won by free men through free enterprise, that government should be of laws rather than of men, that earth's great treasure lies in human personalities, and that service to humanity is the best work of life.' I believe, Mr. President, that Commissioner Gervais has proven in his role serving for the last seven and a half years to be committed to some of those same principles and I hope that we can find it in our hearts to give him the opportunity to continue serving in this new role for which he has been nominated. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the Maine State Housing Authority, Maine Housing, is an independent authority created by the Maine Legislature in 1969 to address problems of unsafe, unsuitable, overcrowded, and unaffordable housing. At its core, the agency couples the efficiencies of the private financial markets with public purpose goals to provide affordable homeownership and rental housing opportunities for Maine people. Since its inception, the agency has been asked to handle additional responsibilities. Maine Housing now administers a number of federal housing related programs, including the Low Income Housing Tax Credit Program, the Section 8 Rental Assistance Programs, the Emergency Solutions Grant Program, the Weatherization Program, the Low Income Home Energy Assistance Program, and others; programs that reduce the cost associated with housing for Maine people. No State General Fund money is used to pay Maine State Housing personnel or operating costs. Maine State Housing has 162 employees and \$1.6 billion in assets. Investments of \$180 million were made in the state in the 2015-2016 fiscal year. If Maine Housing were a bank it would be the fourth largest bank in the State of Maine.

I share this overview because the Director of this independent authority has enormous responsibility. The requirements of the job are significant and, unlike many of the positions in State government, there are no term limits or reappointments associated with this position that would allow for formal Legislative oversight moving forward. I, and the majority of the committee, took the responsibility of oversight very seriously. We carefully reviewed all of the testimony, much of which was in writing. We reviewed testimony like that of Nathan Szanton who testified, 'I want to disclose that we do a lot of business with Maine Housing and currently have an application for financing being reviewed by them,' and went on to say, 'I don't know George personally, but I've learned a lot about him in the recent days.' We read further testimony. We also - I received a number of phone calls from individuals who had concerns, but because of their relationships with DECD or Maine Housing did not feel comfortable coming forward publicly.

Ultimately, though, the majority of the committee felt that Commissioner Gervais did not meet the qualifications for the position. His only experience in the housing sector was two years of work in mortgage lending from 2006 to 2008, as you may well remember was the height of the mortgage crisis, and one of his two employers during that time was Carteret Mortgage, a company notorious for its subprime lending practice, including the so-called Ninja Loans, the no income, no job, no asset loans. In the committee's public hearing process the Commissioner was offered the opportunity to share the insights and lessons learned

from this experience and how it might impact his work as Director and the future of housing in Maine. He was offered the opportunity to speak about Maine State Housing's strategic plan, which he had referenced in written testimony. He was offered the opportunity to speak to President Trump's budget and what that might mean for affordable housing in Maine. Perhaps most importantly for this Chamber, he was offered the opportunity to comment on the senior housing bond that the Chief Executive has so strenuously opposed. The majority of the committee found that his answers did not reflect sufficient knowledge or expertise that would be required for the position. He could not offer lessons from the mortgage crisis for the future of affordable housing in our state. He could not list any of the goals or core values of the strategic plan he had promised. He could not speak to the impact the federal budgets might have on our state and, with regards to the senior housing, he said only that he would talk to the Chief Executive to find out what the Chief Executive's objections were to the senior housing bond.

This position requires independent expert leadership, like that of John Gallagher. We need Maine Housing's next Director to understand affordable housing and the needs of our state. This Director would be replacing Mr. Gallagher, who is an admirable leader who has spent a career in housing, including as Director of the Westbrook Housing Authority prior to assuming this role. Maine Housing requires someone with similar vision and expertise, who clearly demonstrates the passion and commitment to affordable housing that is the primary mission of this agency. Regrettably, the Commissioner is not that person. I urge you to follow my light and vote red not to override the recommendation of the committee.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I've listened with interest to my colleague from Kennebec, Senator Bellows. I was not at the hearing but I've talked with people who were. I've read testimony. As I understand it, Mr. President, the objections to Mr. Gervais' fall into several categories. One, he has no housing experience. First of all, the Housing Authority works with DECD on millions of dollars of housing applications every year. George Gervais has overseen tens of millions of dollars of housing grants and housing applications through his current job and also has administered many of those loans, including one I'm familiar with here in Augusta, the old Hodgkins School project. But what was also found of significance was that four out of the last six Housing Authority Directors came into the job with no housing experience. None. Second objection was that he briefly worked for some company that had had some problems with their business practices. It's my understanding Mr. Gervais', well over ten years ago now, worked for a company that had some problems in the State of Michigan. There was no allegations that he - that that company had any problems whatsoever here in the State of Maine or were in any way not in good standing with the State of Maine because they were. His role was, subsequently, a junior mortgage person, I believe. I don't think he should be tarred and feathered because some company that he briefly worked for over ten years ago ran into problems in some other part of the country. I'm glad that I didn't hear this morning the fact about his bankruptcy, but I understand that came up during the hearing. By the way, those things about his bankruptcy and the tax liens,

which we haven't heard about this morning but seem to play a big role in the committee, those were all known to this - to that committee and to this Legislature back in 2011 when Mr. Gervais was nominated to be his current position in DECD. The vote out of that committee at the time was unanimous in support of his nomination. The vote in this Body was unanimous in support of his nomination. So I get it, Mr. President. We all know politics is a contact sport. We all come in to do our jobs, realizing that we make get a few scars out of it. But we're talking about a person here. I don't quite know what the agenda is, but I would suggest that it's something different than the factors we've heard raised. George Gervais is a human being. He's got a family and he ought to be entitled to articulated reasons why the Governor's nomination should be rejected and I, for one, Mr. President, have not heard those either in view of what happened in committee or here today. I suggest that it would be a shame if this good person became collateral damage to some matter over which he has nothing to do with and would ask each member to keep that in mind as you cast your vote. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. I rise very briefly because there's not a doubt in my mind that Commissioner Gervais has been an excellent Commissioner for the Department of Economic Development. That doesn't mean, however, that there's unanimous agreement on his nomination to a very different agency with a different mission, with different qualifications. I want to go on the record saying that I take my responsibility for this, as do my colleagues, very seriously and I object to the insinuations and suggestions from my colleagues on the other side that any of the votes on this matter have anything to do with anything other than our position on the nominee's qualifications for the job for which he's nominated. Anything else, I believe, is accusing us of motives which are unbecoming to any of us in this Body. Thank you, 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., 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 (#535)

YEAS: Senators: BRAKEY, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DION, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, COLLINS, DESCHAMBAULT, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senators: CHENETTE, HILL

20 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 2 Senators being excused, and 20 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 **George C. Gervais** of North Yarmouth for appointment as the Director of the Maine State Housing Authority was **DENIED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/6/18) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Change Certain Gender-specific Terminology in the Laws Regarding Municipalities and Counties"

H.P. 1154 L.D. 1668

Majority - **Ought Not to Pass** (6 members)

Minority - **Ought to Pass** (4 members)

Tabled - March 6, 2018 by Senator **DAVIS** of Piscataquis

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **MARINE RESOURCES** on Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances"

H.P. 1043 L.D. 1519

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-611)** (4 members)

Tabled - March 15, 2018 by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE** of the Minority **OUGHT TO PASS AS AMENDED** Report in concurrence.

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-611)**.)

(In Senate, Reports **READ**. Motion by Senator **MAKER** of Washington to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.)

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **KATZ** of Kennebec the Senate **RECONSIDERED** whereby the Majority **OUGHT NOT TO PASS** Report **FAILED**.

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 (#536)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KEIM, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, VITELLI, WOODSOME

EXCUSED: Senators: CHENETTE, HILL

15 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **MAKER** of Washington to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-611) **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 Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act To Create the Bar Harbor Port Authority
S.P. 478 L.D. 1400

Tabled - March 15, 2018 by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, February 22, 2018 **PASSED TO BE ENACTED** in concurrence.)

(In Senate, Veto Communication (S.C. 878) **READ** and **ORDERED PLACED ON FILE**.)

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, you are all really tired of this bill, the amount of phone calls and e-mails and stuff we get, but I couldn't let the veto letter go without responding to it. In this letter, the Administration, the second floor, contends that municipalities are looking to deflect accountability from their town. I can tell you, working with the municipality, their first route was to go to see if they could become a member of the State Port Authority system and it wasn't possible. They didn't really want to do that. So all this vote would do for the townspeople of Bar Harbor to be able to vote, when the time comes, if this is the right way to manage their property. So thank you very much. Good bye.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#537)

YEAS: Senators: BRAKEY, CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, HAMPER, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN, DILL, DION, GRATWICK, MILLETT

EXCUSED: Senators: CHENETTE, HILL

25 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 2 Senators being excused, and 25 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

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

Off Record Remarks

Senator **BELLOWS** of Kennebec was granted unanimous consent to address the Senate on the Record.

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to congratulate Austin Hall of Hall-Dale High School because this spring Austin will complete his high school career in 3 years with cum laude honors while taking courses at the University of Maine at Augusta. He has enlisted in the United States Army as a 35G and will ship out to Fort Jackson on July 2nd, where he will be a geospatial intelligence specialist, following in the footsteps of his father, Joseph, who is a true hero, who served two years in Afghanistan and 18 months in Iraq as part of the bomb squad. Service in the military is one of the highest forms of service for our country that a person can take

and we are celebrating American Legion Day today here at the State House. That commitment and willingness to risk safety, and even life, in defense of the Constitution and the Bill of Rights and in defense of the American people is extraordinary. Our country is better off when motivated, accomplished, and honorable people like Austin and his father are defending our people and our democracy. I wish him well in his career. Congratulations to Austin, to his parents, including his mother, Jennifer, who clerks in the Agriculture and State and Local Committees, for raising such a fine son. We are proud of all he has accomplished and look forward to seeing what he does next. Thank you.

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, March 20, 2018 at 10:00 in the morning.