

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

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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 22, 2018

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

Prayer by Pastor Rick Gundberg, Augusta First Church of the
Nazarene.

PASTOR GUNDBERG: Good morning. Let us pray. Heavenly
Father, we want to thank You today for who You are and how You
guide us in our daily lives. We want to thank You for this time of
year that we celebrate the resurrection of our Lord and Savior,
Jesus Christ, and for the great sacrifice You made so that we may
have true peace and purpose in our lives. We would ask You
today, Lord, to guide these proceedings, that we would not seek
after our own wills but we would seek that Your will would be
done in this place and beyond. May You be greatly pleased with
what happens here today. To You be all the honor and the glory
and the praise. In Jesus' name we pray. Amen.

Pledge of Allegiance led by Senator Andre E. Cushing, III of
Penobscot County.

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

Doctor of the day, Jacob Mintzer, D.O., of Portland.

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. 716

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

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent 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)

In Senate, March 15, 2018, the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Minority **OUGHT TO PASS** Report was **READ**
and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Non-Concurrent Matter

Bill "An Act To Reduce the Cost of Care Resulting from Blood-
borne Infectious Diseases" (EMERGENCY)

H.P. 1187 L.D. 1707
(C "A" H-604)

In Senate, March 1, 2018, 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-604)** in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-604) AND
HOUSE AMENDMENT "A" (H-648)** in **NON-CONCURRENCE**.

On motion by Senator **MAKER** of Washington, the Senate
RECEDED and **CONCURRED**.

COMMUNICATIONS

The Following Communication: S.C. 910

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

March 20, 2018

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

Off Record Remarks

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Nils R. Whitman, Jr. of Marshfield, for reappointment to the Washington County Development Authority.

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

YEAS	Senators	3	Volk of Cumberland, Bellows of Kennebec, Langley of Hancock
	Representatives	5	Fecteau of Biddeford, Doore of Augusta, Handy of Lewiston, Mastraccio of Sanford, Stetkis of Canaan
NAYS		0	
ABSENT		5	Rep. Austin of Gray, Rep. Bates of Westbrook, Rep. Lockman of Amherst, Rep. Sylvester of Portland, Rep. Vachon of Scarborough

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Nils R. Whitman, Jr. of Marshfield, for reappointment to the Washington County Development Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

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

Senate at Ease.

The Senate was called to order by the President.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The Veterans of Foreign Wars of the United States Bagley-Gardiner-Foster Post #9, of Gardiner, which is celebrating its 100th Anniversary on April 8, 2018. The Post, which was originally chartered at the National Soldiers Home, Maine, known today as the Togus VA Hospital, is the oldest VFW Post in the State and the 9th oldest in the United States. We extend to all the members of Bagley-Gardiner-Foster Post #9 our congratulations on this anniversary;

SLS 725

Sponsored by Senator BELLOWS of Kennebec.
Cosponsored by Representative: GRANT of Gardiner.

READ.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I think all of us in this Chamber are familiar with the mission of the Veterans of Foreign Wars to honor military service, to protect and support our veterans, and to promote patriotism. It is my great honor to be joined today by members of Post #9 to commemorate their centennial: by Debra Couture, Senior Vice Commander; Greg Couture, Adjutant and Quartermaster; and Ted Smith, of Litchfield, the Surgeon for the Post. One of my favorite memories from high school, actually, is visiting my VFW because I participated in their Voice of Democracy essay contest and then spoke at their State convention, and they are still doing that work today. Post #9 has an essay contest for the middle school. They have an essay contest for the high school. They are so active in working with our young people and so active in promoting the veterans. At the national level, the VFW was instrumental in establishing the Veteran's Administration. They have been core supporters in helping to erect the memorials that we see in Washington D.C. honoring our veterans and are working now to support a national Desert Storm War Memorial in Washington D.C. If any of you are available on March 30th at 5:30 to join me in West Gardiner for the centennial dinner honoring Post #9. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today members of the VFW Post #9: Deb Couture, Greg Couture, Ted Smith. They are the guests of the Senator from Kennebec, Senator Bellows. Would they please rise and accept the greetings of the Senate.

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

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

NOMINATION - of Nils R. Whitman, Jr. of Marshfield for reappointment to the Washington County Development Authority

Tabled - March 22, 2018 by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, Communication (S.C. 910) from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT READ.**)

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

Senator **MASON:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I'd like to speak on this particular item for just a moment. I'd like to inform members of the Senate that we just recently received a letter from the Chief Executive addressed to you, Mr. President, informing us that this nomination has been withdrawn. So in that respect, I would ask that we Indefinitely Postpone this matter. Thank you, Mr. President.

On motion by Senator **MASON** of Androscoggin, S.C. 910 Nomination **INDEFINITELY POSTPONED.**

The Following Communication: S.C. 906

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

March 19, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1819 An Act Prohibiting Female Genital Mutilation

L.D. 1822 An Act To Amend the Laws Governing Offenses against the Person

This is notification of the Committee's action.

Sincerely,

S/Sen. Kimberley C. Rosen
Senate Chair

S/Rep. Charlotte May Warren
House Chair

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

The Following Communication: S.C. 907

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

March 15, 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 Insurance and Financial Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1417 An Act To Require Insurance Coverage for the Diagnosis and Treatment of Lyme Disease

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore
Senate Chair

S/Rep. Mark W. Lawrence
House Chair

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

The Following Communication: S.C. 908

Sincerely,

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

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 Judiciary has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 860 An Act To Establish a Statewide Electronic Warrant System

This is notification of the Committee's action.

Sincerely,

S/Sen. Lisa Keim
Senate Chair

S/Rep. Matthew W. Moonen
House Chair

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

The Following Communication: S.C. 909

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

March 19, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1722 An Act To Encourage Computer Data Center Development by Providing a Sales Tax Refund or Exemption

This is notification of the Committee's action.

S/Sen. Dana L. Dow
Senate Chair

S/Rep. Ryan Tipping
House Chair

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

The Following Communication: H.C. 466

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

March 20, 2018

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

Senate Paper 478, Legislative Document 1400, "An Act To Create the Bar Harbor Port Authority," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

81 voted in favor and 63 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 457

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

March 9, 2018

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

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 1725, "An Act To Ensure Stability for Certain Holders of Liquor Licenses."

This bill was originally intended to clarify liquor licensing law to provide more flexibility related to ownership structure for in-state manufacturers that also want to operate a restaurant. Under our old law, the structure was required to be exactly the same for both entities. If a manufacturing operation was owned 60-20-20 by three business partners, that ownership split would have been required to remain the same for an associated restaurant. In the first regular session of the 128th Legislature, LD 1642 resolved ownership issues between a manufacturer and its associated restaurant, allowing more varied ownership structure of the two entities.

Rather than address any perceived problems, this bill actually creates a new problem. It would create inequity among in-state alcohol manufacturers who also have an interest in a restaurant, based solely on when they were licensed—holding any new licensees to a different standard than those who were licensed prior to January 1, 2018. LD 1725 does not add any further protections to manufacturers and is simply not necessary. If enacted, there would not be equal protection under the law for licensees.

For these reasons, I return LD 1725 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 Ensure Stability for Certain Holders of Liquor Licenses
H.P. 1205 L.D. 1725

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

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

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 (#545)

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

NAYS: Senators: None

EXCUSED: Senators: CARPENTER, LANGLEY

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being excused, and 33 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.

SENATE PAPERS

Bill "An Act To Amend the Maine Life and Health Insurance Guaranty Association Act"
S.P. 718 L.D. 1875

Presented by Senator WHITTEMORE of Somerset.
(GOVERNOR'S BILL)

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Ordered sent down forthwith for concurrence.

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council"
H.P. 1305 L.D. 1872

Reported that the same be **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, pursuant to the Maine Revised Statutes, Title 3, Section 955, Subsection 4.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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

Bill and accompanying papers **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in concurrence.

Ought to Pass

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath" (EMERGENCY)

H.P. 1270 L.D. 1828

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

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

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

Under suspension of the Rules, Bill **READ TWICE**.

On motion by Senator **KEIM** of Oxford, 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 Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am part of the State and Local Government Committee and was there for the public hearing, but not the work session. This bill concerns me, I think, mostly for the precedent that it sets. We have, and we highly regard home rule and we try to protect it at all cost, and with this there's really no cause here for a town to bring to the State Legislature this bill because there's no real emergency. There's no undue hardship here and what they're asking us to do is to overrule them and to usurp their own authority and their own due process that they have set up in their town statutes. There're other legal options available to the town to move forward with their bonds, but the easiest way for them to move forward with their bonds, since they did not post them in time, is for them to come to us and ask us to just give them permission, without them having to go through the proper steps that they have set up in their own town statute. So I believe home rule comes with responsibility and that we should respect local authority, not only when it's convenient but also when it's inconvenient. I think all towns in Maine should actually be concerned that we would step in and just say, 'You don't have to abide by your own rules and we will let you bond.' I think that it's overstepping their authority. Thank you.

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 **PASSAGE TO BE ENGROSSED**, in concurrence. (Roll Call Ordered)

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board"

H.P. 1220 L.D. 1766

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-652)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-652)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-652) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit" H.P. 930 L.D. 1336

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-605)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto.

Report **READ**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending **ACCEPTED OF THE REPORT**, in concurrence.

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife" (EMERGENCY)

H.P. 1277 L.D. 1835

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-647)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-647)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-647) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Authorize Municipalities To Develop and Operate Pilot Programs for the Use of Autonomous Vehicles for Public Transportation"

H.P. 1204 L.D. 1724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-649)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-649)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-649) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"

H.P. 183 L.D. 250

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
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 To Pass as Amended by Committee Amendment "B" (H-651)**.

Signed:

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs"

H.P. 1186 L.D. 1706

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-653).**

Signed:

Representatives:

- WARREN of Hallowell
- GROHMAN of Biddeford
- RECKITT of South Portland
- TALBOT ROSS of Portland

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-653).**

Reports **READ.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission" (EMERGENCY)

H.P. 1239 L.D. 1795

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-650).**

Signed:

Senators:

- ROSEN of Hancock
- 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
- 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 To Pass.**

Signed:

Senator:

- CYRWAY of Kennebec

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-650).**

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-650) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Prohibition on the Possession of a Firearm on School Property"

H.P. 1215 L.D. 1761

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

Signed:

Senators:

- LANGLEY of Hancock
- MAKER of Washington
- MILLETT of Cumberland

Representatives:

- KORNFELD 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 To Pass.**

Signed:

Representative:

- TURNER of Burlington

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses"

H.P. 1278 L.D. 1836

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

Signed:

Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:

DUCHESNE of Hudson
HARLOW of Portland
LYFORD of Eddington
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
WOOD of Greene

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

Signed:

Representatives:

ALLEY of Beals
MASON of Lisbon
THERIAULT of China

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO IMPOSE CONGRESSIONAL TERM LIMITS"

H.P. 1232

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

Signed:

Senator:

DESCHAMBAULT of York

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:

Senators:

DAVIS of Piscataquis
KEIM of Oxford

Representatives:

HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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 (#546)

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

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MAKER, MILLETT, VITELLI

EXCUSED: Senators: CARPENTER, LANGLEY

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Joint Resolution **READ**.

Pursuant to Joint Rule 215 a Division was had. 17 Members having voted in the affirmative and 16 Members having voted in the negative, with 17 being less than two-thirds of the members present and voting, the Joint Resolution **FAILED ADOPTION**.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES CALLING A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION LIMITED TO PROPOSING AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO REQUIRE A BALANCED FEDERAL BUDGET"

H.P. 1251

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

Signed:

Senator:

DESCHAMBAULT of York

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:

Senator:

DAVIS of Piscataquis

Representatives:

- HARRINGTON of Sanford
- ORDWAY of Standish
- PICKETT of Dixfield

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

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I know that a majority of my constituents implore the federal government and state and local governments to balance our budgets. It's extremely important. But I've also talked with folks who have deep concern about a rush to amend the Constitution and for that reason I will be voting Ought Not to Pass. We can and do balance our budgets here in Maine at the State level and at the local, municipal, levels. The federal government should be able to do the same, but a Constitutional Convention is a dangerous and potentially problematic route to go down. Thank you.

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

Senator **DAVIS:** Thank you, Mr. President. Mr. President, I hardly call it a rush. We're \$20 trillion in debt. The federal government has collected \$4 trillion in Social Security and they have spent every cent of it. They will never balance the budget unless we make them do it. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion and to make one correction to my good friend from Piscataquis. I wish it was \$20 trillion in debt. We actually just got to \$21 trillion in debt, and that's on top of \$100 trillion in unfunded liabilities. The promises they've made, they have no idea how they're ever going to pay for it. When you divide that out across America, that's a bill of \$1 million for every single American taxpayer. That's where we are in our country right now. And I certainly hear the concerns of my colleague from Kennebec County about the concerns of a Convention of States and what could happen, but I'll say this, you know, I shared those concerns at one point too and I studied this issue very deeply, and a Convention of States that we could call for has no authority to do anything that Congress does not have the authority to do every single day that they're in session. A Convention of States can propose amendments to the Constitution. Those amendments have to come back and be ratified at the State level by the State Legislatures. Congress, at the same time, every day they're in session can propose amendments to the Constitution and those amendments also need to come back to the State Legislatures to be ratified. So, seeing as we're - we would be empowering a Body to do nothing that Congress can't do every day they're in session but has simply failed to do, I no longer have the concerns that have been raised, but I do have tremendous concerns about the \$21 trillion debt and I think we should be taking action for it. Thank you, Mr. President.

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

Senator **BREEN**: Thank you, Mr. Chair. As a member of the Appropriations Committee who's always keeping my eye on revenues and working on tax conformity with recently passed federal legislation, I just want to point out that the new tax law that just came to Maine from the feds increases the federal debt by \$1.5 trillion and about 20%. So I'm working very hard with my colleagues on both sides of the aisle to figure out how that's going to affect Mainers and protect Mainers from that reality. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass Report. If you are in favor of that report you will be voting yes. 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 (#547)

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

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senators: CARPENTER, LANGLEY

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Joint Resolution **READ**.

Pursuant to Joint Rule 215 a Division was had. 17 Members having voted in the affirmative and 16 Members having voted in the negative, with 17 being less than two-thirds of the members present and voting, the Joint Resolution **FAILED ADOPTION**.

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

Senate

Ought to Pass As Amended

Senator DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement"

S.P. 557 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-391)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-391) **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 BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Maine Children's Mental Health"

S.P. 125 L.D. 384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-397)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-397) **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 CYRWAY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Amend the Registered Maine Guide Background Check Requirement" (EMERGENCY)

S.P. 619 L.D. 1683

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-396)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-396) **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 Clear a Path to Employment" S.P. 403 L.D. 1202

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-392)**.

Signed:

Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
TALBOT ROSS of Portland

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion before us in hopes that we will pass the other report that exists here. This bill isn't my bill. I actually thank the good Senator from Cumberland County, Senator Volk, for submitting this legislation. But it is very similar to a bill I did submit and chose to go with Senator Volk's bill as the vehicle. You know, what this bill seeks to do is to create a process whereby those who have been convicted of low-level offenses at an earlier point in their life might have a process by which they can have their record sealed and they can move on with their lives after they have served their time. You know, when I put in my version of this bill I'll say, you know, this was - I was inspired by legislation that was actually passed and signed into law in Kentucky by a

very conservative Governor of Kentucky, Matt Bevin. You know, criminal justice reform, I see is not a partisan issue. Not a Republican or Democrat issue. But I think really an issue of compassion. You know, I think that we're a country that believes in second chances for people and when someone, you know, commits a minor offense, maybe in an earlier point in their life when maybe they're young and maybe don't have the wisdom of years that we hope come with time, those low-level offenses can follow them for the rest of their lives. I know I've heard from multiple constituents who've been in this exact situation. They committed a small non-violent offense, maybe when they were in their early 20's, and ten, twenty, thirty, sometimes forty years later it still haunts them. It affects their ability to get employment and it affects their life in so many ways. Sometimes these offenses can become a scarlet letter that really follows people around and I believe close to 30 states here in this country have passed similar legislation as this, allowing low-level offenders to have their records sealed so they can move on with their lives and get a second chance. I hope that today we will reject the motion in front of us and we will pass this legislation. Thank you very much.

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 just to explain a little bit of reasoning on this. We just experienced not too long ago a shooting at a school with 43 complaints on an individual and if we hide, or not disclose, what happens in our cases, that we could not find out actually history of knowing what happens. The other part of this, and we're trying to prevent things from happening, is, you know, we should take ownership of what we do for mistakes and I'm sure if you went to the person that you applied a job for and you explained to them what you've done and they hire you, they go with the understanding that you have corrected the problem and understand that. The other piece of this is if they find out later and you, you know, you've committed a crime and you didn't tell the person and they find things missing, and you had done a theft or whatever, and then somebody finds out about it later it just leaves you in a bad light. So I think if you - it's basically owning up to what you do for mistakes and I think that responsibility is what this is all about, and taking responsibility. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I rise in opposition to the pending motion. It's unusual for me to rise on a matter that comes out of this particular committee, but I have had the honor of serving on a number of task forces and committees that have been discussing workforce development, our workforce challenges, and, nationally and in the State of Maine, there have been robust discussions about how we need to be able to make sure that those individuals who want to work, and can contribute to our economy and our communities, have such an opportunity. I believe that this bill in front of us is a modest move forward and I would hope that you will join me in opposing this motion. Thank you.

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

Senator **DION:** Good morning, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion. The law needs to be fair, if it will be respected. Currently in the court if you are accused of a felony the judicial system provides a process where you atone for your sin. At the end of a specified time, usually no longer than a year, they dismiss felony conduct. Underlying the word 'felony' because I know the good Senator from Kennebec would agree with me that that's the most serious transgression of the criminal code. If the judges, in their wisdom, provide a path for someone who has committed such an act to redeem themselves and see either the charge dismissed or reduced to a misdemeanor because the court has concluded that for one misstep, and usually that's the predicate for the court to allow such a process to occur, is there is nothing else in your history to indicate that this is a continuing pattern of conduct for you and you've just been caught this time. That's fairness. That's equity. That's justice. Now, as to individuals that have been charged with misdemeanor crimes, crimes that our own Bodies have concluded are less than felony, violate social norms but by no way characterize somebody as a harden criminal, often times answered for by fine or suspension, for those individuals there is no equity. There's no chance at ultimate justice other than admitting their responsibility, paying the fine, and a short time in jail if the facts support such an outcome. I don't remember who Mark Dion was when he was 19, but this Mark Dion at 63 is a much different person because of my life experiences and the choices I've made and the judgments I hold myself responsible to. If Mark Dion at 19 or 20, or when I ran with the good Senator, Senator Dow, when we were young men, maybe there's conduct we wish there was no YouTube for and thank God there isn't. Should we be held accountable for all our lives for the decisions we made at 19 or 20? Now, I can support this concept, even though the Majority Report rejects it. I can support the concept that there's a period of time, four years, of demonstrating good conduct, good behavior, that is the predicate for us to seal this case. Listen, there's no advantage to seeking embarrassment from an individual for poor judgment. There's no advantage at all. Some will be reluctant to make applications to positions that they feel they're qualified for because they don't want to expose themselves one more time. How difficult would it be to go home and say, 'I didn't get the job. I won't even apply because of what I did when I was 20.' I've had people call me about that. It's odd in 2016 or '17 to talk to someone who did something in 1972 or '73 that they still feel they have to duck for. So I think the Majority Report fails to recognize the trajectory of our lives and I would like us to provide some chance at equitable relief for people who are guilty of nothing more than bad judgment and have a life to trade. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I don't necessarily disagree with almost everything that's been said. Good arguments. Good reasoning. But there's a reason why this committee report is 10-3. We worked on this bill last year. We worked on it this year. We've been trying to find a way to make it come together. There are some delicate matters here regarding employers, regarding and

deciding what employers need to know or have a right to know, and what would be okay if they didn't. We're setting a tone here that we're not quite ready to do. Again, I don't disagree with the eloquent arguments by those who have said we should push this through, we should pass it. I can tell you, ladies and gentlemen, there are many of us who agree with that. We're just not ready for that. This bill is not ready for that and, again, that's why we have such a margin here, 10-3, knowing full well that the intent was very, very good and I think we probably could get there another time. But it's just not ready yet and I would ask you to consider that, consider that we - most of us agree with your arguments but we've worked on this a long time and it really is not yet ready for us to make this a law, believe me. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I actually had not - this is my bill, I hadn't planned to speak even though I will be voting against the pending motion. I just want to point out that, in fact, 35 states now have some sort of records clearance for misdemeanors and 28 of those even permit clearance of felony convictions. Again, this amendment - the bill as it ended up on the Minority Report only includes misdemeanors, Class D and Class E crimes, after four years of sentence completion. So according to the Council of State Governments, Maine is one of only 15 states without record clearance. So I guess my question would be: if not now, when?

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

Senator **DION:** Thank you, Mr. President, for allowing me to rise one more time. I just want to express this idea. I have deep respect for the three Senators who serve on this committee and their judgment. I have no dispute with that and I recognize that embedded in this bill are some technical difficulties that would have to be resolved. But I also feel duty bound to express dissent because often time dissent sets the tone and the platform for what our successors may or may not act upon. So I think it's critical that our reservations be expressed today and I hope at some time, if not today, that some future Senate will see themselves in a position that they will and have to support this move to sensible, rational criminal justice reform. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, again, it all makes good sense but I would challenge the word technical. We're talking about which offenses should be exempted from an employer, not knowing in which offenses the employer would be allowed to know the criminal history. So it doesn't really fall in the category of technical and I would ask you again to remember this is a big step and we probably should take it, but for us, at this point, to just put this in and let chips fall where they may is not fair to the employer. It's not fair to the person we're putting out there and saying, 'You're ready to go. Do what you want to do. No one's going to know.' I think there're some areas we can carve out to make it

work. It's just, it's a big step and we just need to be ready for it. 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, I have to reflect on what Senator Diamond has just stated. I feel that this is too broad, as far as allowing Class D and E crimes to just be put aside and not be able to know what their record is. This is - some of these crimes are very serious. Just for example, my daughter had a guy peeking in her window and had a Class D crime of invasion of privacy. This person has been doing it for 20 years up in the Millinocket area. So he moved down this area, in the Belfast area, and actually was going through, and so in this situation we would not have known, and even the company would not have known, that this was taking place. He had a file this thick of those types of things and not getting caught. He had a lot of complaints but they couldn't prove it. So it may not be on record, but they could be continually doing these things. And this is the bottom line, you know you can say four years or whatever, but they may have not been caught. You're - these are serious crimes out there. For just to say, in a broad spectrum, that these are non-violent. Non-violent doesn't mean that it's not a serious crime. So just be very careful when we go to vote for something like this, to know what you're hiding. Think of the victims. It could even be employees of that same company involved as a victim. So just be aware when we vote for this. Think about the victims and you could be even one of the victims. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time, but it seems a lot of folks are doing that. I will just say I hear the concerns and I hear the concerns that are expressed, but I will say this, if we pass this legislation it is not as if this goes on autopilot and someone is on good behavior for four years and automatically they get their record sealed. This legislation authorizes a court to evaluate and make that determination. So we're simply giving authority to the courts that made this evaluation in the first place to convict this person of that crime, whether or not they have served their time, they've demonstrated good behavior, and they're ready to have their record sealed so they can move on with their life. Thank you.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I might - I've been a longtime advocate for victim's rights and I might not vote for this if it was a blanket expungement of all Class D and Class E misdemeanors. As has been said, what this does is authorize court's discretion. Specifically in the amendment, the prosecutor's office needs to be notified that this is being requested and there's an opportunity to have the discussion about the specific circumstances and the specific individual in question. Additionally, there's also an exception that allows, and in fact requires, dissemination of criminal history records information to a public or private entity to which a person who's subject of the criminal conviction has

applied for licensure employment where there's applicable federal or state law that requires a background check. So this ability to restrict dissemination would not extend to, for example, schools or law enforcement. So people applying to those professions where background checks are required would still have to share that criminal history. So I think it is narrowly tailored. I do understand it's a Minority Report, but I do think that we need to move forward in advancing workforce participation and also the concept of a second chance. You serve your time for a misdemeanor and then it doesn't follow you, necessarily, for the rest of your life. Thank you.

At the request of Senator **DIAMOND** of Cumberland, Reports **READ.**

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. I tend to agree with my colleague, Senator Diamond. This is not ready for prime time. I'm looking at the bill now. If the court determines, pursuant to this law, they must provide electronically to the Department of Public Safety, who shall promptly alter the records. You could do that and an individual might commit another crime. Therefore, you have to alter the records again. If the court determines that that person had been convicted of a new crime, again, electronically you give it to the Department of Public Safety who will, again, alter the records. Having worked in the system for so many years, I've had occasion where I've seen where people have had their records expunged because of a pardon - and I take that back, they weren't expunged, they had a pardon but it was still in their record. If they can't even get that right, they're not going to get this right with all these courts telling the Department of Public Safety to start removing it. Someone mentioned the level of crime, whether it's serious or not. I have the view that if you commit the crime you have broken the law and that is serious, and I guess I've been around prisoners long enough that I know you do the crime, you do the time, and it stays with you. However, I like what it says, but it's not ready. It needs to be cleaned up more than that. 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 feel that this is a very important bill. I think that we are recognizing that in this day and age a lot of people feel that, you know, sometimes when we make mistakes it should be forgiven, and it is, and it is in most places that you go to work. I've seen where even it doesn't matter what crime you've done, people have forgiven them if they explain what happened. Even in law enforcement, there are situations, you know, that they'd done their mistakes and they own up to it when they go to the board and they review it and it gets forgiven sometimes. But this is so broad. It's going to affect your employment because of the victims. It could affect the employment for security, safety. It could be many other issues here besides, and maybe the reputation of your company. So just be aware that this is like throwing the rock in the pond, it causes a ripple effect and you may become a victim yourself because of this bill. So I feel that this is a very important one. It is too broad. Too many very important crimes that this covers, that are unintended, of course,

for people to try to forgive and forget. But we really need to make sure that this is covered appropriately and that's why this was Ought Not to Pass. 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. If you are in favor of accepting that report you will be voting yes. 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 (#548)

YEAS: Senators: BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, CARSON, CHENETTE, CHIPMAN, DION, MILLETT, MIRAMANT, VOLK, WOODSOME

EXCUSED: Senator: CARPENTER

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Certain Laws Governing Child Care Providers"

S.P. 493 L.D. 1423

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

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-398)**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

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

On motion by Senator **CHIPMAN** of Cumberland, 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 Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Mr. President, men and women of the Senate, this bill is a bad bill for a couple of reasons and I hope that we don't pass it. The first of which is that it will drive up the cost of childcare in our state by allowing providers of childcare to charge more than what the subsidy allows for those receiving subsidy for their childcare and to ask the parents to pay the difference, which in a lot of cases the parents will not be able to afford to do this while they are receiving the subsidy. So it makes childcare unaffordable and drives up the cost in our state. The second reason, which I hope all of you will join me in being concerned about, is that it makes childcare less safe by allowing those who provide childcare in their home to take on additional children than the current allowable limit without being licensed. These are folks that have not received CPR training and basic health and safety training that's required with licensing. Mr. President, if you want to operate a childcare out of your home and take on more than the current allowable limit of children that aren't your own go get a license and go through the proper training and safety requirements so that it can be done safely. Thank you. Please join me in opposing the motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending motion and I have to say I strongly disagree with my colleague from Cumberland County though. That's okay. I will say this, it is a problem here in the State of Maine when it costs as much to put your kid through college as it costs to put your kid through daycare. We have some real problems in this state with access to childcare for individuals and this bill does two things. Well, I'll say the original bill did eleven things and we scaled it back very much, even though there were many things in there I

liked. We scaled it back to some of the most smallest, most reasonable changes to the regulatory state of our childcare programs in the state. One, as Senator Chipman, the Senator from Cumberland, notes, we are allowing - we would be allowing individuals to, if there is a childcare, a daycare, that best fits the needs of their child and it's \$25 more per month than what the subsidy allows, gives them, then they can make up the difference, that \$25, with their own money. I do not - I still do not understand why in world we would not want to give parents the flexibility and ability to choose the daycare that best fits the needs of their child. In addition to that, as was noted, yes, the legislation before us does increase from three to four the number of children that could be in a household before they have to be licensed as a licensed daycare. I'll say four is the national average. Three is where we are right now. The original bill said five. We simply thought, 'Well, let's move and let's align with the national average.' And I will say, just to highlight how small and how minor a change this is, you'll see on the bill a fiscal note. Smallest fiscal note I have ever seen, \$160. Why \$160? That's the amount of projected loss in revenue from people not getting licenses because of the change from three to four children. There are two providers in the state that would fall under that. I'll say this, I know I said in our caucus this morning that, you know, my parents raised four children and they didn't need a license to do it. Now some said, you know, knowing me maybe that's not a good thing to point out. Maybe that's not - maybe that doesn't speak well of things. But I will say this, there are regulations that makes sense, regulations that help provide for safety, and there are regulations that get in the way of access, and I think these are very small changes, very appropriate changes. There are other bills coming before this Body, other bills that we actually had unanimous agreement on in the committee, which do seek to improve some regulations when it comes to safety. These are some very small changes and I want to thank my colleague from Androscoggin County for sponsoring this common sense legislation. Thank you very much.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in disagreement to actually both of the prior speakers. This was my legislation and I disagree. I think it was well-intentioned, that piece of legislation. However, the committee was not able to come to an agreement on the numerous provisions included in the bill. There are bills that are going to be before us that do deal with this issue, I think, in a better, more complete way and supported in a bi-partisan unanimous way. The remaining provisions of this bill, Mr. President and men and women of the Senate, are not ready for prime time. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I apologize for belaboring our session today by rising more than once. I hadn't really planned to do that. I just want to let you know I was able to give this to some members of our caucus, but I don't believe, probably, that most of the members of the other caucus have this information, which came from the Department of Health and Human Services website regarding the number of childcare providers.

Androscoggin, in 2008, had 210 home licensed family childcare providers. As of 2018, that number was 120. Cumberland County, where I live, in 2008, had 302 licensed family childcare providers. That number now is 176, nearly half what it was ten years ago. Looking at Washington County, they had 27 family childcare providers in 2008. That number is down to 17. York, 230. That number is now down to 148 licensed family childcare providers. When you look at the number of licensed childcare facilities, so you think well, perhaps, that has been made up by the facilities, Androscoggin had 67 in 2008. They now have 59 in 2018, ten years later. Cumberland County had 195 in 2008 and it's static, 196 today. Washington County had 18 in 2008 and they're down to 14, and York County is relatively static with 100 childcare facilities in 2008 and today, 2018, they have 108. So they've actually increased. I have data on all of the counties in case you're interested, but we're going to be voting soon so you probably won't have time to look it up, but you might be able to do a quick Google check. I just want to point out we are in a state of record unemployment right now. This is a workforce issue. We're having a workforce crisis. Access to childcare is extremely critical. We cannot expect parents to go to work if they don't have childcare available to them. Increasing it from three children to four children does not seem like that is, you know, a crazy expectation. Many of us know parents who have very capably had four young children at one point in time and we're not even saying that this is necessarily toddlers or infants. You know, these could be school age children. This could be a Mom taking kids aftercare or before school care. So I would urge you to support this legislation. I don't believe this poses a certain safety risk. I believe that national average is four, so this just puts us in line with the national average. It's one small measure to address the workforce crisis that we face in the state. Thank you.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, as you are all aware, I am the co-chair of the Children's Caucus and, in addition to that, have been an early learning fellow with NCSL and have spent a great deal of my legislative career discussing the issue of early childhood development, and I rise today in opposition to the pending motion. I recognize that the Committee on Health and Human Services has been engaged in a very robust, lengthy, bi-partisan discussion of this issue and I do believe that they were able to arrive at unanimous decisions as a committee, and I look forward to supporting those decisions when they come before us. What's before us today is not unanimous and, in fact, represents what I would say is less than best practices and we had the benefit of having somebody from Georgia come and join us here in the State of Maine, in a wicked snowstorm, if I remember correctly, and spoke to us about their good work, and I'm here to say that taking the easy way out and lowering standards is not best practices and it's not in the best interest of our children and it's not in the best interest of our communities or our economy. It's taking a step back. Yes, we need to do more for our childcare. We need to treat it as the honorable profession that it is. We need to allow them to earn a livable wage at the minimum, but this bill before us, as amended, is not that way, and I hope you will oppose the pending motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass Report. If you are in favor of accepting that report you will be voting yes. 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 (#549)

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

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MAKER, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: CARPENTER

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Protection and Health Insurance of Patients"

S.P. 339 L.D. 1032

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-394)**.

Signed:

Senator:
CARSON of Cumberland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Create the Hire American Tax Credit for Businesses That Hire Residents of the United States"

S.P. 643 L.D. 1744

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-395)**.

Signed:

Senator:
CHENETTE of York

Representatives:
TIPPING of Orono
COOPER of Yarmouth
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:
DOW of Lincoln

Representatives:
BICKFORD of Auburn
GRANT of Gardiner
HILLIARD of Belgrade

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This is legislation that I put in this session. Tried a different approach this time. Instead of trying to fix an issue that I think is really serious, trying to help working Mainers, small businesses in the state. Instead of trying to take away a tax incentive, I actually tried to incentivize hiring Mainers at at least 75% of your workforce. So after working with a number of people, I went to the Committee with an amendment trying to do that and what this amendment does is, that the way that we currently have the system, is that landowners have to pay a forestry excise tax, which is for forest fire prevention, for cases that there is a forest fire that there, you know, is adequate supply to try and, obviously, stop that, and landowners are in charge of paying that forest excise tax. So with this amendment what I was trying to do was to say that the landowners that made sure that 75% of the people working on their land were Maine residents, that any contractor that was working on their land not only paid workers' comp but paid unemployment benefits, and made sure that any subcontractor working on their lot was paying personal property taxes, and if they did this they wouldn't have to pay any forest property tax. We would, the State would pick up the entire amount. Now, if they wanted to continue the practices that they're doing right, that I do not believe is fair, if they wanted to continue that they could continue operating the way that they have for years and years. But in the event that they wanted to make sure that Maine residents, at least 75% of the work, and that everyone was playing on the same level playing field, then we would make sure that they didn't have to pay any forestry excise tax. A benefit. An incentive. So, once again, going to the Committee, the industry did not like that. I mean they literally said that they like the system that they're under now. Well, I'm sure they do because, in my world, it's a very unfair system. A system that allows foreign contractors to come into Maine, displace Maine contractors because they have national health insurance, they don't have to worry about workers' comp. One of the things that was very surprising to me, and I passed this around to the Chamber, Maine Revenue Services Personal Property Tax Exemption. This was actually provided to me by the Governor's Office. If you look through that, all of the contractors here in Maine, how little of amount that they pay in personal property taxes, which is very unfair because the reason that this happens is April 1st is when Maine Revenue Services collects this and, traditionally, there's very little logging going on in Maine on April 1st and most of that equipment is able to go back across the border. Even though it's worked here ten months, they don't have to pay the personal property taxes. Well, Maine loggers, Maine truckers, Maine contractors don't have that ability to shuffle their equipment across the border. They pay their personal property taxes or they get fined for it. So all this legislation is saying, which should be a very easy thing to do, is that if you're going to

work as a Maine contractor show us that you've paid your personal property tax on the equipment that you're using. I think that's a very - I mean, it's the law. You're supposed to pay that if it's here in Maine for any amount of time, not just here on April 1st. Quebec and New Brunswick does such a great job of trying to help out. We are dealing with this in other ways, but the ability to not have to worry about paying workers' comp, not have to pay health insurance, and then, on top of that, not having to pay their personal property tax is an advantage that Maine contractors are always going to have a hard time competing against. I think this is something that is common sense. It only incentivizes. Again, if people want to continue to operate under the system that they are now, there's nothing that says that they can't do that. I hear a lot about the free market, how we should just let the free market play out. Well, ladies and gentlemen, this is not a case of the free market. This is a government program that is allowing contractors into this state and, if anything, it's a free for all. You can see by that list that people are not paying their fair share of property taxes on their equipment, something that Maine contractors are never going to get out from underneath. So, again, I reject the Minority Ought Not to Pass Report because I don't see how anyone can argue that there's a fair system out there. You might not see it here in Augusta. You might not see it in some of the cities here in Southern Maine, but if you go into the north woods, the 17 million acres that is out there, this is happening on a consistent basis and that's why so many of our Maine businesses are choosing to either give up altogether or are so frustrated that, you know, they're just having a hard time to compete. So with that, I would hope you reject the Minority Report and pass the other report to help try and do something that would actually make Maine people in this state more competitive with their foreign counterparts.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session pending the motion by Senator **DOW** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board (EMERGENCY)

H.P. 1248 L.D. 1803

READ A SECOND TIME and **PASSED TO BE ENGROSSED**, in concurrence.

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

ENACTORS

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

Emergency Measure

An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds

S.P. 666 L.D. 1787
(C "A" S-375)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

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

H.P. 1246 L.D. 1801
(C "A" H-623)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Directing the Attorney General To Update the Portions of the Consumer Law Guide Pertaining to Implied Warranties

S.P. 659 L.D. 1772
(C "A" S-374)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry

S.P. 640 L.D. 1741
(C "A" S-373)

Comes From the House, **FAILED FINAL PASSAGE.**

On motion by Senator **WOODSOME** of York, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-373).**

On further motion by same Senator, Senate Amendment "A" (S-402) **READ** and **ADOPTED.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-373) AND SENATE AMENDMENT "A" (S-402), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Emergency Resolve

Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals

H.P. 1224 L.D. 1778
(C "A" H-622)

Acts

An Act Regarding the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists

S.P. 183 L.D. 565
(C "A" S-372)

An Act To Recognize the Accreditation of Certain Private Schools

S.P. 630 L.D. 1731
(C "A" S-371)

An Act Regarding Youth Hunting Day for Hunting Bear and Carrying a Handgun during the Regular Archery-only Season on Deer

S.P. 669 L.D. 1790
(C "A" S-369)

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.

Resolves

Resolve, Directing the Department of Education To Adopt Protocols Designed To Prevent Youth Suicide

H.P. 1174 L.D. 1694
(C "A" H-621)

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

Resolve, To Support Vulnerable Seniors by Funding Assisted Living Programs

S.P. 641 L.D. 1742
(C "A" S-364)

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

These matters were ordered sent forthwith.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (3/15/18) matter:

HOUSE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-618)** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

Pending - motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in concurrence

(In House, 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).**)

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to speak on this matter just to let you know the Sheriff's Association was somewhat for this but they felt that also that Sheriffs should have the say on visitations because of safety and also - especially with the opioid drug problem, drugs getting into the jails. There was one Sheriff that was opposed to this bill in York County. So I just - I feel that the Sheriffs should be able to make the decision on this and not be up to us. So that's why I would be opposed to this. Thank you.

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

Senator **LIBBY:** Mr. President, I request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **LIBBY:** Thank you, Mr. President. My impression is that the Maine Sheriff's Association was in favor of the amended bill. Is the Senator - I wonder if anybody could clarify whether the one Sheriff that was mentioned is, in fact, on the record as opposed to this amendment? Thank you, Mr. President.

THE PRESIDENT: The Senator from Androscoggin, Senator Libby, has posed a question through the Chair to anyone who cares to respond. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I've spoken to the Sheriffs and they were all onboard except for a Sheriff from York. That's from what I understood just from yesterday's discussion.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, the issue here is not whether they have the right to keep people from having in-person visitation. They already have the right to stop that if there's some abuse going on, they suspect some smuggling going on. All those things require special screening. They have special rooms in the Maine State

Prison and the Sheriff's Office for those people who can't be trusted and who need that level of security. This was more about just cutting it off completely, setting up phone to phone with a wall between you, when people aren't deserving of that kind of treatment. Those people that will soon be out in our community, needing jobs, being our neighbors, who we'd like to participate in the community and be good citizens. If we cut them off for the length of their term, and we make sure that their records follow them every day forever so they can't get a job, what would you expect them to do next? How civilized will they feel? How productive will they become? There's already a method to keep them from having in-person visitation when it needs to be used. Thank you, Mr. President.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-618) **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 Assigned (3/15/18) matter:

SENATE REPORTS - from 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

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-382)** (2 members)

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

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

On motion by Senator **COLLINS** of York, 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion before us. I apologize as I get my floor speech open. I will say this is a bill before us today that I've worked extensively with the good Senator from Cumberland, Senator Dion, with. From hearing some of the concerns from some small business owners here in Maine, we heard that concern and wanted to bring this proposal forward. So I want to talk about what this bill actually seeks to do. Under current Maine law, the number of agency liquor store licenses allowed in a municipality is limited by municipal population, and I can understand why some would want

to limit licenses by local population. That said, the current schedule creates some insurmountable barriers to entry for new businesses with a system that allows established businesses to essentially gobble up all available licenses and prevent future competition. I, personally, believe that a complete overhaul of this broken system is certainly due but, respecting the fact that we are in a short session without a lot of time to do something as extensive as that, we - the Senator from Cumberland and I, settled on a proposal that seeks to just make some very, very minor change to add some fairness to this process. This - you know, currently on the lowest end of the formula that exists for getting these agency liquor licenses, a municipality with a population of less than 2,000 is permitted one liquor store. That ratchets up in increments as population grows and caps out at 10 liquor stores in a municipality with a population greater than 45,000. That's relatively equitable for most municipalities across the state as most municipalities are well under a 45,000 population. But we do have one city in the State of Maine that is well above a 45,000 population, and that's the City of Portland. As of 2016, Portland has a population just shy of 67,000 people. That's more than 20,000 people above the current cap, and that's not accounting for the amount of people that influx into the state during vacation season, but they are treated like a municipality of 45,000 and allowed only 10 licenses. Just to emphasize how kind of absurd this current system is: imagine for a moment that Portland were split into two twin cities, like Lewiston/Auburn, representing Auburn myself. Like Lewiston/Auburn. Two twin cities side-by-side with equal population. That same region which had been allowed only 10 liquor licenses would now be allowed 18 liquor licenses, and if Portland was split into four cities that same region would be allowed 20 licenses, and if we take this point to its furthest extreme of Portland split into 33 municipalities of 2,000 people each the same region would be allowed 33 liquor licenses. But this asks the question, why should a region have fewer liquor licenses simply because the people of that region live under one single municipal government?

Now, while the releasing of additional licenses, whether eight or ten or twenty-three for Portland and additional licenses for many other large cities across the state, may be merited, this proposal before us doesn't seek to do anything of the kind. Nothing nearly so drastic. Instead all it proposes to do is to take the existing formula for how agency liquor licenses are awarded and just extend it, recognizing that we have a city in this state that is more than 45,000 people. Let's just take the formula and extend it. What it would do is add one additional liquor license for every 15,000 population above 45,000. So a municipality between the population of 45,001 and 60,000 would qualify for ten permits. A municipality between the population of 60,001 and 75,000 would qualify for eleven permits, and so on. Effectively, what would this mean? All this would effectively mean is that Portland would receive one additional liquor license. They probably deserve a lot more than that, but this is very limited in scope. So, I think of this as a simple question of fairness. I don't represent the City of Portland. I simply can look at the situation and say this is inherently unfair. You have a situation where the big guys, the big companies, have gobbled up all the licenses and the small guys who are late to the game don't have any chance to enter the market and compete. We can make this simple change and at least inject a little more equity into this process and, hopefully, at some point in the future we can come back and do a complete re-working of this formula in a way that promotes even more equity. So thank you very much and I'll take my seat.

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

Senator **DION:** Thank you, Mr. President. I'd like to thank my colleague, the Senator from Androscoggin, for his work on this issue. I was unfamiliar with the liquor industry, although I did spend a considerable amount of time regulating it as a former police officer. But the ins and outs of licensing was an education for me in this bill. Listen, it's just, as the good Senator explained, it's a matter of fairness. It's popular to talk about free markets. I'm not sure there is such a thing any more. The government has its tentacles everywhere. I think there's a legitimate basis for that, to protect the interests of consumers and participants. But this particular industry appears to be not only a monopoly but a monopoly that's protected by a state agency, a monopoly that guarantees that current participants do not have to worry about real competition from many new entrants into the market. That's why I moved this bill forward on behalf of a constituent. I couldn't see any rhyme or reason that we would allocate economic licenses to parties predicated on some fixed number of population and, more so, the good Senator outlined how that varies from size of community to size of community. It doesn't seem to make good sense. I mean, in simple numbers, Portland is allocated the same opportunity for economic activity that is allocated to Bangor and Biddeford. I think we will all agree there's a difference in size of community. So that's how arbitrary it is, and when I researched past legislative action on this so-called formula the record was pretty sparse. Many places there were just strike-outs where they changed numbers with no policy statements behind those actions. So it struck me that it's somewhat arbitrary. The Senator from Androscoggin offered this expansion to one license. I dare say, from folks that have contacted me, even that will be a sorely contested competition to acquire that one license. I think the State of Maine should be in the business of providing licensure but not be in the business of approving whether someone's business model has merit or will be successful. That issue should defer to consumers to decide. I would hope that if you believe in free market, as limited as it is, if you believe in the opportunity that anyone should be able to further their own economic interest with a business model that's sanctioned by the State but not excluding consciously by it, then you would support this. I mean, the slogan is 'We're Open for Business'. Well I can add another asterisk and maybe not. Thank you.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm a member of the Veterans and Legal Affairs Committee. We heard testimony and the committee vote was 11-2. Eleven obviously being for Ought Not to Pass, for a good reason, looking for a special exemption for one business in the City of Portland. The current system that we have now works, has worked for many years. Now we're expected to make an exemption. Well, I believe in the current law. I think it works. I just might further add that when we come down to the end of session, when we're fast approaching it, we rely a lot on the committee reports because there's so much being thrown at us all at the same time, and when you get a committee report of 11-2 we should say, 'Well, they were there. They listened to the testimony, discussed the bill amongst themselves in work

sessions. They must know what they're doing.' So I hope you follow my light and vote in opposition to the current motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. With all due respect to my good friend and colleague from York County, he says that the system works but I haven't heard explained why does that system work. Why are we saying the system works where the formula ends more than 20,000 people less than the biggest city in the State of Maine? Why do we want to have a formula in place that doesn't recognize we have cities bigger than the formula? That simply doesn't make sense to me. I think that - I've not, through this whole process, I have not heard that justified even once. I sat through the public hearing. I sat through multiple work sessions. Never once did I hear that justified. If there's a common sense reason for this I wish someone would explain it to me, but I have not heard a common sense reason for this. We're not saying - there's no special exemption being given to anyone, as my colleague from York County said. There's no special exemption being given to anyone in this bill. All we're doing is saying, recognizing Portland is bigger than the formula. Let's extend the formula. Let's recognize they're a bigger city and let's award them liquor licenses accordingly. This isn't turning anything on its head. It's actually doing honor to the formula that currently exists and just extending it. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. Is the Senate ready for the question? You'll be voting yes if you want to accept the Minority Ought to Pass Report. You'll be voting no if are opposed. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#550)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHIPMAN, CUSHING, DESCHAMBAULT, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, KEIM, LANGLEY, MAKER, MASON, MILLETT, MIRAMANT, VITELLI, VOLK, WHITTEMORE, WOODSOME

NAYS: Senators: CHENETTE, COLLINS, CYRWAY, DAVIS, DIAMOND, HAMPER, LIBBY, ROSEN, SAVIELLO, PRESIDENT THIBODEAU

EXCUSED: Senator: CARPENTER

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-382) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Ensure the Continued Provision of Services to Maine Children and Families (EMERGENCY)

H.P. 1307 L.D. 1874

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

Bill "An Act Regarding Financial Orders Requested by the Attorney General"

H.P. 1308 L.D. 1876

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

On motion by Senator **KEIM** of Oxford, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Enhance and Increase the Availability of Mental Health Providers in Maine" (EMERGENCY)

H.P. 1311 L.D. 1879

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

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

Bill "An Act To Expand the Areas Subject to Municipal Residency Restrictions for Sex Offenders"

H.P. 1309 L.D. 1877

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

Sent down for concurrence.

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

Bill "An Act To Increase the Annual Salary of the Governor and To Increase the Per Diem Meal and Housing Allowances Paid to Legislators"

H.P. 1310 L.D. 1878

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

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

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, March 27, 2018 at 10:00 in the morning.