

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session
beginning January 3, 2018

beginning at Page 1451

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE**

In Senate Chamber
Tuesday
March 27, 2018

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

Prayer by Pastor Chad Colburn, South Liberty Baptist Church.

PASTOR COLBURN: Father I thank You for the opportunity to be here today. You have said in Your word that we should pray for those leaders in our nation, our State. I thank You for these here today who have worked so very hard to study issues, to listen to all sides, and Lord I pray that You give them Your wisdom in every decision made. I pray You give them great grace and strength as there is a great deal of work yet to be done. Lord I pray that You protect them as well and look after the needs of their families while they are away. Father I thank You for our country, for our state. I pray Lord that You would bless us as we follow Your ways and Your wisdom. In Jesus's name, Amen.

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

Reading of the Journal of Thursday, March 22, 2018.

Doctors of the day, Kevin Fickenscher, M.D., and Michael McCarten, D.O., of Kittery Point.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

H.P. 1309 L.D. 1877

In Senate, March 22, 2018, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Senator **DAVIS** of Piscataquis moved the Senate **RECEDE** and **CONCUR**.

Senator **DIAMOND** of Cumberland requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session pending the motion by Senator **DAVIS** of Piscataquis to **RECEDE** and **CONCUR**. (Roll Call Requested)

Off Record Remarks

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

ORDERS

Joint Order

The Edward Little High School Girls Varsity Basketball Team, of Auburn, which won the Class AA State Championship. Members of the team include Grace Beaudet, Taylor Depot, Lauren Jutras, Julia Milks, Piper Norcross, Grace Fontaine, Jade Perry, Mikaela Scott, Hannah Chaput, Caroline Hammond, Chantel Ouellette and Emily Piper; assistant coaches Dawna Daigle and Emily Hartnett; and head coach Chris Cifelli. We extend to all the members of the team our congratulations and best wishes;
SLS 766

Sponsored by Senator **BRAKEY** of Androscoggin. Cosponsored by Representatives: **BICKFORD** of Auburn, **ESPLING** of New Gloucester, **MELARAGNO** of Auburn, **SHEATS** of Auburn.

The Joint Order was **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. Good morning ladies and gentlemen of the Senate. I rise this morning to congratulate both the Edward Little Girls' and Boys' Basketball Teams for winning the Class AA State Championships this year. It is a special honor to be able to recognize not just one of these teams but both of these teams on their accomplishments today. The Red Eddies Boys' Team beat Scarborough 41-36 in the Class AA Final, their first boys' basketball state title in seventy-

two years. Ibn Khalid was the standout for Edward Little, with sixteen points this game. But the whole team worked together to end the night as State Champions. Earlier that same night, the Red Eddies Girls' Team won their first ever State Championship defeating the two-time defending champions. Grace Fontaine hit the tiebreaking free-throw with 0.3 seconds remaining to lift Edward Little to a 50-49 victory over Gorham in the Class AA Girls' Basketball State Championship Team. I will just say as an aside, you know, Senator Volk from Cumberland has had the opportunity to bring the basketball team and sports teams from her district so often I'm so proud of the Auburn teams for the defeats they gave them in Scarborough and Gorham, though it sounds like they were very, very hard won. But I am proud to represent such dedicated students, athletes and their coaches. This basketball season is one that will be remembered for years to come by both teams, and I am pleased to have both the girls' and boys' basketball teams joining us here in Augusta today. Thank you, Mr. President. If we could all give a round of applause for both teams up in the gallery.

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

Senator **LIBBY:** Thank you, Mr. President. I rise simply to state that it wasn't long ago that Lewiston and Auburn were such fierce competitors in athletics that fights would often break out on the Veterans Memorial Bridge that crosses the mighty Androscoggin, just below the Great Falls. Times have changed. We are a much more integrated and supportive communities. As a Senator representing the City of Lewiston, I rise to congratulate all the Edward Little athletes who are here today. Thank you, Mr. President.

The Joint Order was **PASSED.**

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 912

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Nils R. Whitman Jr. of Marshfield for appointment as a member of the Washington County Development Authority.

This nomination is currently pending before the Senate for confirmation.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 913

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

March 21, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Peter M. SeeHusen of Corinna for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 914

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

March 21, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Jack Witham of Arrowsic for reappointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 918

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Brent A. Davis, Esq. of Skowhegan for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 919

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Tammy Ham-Thompson, Esq. of Gardiner for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 920

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Stephen D. Nelson, Esq. of Houlton for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 921

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Lea-Anne Sutton, Esq. of Gorham for appointment as a Judge to the Maine District Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 922

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Judge André G. Janelle of Saco for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 923

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Judge Bernard G. O'Mara of Dyer Brook for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 924

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

March 22, 2018

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

Dear President Thibodeau:

This is to inform you that I am today nominating Judge Patricia G. Worth of Belfast for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 916

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

March 22, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 1860 An Act To Prepare All Students for Work and Life by Requiring that Students Receive Instruction in Vocational Preparation and Practical Life Skills

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley Senate Chair	S/Rep. Tori P. Kornfield House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 917

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

March 20, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 1752 An Act To Amend the Laws Governing Pilotage Requirements for Passenger Ferry Service between Maine and Nova Scotia

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins Senate Chair	S/Rep. Andrew J. McLean House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 915

**STATE OF MAINE
128TH L
MAINE SENATE
SECRETARY'S OFFICE**

March 22, 2018

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

Dear President Thibodeau:

Pursuant to Joint Rule 310, the Joint Select Committee on Marijuana Legalization Implementation has approved the requests by the following sponsors:

Representative Blume of York, to report the following "Leave to Withdraw":

- L.D. 734 An Act Extending the Time Period for Municipalities To Approve Marijuana Businesses;

Representative Beebe-Center of Rockland, to report the following "Leave to Withdraw":

- L.D. 1197 An Act to Support Substance Use Disorder Prevention, Treatment and Recovery;

Representative Martin of Sinclair, to report the following "Leave to Withdraw":

- L.D. 1209 An Act To Reserve for County Government One Percent of the Excise Tax Revenue from the Sale of Retail Marijuana;

Representative Jorgensen of Portland, to report the following "Leave to Withdraw":

- L.D. 1596 An Act To Establish the Cannabis Advisory Commission;

Representative Handy of Lewiston, to report the following "Leave to Withdraw":

- L.D. 799 An Act To Protect Landlords and Tenants from the Deleterious Effects of Marijuana Use (EMERGENCY);
- L.D. 301 An Act To Protect Children from Marijuana Sales by Prohibiting Retail Marijuana Establishments and Social Clubs near Schools (EMERGENCY);
- L.D. 625 An Act To Prohibit the Location of a Marijuana Facility within 2,000 Feet of a House of Public Worship or Property Associated with a House of Public Worship;
- L.D. 627 An Act To Establish a Data Collection Program To Monitor Effects of Marijuana Regulation (EMERGENCY);

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta. ME 04333-0003

Dear Secretary Priest,

Please find enclosed a certified copy of the proclamation referring the People's Veto of "An Act To Implement Ranked-choice Voting in 2021" to the electors at the statewide election to be held on June 12, 2018. A copy of the determination of this petition is also enclosed.

Sincerely

S/Matthew Dunlap
Secretary of State

Representative Harvell of Farmington, to report the following "Leave to Withdraw":

- L.D. 798 An Act To Clarify the Intent of the Licensing Provisions in the Marijuana Legalization Act;
- L.D. 498 An Act Regarding Marijuana Licensing;

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

The Following Communication: H.C. 468

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

March 22, 2018

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass as Amended Report of the Committee on Insurance and Financial Services and Passage to be Engrossed as Amended by Committee Amendment "A" (S-353) on Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery (S.P. 155) (L.D. 453)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

Sincerely,

S/ Heather J.R. Priest
Secretary of the Senate

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

The Following Communication: S.C. 925

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

March 22, 2018

The Following Communication: H.C. 458

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

March 13, 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 1476, "An Act To Ensure Continued Coverage for Essential Health Care."

This bill presupposes that we have a crystal ball with which to foresee the future of health care in Maine. Speculation, especially in health care, rarely produces good results. Moreover, without knowing what economic and federal regulatory conditions will drive health policy in the future, it would be imprudent to limit the discretion of policy makers.

In passing this bill, the legislature decided to ignore our current challenges and worry about possible future policy issues, proving—yet again—that their priorities are misplaced.

I stand by my opposition to the Affordable Care Act. I will not sign into Maine law the same provisions that have made the Affordable Care Act a disaster at the federal level.

For these reasons, I return LD 1476 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 Continued Coverage for Essential Health Care
H.P. 1015 L.D. 1476

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

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

Senate at Ease.

The Senate was called to order by the President.

SENATE PAPERS

Bill "An Act To Create a Community Protection Order To Allow Courts To Prevent High-risk Individuals from Possessing Firearms"

S.P. 719 L.D. 1884

Presented by Senator DION of Cumberland.
Cosponsored by Speaker GIDEON of Freeport and Senators: HILL of York, KEIM of Oxford, VOLK of Cumberland, Representatives: BICKFORD of Auburn, MALABY of Hancock, O'CONNOR of Berwick, TALBOT ROSS of Portland, VACHON of Scarborough.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **TRANSPORTATION** on Resolve, To Designate a Bridge in Gorham the Corporal Joshua P. Barron Memorial Bridge

H.P. 1260 L.D. 1818

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

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

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

Under suspension of the Rules, Resolve **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish as a Class D Crime the Intentional Photographing of a Minor without Consent of the Minor's Parent or Guardian by an Individual Required To Register as a Sex Offender"

H.P. 1258 L.D. 1813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-656)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-656)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-656) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fund the Reorganization of the Department of Public Safety, State Bureau of Identification" (EMERGENCY)
H.P. 1293 L.D. 1855

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-658)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-658) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Qualifying Medicaid Recipients To Hire Relatives and Legal Guardians for Consumer-directed Attendant Services"
H.P. 1188 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-664)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-664)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-664) **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 **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
H.P. 1145 L.D. 1660

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-655)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-655)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-655) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Define the Age of Consent for Alcohol or Drug Treatment and Mental Health Services"
H.P. 826 L.D. 1189

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

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
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" (H-662)**.

Signed:

Senator:

HAMPER of Oxford

Representative:
SANDERSON of Chelsea

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Maine's School-based Health Centers" (EMERGENCY)

H.P. 1190 L.D. 1710

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-635)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
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 Not To Pass**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
SANDERSON of Chelsea

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-635) AS AMENDED BY HOUSE AMENDMENT "A" (H-667)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-635) **READ**.

House Amendment "A" (H-667) to Committee Amendment "A" (H-635) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-635) as Amended by House Amendment "A" (H-667) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-635) AS AMENDED BY HOUSE AMENDMENT "A" (H-667)** thereto, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Housing Support in the Bridging Rental Assistance Program"

H.P. 1193 L.D. 1713

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-663)**.

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 Not To Pass**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

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

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-663)**.

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **VOLK** of Cumberland, **TABLED** until Later in Today's Session pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Off Record Remarks

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Opportunities for Moose Permit Winners To Swap Their Permits"
H.P. 446 L.D. 630

Reported that the same **Ought to Pass as Amended by Committee Amendment "C" (H-660)**.

Signed:

Senators:

- CYRWAY of Kennebec
- CARPENTER of Aroostook
- WOODSOME of York

Representatives:

- DUCHESNE of Hudson
- ALLEY of Beals
- LYFORD of Eddington
- MASON of Lisbon
- NADEAU of Winslow
- REED of Carmel
- STEARNS of Guilford
- THERIAULT of China
- WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "D" (H-661)**.

Signed:

Representative:

- HARLOW of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-660)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-660)**.

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-660)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "C" (H-660) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-660)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services (EMERGENCY)
H.P. 1257 L.D. 1812

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-657)**.

Signed:

Senators:

- KEIM of Oxford
- HILL of York
- WHITTEMORE of Somerset

Representatives:

- MOONEN of Portland
- BABBIDGE of Kennebunk
- BAILEY of Saco
- CARDONE of Bangor
- GUERIN of Glenburn
- McCREIGHT of Harpswell
- RECKITT of South Portland
- SHERMAN of Hodgdon

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

Signed:

Representatives:

- BRADSTREET of Vassalboro
- JOHANSEN of Monticello

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-657)**.

Reports **READ**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-657) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage" (EMERGENCY)

H.P. 1210 L.D. 1757

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

Signed:

Senator:
BELLOWS of Kennebec

Representatives:
FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-666)**.

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

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

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, **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 Expand Job Opportunities for People Working in Maine"
H.P. 1203 L.D. 1723

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

Signed:

Senators:
DOW of Lincoln
CUSHING of Penobscot

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-654)**.

Signed:

Senator:
CHENETTE of York

Representatives:
TIPPING of Orono
TEPLER of Topsham

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide a Source of Revenue To Preserve the Integrity of Maine's Transportation Infrastructure"

H.P. 1219 L.D. 1765

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

Signed:

Senators:

DOW of Lincoln
CHENETTE of York

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
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 To Pass as Amended by Committee Amendment "A" (H-659).**

Signed:

Senator:

CUSHING of Penobscot

Representative:

POULIOT of Augusta

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Transfer Funds to the Maine Clean Election Fund To Provide Adequate Funding for Maine Clean Election Fund Candidates"

H.P. 1226 L.D. 1780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-665).**

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
HANINGTON of Lincoln
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
WHITE of Washburn

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-665).**

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion and in opposition to this legislation before us in the boldest possible terms. This program, taxpayer financed partisan political campaigns, is one of the clearest failures and clearest examples of government waste in the entire state budget. We may call it by a propaganda term irresponsibly codified into state law, Clean Elections, but we must ask ourselves the question: has it actually, in any measureable way, made our elections any cleaner. By every single measurable standard the answer is no. Is less outside money coming into our state elections since the advent of this program? No, actually more outside money is coming in than ever before. But at least there is more transparency about this outside money, right? No, not that either. As outside money now flows not directly to candidates in ways that are easily traced and documented but instead to PACs and political parties who use these same funds to support these same candidates through independent expenditures. But now there is a wink and a nod. Everyone knows who's supporting them but the people don't get to see it as transparent. Instead of cleaner elections we see millions in taxpayer money wasted every single year on yard signs, junk mail, t-shirts, robocalls and campaign celebrations. With such a clear record of failure why do we

continue shoveling money into this failed program? At a time of waitlists and shortfalls in welfare programs for our most severely needy, our seniors and those with intellectual disabilities, why is it that we seem to experience waitlists and shortfalls in our welfare for politicians programs. Why are waitlists and shortfalls for politicians not acceptable, but waitlists and shortfalls for our most vulnerable is just business as usual here in Augusta? Why every single year do we prioritize our desire to have taxpayer money to run our political campaigns over the needs of our most vulnerable Mainers? I cannot in good conscience support this legislation and every single year that I have been here to see the priorities that we have set with this program over so many more important needs for the people of Maine, I think it's shameful. And I will be voting to adopt the Ought Not to Pass Motion.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am not in the least bit ashamed of my vote today and I will vote to oppose the pending motion. Maine Clean Elections Act was passed not once but twice by the voters of the State of Maine. They said very clearly that they want more and more of our candidates to be publically funded. I have some strong feelings about this issue; very strong feelings about this issue and what it might mean to our nation were it to be adopted on a national basis. But there's way too much money in the system to allow that to ever happen. Every year we see a tense to repeal or gut the Maine Clean Elections Act. I wonder how many of us or how many of our political allies have ever gone around in a campaign and say, "I am running because I really want to represent Big Pharma" or "I really want to represent the insurance companies." Those are the folks I want to go down there and fight for. When I campaigned, I like to tell people I would like to go to Augusta and support the citizens of my district. So why should not the citizens of my district and why should not the citizens of the State of Maine finance that? There may well be money coming in, I don't know where it comes from. I don't know if it's being used by some political action committee on my behalf. I have no control over that. I am not allowed to and that's as it should be. I know one thing. Once I qualify as a Maine Clean Elections candidate I am not allowed to take any money from anybody else and that's the way it should be. If I am running to represent the people of Maine, I should be financed by the people of Maine. You could call it welfare for politicians if you want. I am delighted that we have at least three candidates for governor in this cycle running at clean elections candidates. I think that's the first that we had that many. We also had, if you go on the Maine Ethic's website, you will see a majority of legislative candidates of both parties I believe, I haven't done the math but I believe, of both parties taking advantage of this grassroots law that has served us so well. And it's a model and people from across the country know it to be a model. So I'd ask you to please to vote against the pending motion. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise also in opposition to the motion. My good colleague from Androscoggin has made an eloquent argument if

the bill before us were to repeal the Clean Elections program. I would vote with him on that motion, but that is not the motion currently before us nor is this a motion about the impact of outside money on Maine Elections, which is shameful and which we simply can't seem to get our arms around particularly because of the Citizens United Case. But what this is is a motion to appropriately fund the Clean Elections Program going forward. So whether you like the law or you don't like the law it is the law and we are going to have expenses to fund the Clean Elections candidates in this next election cycle. How do we know how much money we are going to need? Well for me, as I have sat on the Appropriations Committee, the best source for good information to answer that question has always been the director of the Ethics Commission and the Clean Election's Fund who does this for a job. He is something of an accounting wonk for those of you who have met him and he has made predictions over the years about what he thought the fund was going to get charged with in any particular election cycle and he has been pretty darn accurate, I think more accurate than anybody else that I have heard. So we got this director telling us that we are likely to need up to \$700,000 in the next cycle given the number of Clean Election legislative candidates and gubernatorial candidates we have. We can err on the side of caution and appropriate the money he says we are going to need. What is the downside to that? The downside is that if the money doesn't get used we can sweep it back as the Appropriations is so good at doing. The downside of not appropriating the money is that we will end up with chaos come October and the fund runs out of money and then the Clean Election Fund has to figure out what are they going to do. Are they going to ration it? Is it going to be first candidate in gets the money, second candidate sorry the money is gone? Is it going to be somehow prorated? It's going to cause real confusion in the middle of an election cycle. So I hope that our colleagues will join us in voting against the pending motion. It's not going to change by one penny what the real cost of this program is but at least let's fund it and avoid the chaos that might result otherwise. Thank you, Mr. President.

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

Senator **MAKER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm, in support of this motion and you may ask why. Because I have been saying from the very beginning that Clean Elections is a great program and I still believe it is. But they are giving out way too much money for candidates. We are wasting money that people can use. I return money, and I bet you all have returned money to them when you have used the campaign. I complained about it when they upped the cost of giving money out and they said well they devaluated it. Have they evaluated it? It's way too much money for people just to throw away and to use in political campaigns when we can do something really good with this. I believe in the program. I think we need to look at it and we need to revise the amount of money people get. It's just way too much money. Thank you, Mr. President.

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 agree with my colleague

from Kennebec, Senator Katz. The argument before us is not do you like clean elections nor is it a beneficial program. The agreement in front of us is does the fund need more money. When Director Wayne came to the Veterans and Legal Affairs Committee he laid out a bunch of different scenarios whereby he thought how many people might qualify for clean elections for the 2018 election cycle and that was candidates for governor, legislature and he laid out what he thought it would be. That was before the filing deadline. Now we know how many people are going to sign up for clean elections on all different levels. The case was not made to me then and it's more clear to me now that the fund does not need \$700,000. The fund can operate with the money that it has for it right now. So the motion in front of you is the Ought Not to Pass, a straight appropriation of \$700,000. The fund, in my opinion as Chair of the Veterans and Legal Affairs Committee does not need the money. It can operate under what it has right now. So I would ask that you support the Ought Not to Pass motion.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion. Having heard the discussion here I still have the opinion, and it's been my impression with talking to Mr. Wayne that we have to have this as a background, as a reserve fund for the Clean Elections. I have to say that getting those \$5 contributions is a lot of work. It is a lot of work. You see a lot of people and you have to ask them for money. I am happy to be able to ask them for \$5 as opposed to \$1,000 or \$10,000 which is what has happened in Washington. I think it is absolutely imperative that we maintain the integrity of this program and I think this is the way to do it. I would urge people to vote against the pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. Hearing some of the arguments here I just want respond with this. I hear the argument we must appropriately fund the Clean Elections Program. We don't want to have shortfalls. We don't want to have chaos. I come back again to this question and I hope that we all ask ourselves this question as we are pushing our button. When will we appropriately fund our Section 21 waitlist? \$700,000 is the fiscal note for this bill. If you were to take that \$700,000 and put it towards the Section 21 waitlist, that's \$2.1 million.

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

Senator **LIBBY:** Mr. President I am confused as to what the Section 21 waitlist has to do with our pending motion.

THE PRESIDENT: The pending motion before the Senate is Ought Not to Pass. I have given great deal of latitude as we have discussed the bill over and over. But really the motion before the Senate is Ought Not to Pass and we ought to be discussing exactly that. But I have given a great deal of latitude to the entire Senate. Senator may proceed.

Senator **BRAKEY:** Thank you, Mr. President. I will make it very brief and sit down. When we talk about the chaos that could ensue if there are shortfalls, and we have heard from senators who sit on the Committee who are convinced that the possibility of a shortfall is not really within the realm of possibility. That said I worry about the chaos that results for the ID population when elderly parents can no longer take care of their kids and there is no reserve fund for them. \$700,000 is what we are talking about appropriating in the off case that something is needed which we are hearing may not be needed. That \$700,000 could do a lot for a lot of our most vulnerable Maine people and I hope we consider that as we press our button.

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

Senator **CYRWAY:** Thank you, Mr. President. Just have a question to the Senate.

THE PRESIDENT: The Senator may proceed.

Senator **CYRWAY:** Just would like to know if we currently heard from Jonathan Wayne if we do need this or not, just because of knowing where we are at now.

THE PRESIDENT: The Senator from Kennebec, Senator Cyrway has requested or posed a question through the Chair for anyone who may have the information. The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Mr. President. I wish to answer the Senator from Kennebec's question. He can go to the State website and look at the testimony provided by Jonathan Wayne under multiple scenarios.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, that it comes up as a question also but it begins with the hearings that started with \$1.7 million but then as things were looked at the number was reduced. I know Mr. Wayne is very frugal and runs the program in the tightest way that I would ever want someone to do. In fact sometimes when they are looking at my stuff I appreciate how tight they keep things because I know that someone who isn't watching as closely as me will not have room to make a big error with these funds that are so important. They come right out of people's pockets. So the question comes down to is he responsible, is he the person that is looking at every detail and then deciding that we need to the money. Now as it gets filtered through the Committee sometimes things don't get communicated well. Sometimes they get lost in translation. But there's that person working with it on a day to day basis who is doing a wonderful job with the program that could have a lot more attacks on it if it was run sloppily, and then he comes and he says with revised information that we need this amount of money. Well if we decide that this motion is the way to go and we kill it, this issue is about this election cycle coming up now. We will be gone in a month, but that election will keep going on. Some very good people will be running expecting that money and what if we are wrong and that money is not there.

And there is some other ways that money has been, I guess the word would misappropriate would be misconstrued. So has been used for hoarding and some other things where we could be expanding programs and we could be funding this wonderful program. And also, so we won't be here to make it up if Jonathan's right, he will have nothing work with. Some failed hopes and dreams will just be dashed because they don't have the funds to run against people spending unlimited amounts of money, which we do need to address. And we will remove a tool for him. So the question is is there any other way that he could make up that money in the upcoming election which wouldn't need to go through the legislature. I believe the answer is no, and if it is no or it can't be answered then I'm going to not support this motion and move that we support the director of the program we put in place.

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

Senator **CHENETTE:** Thank you, Mr. President. I would just like to point that, you know, it is one thing to talk about trying to reduce the influence of money on politics. It is another thing to vote against common sense measures to do just that. To me actions speak a heck of a lot more than words. But in direct reference to the good Senator from Androscoggin we heard that we can't afford this particular measure, and I believe that is a false narrative, so I would like to pose a question to the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **CHENETTE:** I would like to ask if anybody cares to answer what is our current surplus that we have for the budget.

THE PRESIDENT: The Senator from York, Senator Chenette has posed a question through the Chair for anyone who cares to respond. The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. Chair. I would like to answer the Senator's question.

THE PRESIDENT: The Senator may proceed.

Senator **BREEN:** Thank you, Mr. President. At the moment our projected revenues are about \$130 million.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#551)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, HILL, KEIM, MAKER, MASON, SAVIELLO, VOLK, WHITEMORE, PRESIDENT THIBODEAU

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-665) **READ** and **ADOPTED**, in concurrence.

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

Senate

Pursuant to Joint Rule

Senator KEIM for the Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts"

S.P. 720 L.D. 1885

Reported that the same be **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, pursuant to Joint Rule 353.

Report **READ**.

On motion by Senator **KEIM** of Oxford, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Ought to Pass

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund"

S.P. 703 L.D. 1858

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

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

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Permits for Burial of Cremated Remains" (EMERGENCY)

S.P. 701 L.D. 1856

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

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

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Ought to Pass As Amended

Senator DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands"

S.P. 668 L.D. 1789

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-416)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-416) **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 DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing the Issuance of Burn Permits"

S.P. 678 L.D. 1809

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-417)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-417) **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 ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"

S.P. 690 L.D. 1838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-419)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-419) **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 WOODSOME for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Fairness among Large Consumers of Natural Gas"

S.P. 267 L.D. 822

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-400)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-400) **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 Increase Access to Child Care"

S.P. 124 L.D. 383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-408)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-408) **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 VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers"

S.P. 231 L.D. 669

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-399)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-399) **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 VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act"

S.P. 314 L.D. 958

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-401)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-401) **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 DAVIS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Revise the Municipal Consolidation Referendum Process"

S.P. 692 L.D. 1840

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-418)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-418) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Forbidding Food Shaming, Food Denial and the Use of Food as Discipline Involving Any Child in Maine's Public Schools"

S.P. 620 L.D. 1684

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-413)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
TURNER of Burlington

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-413) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Requirements for Water Testing for Schools" (EMERGENCY)

S.P. 20 L.D. 40

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-406)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
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 Not To Pass**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
SANDERSON of Chelsea

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Reimbursement for Child Care Services"

S.P. 58 L.D. 166

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-407)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
CHACE of Durham
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 Not To Pass**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Quality of and Increase Access to Recovery Residences"

S.P. 618 L.D. 1682

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-411)**.

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 Not To Pass**.

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 NOT TO PASS** Report.

On motion by Senator **BELLOWS** of Kennebec, 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, as all of us are too well aware drug overdoses in 2017 reached an all-time high. The epidemic seemed to grow worse each day. Drug overdose deaths averaged in Maine averaged more than one person per day. President Trump has declared the opioid epidemic a public health crisis. It's certainly an emergency situation and we must try to expand treatment options, ensure that those options are safe and effective. This past summer a constituent approached me about proposing legislation to ensure that Mainers who do the hard work of detoxing from an opioid addiction and decide to stay on the path to recovery are safe when they sign up for and move into a recovery residence. After meeting with him and learning more about recovery residences, I knew I had to act. Too many people get out of detox and have nowhere to go but back to the living and social situations they were in before making it harder for them to resist the relapse of their substance use. Some of those people may also want or need the additional support a recovery residence offers. There're remarkable recovery residence in our state doing important hard work to help people in their path to recovery and we should provide options for more people to access those legitimate recovery residences. At the same time there are unscrupulous individuals who may take advantage of a family or an individual's desperation. In researching what's happened nationally I discovered that in some states due to the lack of standards for recovery residences there has been tragedy. Within the last year overdose deaths in Florida, New York and Pennsylvania were attributed to living situations that were billed as recovery residences but turning out to be unsafe and exploitative environments that took advantage of individuals and families seeking help. By taking action this year we can help individuals and families on the path to recovery and avoid tragedy. This bill is backed by the Alliance for Addiction and Mental Health Services, the Maine Association of Recovery Residences, and Community Housing of Maine among others. We know that ending the epidemic will not happen with any one bill on its own. LD 1682 is part of a larger solution, ensuring that people have access to quality recovery residences is vital. I urge you to follow my light to help ensure quality and access of recovery residences in our State. Thank you.

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

Senator **GRATWICK:** Thank you very much Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion. I think you are all aware there were three Senators, and I was one, who were part of the Opioid Task Force. This is one of our strong recommendations and the reason is very obvious. If you have a problem with substance abuse returning to the same home, the same environment, where you started out is not going to help you out. It is very important that people have housing. We talked about this hub and spoke, and this affordable, clean housing is essential as one of the spokes. This is a recommendation of our task force. It was supported by, as it's been said, the Department of DHHS here, the Finance Authority of Maine, Maine Real Estate and Development Association, Maine Association of Recovery Residences, a representative of Treatment Providers, Housing Services, Affordable Housing Developers, and the Recovery Community. In other words widespread support. This is a commonsense, very appropriate way if we want to both safe money and safe lives. I would ask that you will follow my light. 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 Ought Not to Pass Motion and I want to clarify exactly what it is that this bill does because I am hearing some of the arguments and it sounds to me if I just hear those arguments it sounds like if you support recovery residences you have to vote against this motion. You have to support this bill. That argument doesn't make sense to me. I think that we should really get to what this bill does. Well first of all, let's start with what this bill doesn't do. This bill doesn't appropriate any money towards recovery residences. This bill doesn't do anything to expand access to recovery residences. In fact my colleague from Kennebec County said that we want to expand treatment options. Well if we want to expand treatment options we need to reject this bill because this bill puts us on a path towards limiting and narrowing treatment options. What this bill does is it takes the standards of a private organization for recovery residences and adopts those standards as standards under state law. Now we are told that those standards will be voluntary standards that we are not making these mandatory but we are going to have these standards under state law and have them as voluntary guidelines for people to follow. Of course I look at this and I am a little skeptical because I look at government and I don't think that government is usually in the business of doing things that are voluntary. Government is in the business of doing things that are mandatory and I look at this and it seems to me about getting the camel's nose under the tent so you can get a full camel in there and before you know it we are going to have these mandatory standards from this private organization imposed on the entire industry. And the problem with having these mandatory standards is this private organization already certifies recovery residences. There is no reason that an existing recovery residence can't go to this private organization and demonstrate that they need these voluntary standards and be able to advertise to people who are looking for services, say we meet these very high standards and that's the reason you should come to us. But the problem is if we move in this direction of mandatory one-size fits all standards that limits the options that are available to people and what kind of treatment models might work best for them. I don't think that all

of us, the thirty-five of us here in this Chamber voting on this issue, can say with 100% certainty what model, what single one-size fits all model, is going to work best for every single person struggling with opiate addiction as they are seeking to get help. And I want to have more options available to people. More diversity in models available to people, not a one-size fits all model that we are pushing from the top down and if you think that we should have a diversity in models available and not a one-size fits all, then I invite you to join with me in supporting the Ought Not to Pass motion before us today. Thank you very much.

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

Senator **DILL:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I also was on the Opioid Task Force and I would like to stand here and read all 125 pages of the report to you. Just seeing who is paying attention. I chaired the subcommittee on Treatment and Recovery which included eight recommendations. I just want to summarize one and that was that we would support the development of recovery housing that meets the standards of the Maine Association of Recovery Residences to serve people in recovery and that we request by letter that the Maine State Housing Authority convene a work group to develop a certification process for recovery housing and to explore available funding resources and report quarterly to the LCRED and HHS Committees for one year beginning on March 1. And I think this bill here that we have in front of us starts us along those ways and as my good Senator to my right, Senator Gratwick, said the task force supported this bill as did, of course, my subcommittee on Treatment and Recovery. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I rise to take issue with my good friend from Androscoggin. I have to take issue with a couple things that he just talked about because I think it's absolutely important that we have this optional system that the state oversees to make sure housing arrangements are safe, that housing facilities for those seeking treatment, coming out of treatment are safe. I visited sober houses in my district and the ones that I visited were run very well, but I also know that there are some that are not run very well and I think that's an important aspect of the bill. I think the other aspect that is also very important is the \$100,000 that this bill commits. Not a lot of money, but some money towards this pilot project, helping people get into sober living. Unfortunately there is a higher than it ought to be percentage of relapse in people that are seeking treatment that unfortunately end up getting back into using drugs and substances. One thing that we can do right now today by defeating this motion is help people avoid relapsing by giving them a safe, sober place to live when they come out of treatment. If they don't have a safe, sober place to live and they go back to their old living arrangement where there's drugs being used it's a high likelihood they are going to start using drugs again. So why don't we commit this \$100,000 to this pilot project by voting against this motion so we can help people who have no other options get into sober living after treatment so they can be successful. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be brief. Again I just ask the question if the aim is for it to be optional, why have government do it especially when you already have private organizations that are making available this optional program for people to get certified under this private organization. Government is not in the business of doing things that are voluntary. Government is in the business of doing things that are mandatory. If the real goal is to have these optional standards, we're already there. We already have it. It already exists. This bill is unnecessary and more than unnecessary I think it leads us down a counterproductive path.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when appropriations matters or programs newly designed or continuing old designs are before this body we often hear we need to save our money for those programs that will help people who are acutely at risk. Those people who most need it. We've heard that from our Chief Executive many times and we heard that again this morning from the good Senator, Senator Brakey. I think we all are well aware of the toll that the opioid crisis is taking on the men and women and children, newborns whose mothers are abusing drugs. We are all well aware of the toll that that is taking. This bill helps to set up and ultimately I believe to expand a program as Senator Bellows, the good Senator from Kennebec, described for safe places for recovering addicts to live so that they don't go back into substance abuse, so that they don't become casualties and so that they can once again become productive, self-respecting, independent members of our communities. I urge you to vote against the pending motion and to support this program so that those who worked hard on the Opioid Task Force, those who work in our communities to help rehabilitate people who are addicted to drugs can do their jobs and we can begin to end the opioid epidemic in our state. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. A Roll Call has been ordered. If you are in favor of accepting the Ought Not to Pass 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 (#552)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KEIM, MAKER, MASON, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator BRAKEY of Androscoggin to ACCEPT the Minority OUGHT NOT TO PASS Report FAILED.

The Majority OUGHT TO PASS AS AMENDED Report ACCEPTED.

Bill READ ONCE.

Committee Amendment "A" (S-411) READ and ADOPTED.

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

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Allow Credit and Debit Card Surcharges"

S.P. 222 L.D. 660

Reported that the same Ought Not to Pass.

Signed:

Senators:

WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
SANBORN of Portland
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-403).

Signed:

Representative:

PRESCOTT of Waterboro

Reports READ.

On motion by Senator WHITTEMORE of Somerset, the Majority OUGHT NOT TO PASS Report ACCEPTED.

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers" S.P. 532 L.D. 1507

Reported that the same Ought to Pass as Amended by Committee Amendment "B" (S-405).

Signed:

Senators:

WHITTEMORE of Somerset
CARSON of Cumberland

Representatives:

LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

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

Signed:

Senator:

DOW of Lincoln

Reports READ.

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

ROLL CALL (#553)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law"

S.P. 656 L.D. 1769

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of 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-404).**

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

Reports **READ.**

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-404) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

Off Record Remarks

Divided Report

Seven members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget"

S.P. 625 L.D. 1689

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-414).**

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senator:

LANGLEY of Hancock

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-415).**

Signed:

Senator:

MAKER of Washington

Reports **READ.**

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** Report "B" **OUGHT NOT TO PASS.**

On motion by Senator **MILLETT** of Cumberland, 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 (#554)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, DOW, HAMPER, KATZ, KEIM, LANGLEY, MASON, ROSEN, WHITTEMORE, WOODSOME

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, VOLK, PRESIDENT THIBODEAU

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "B" **OUGHT NOT TO PASS FAILED.**

On motion by Senator **LANGLEY** of Hancock, Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-415) ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "B" (S-415) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-415).**

Sent down for concurrence.

Divided Report

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve General Assistance Reimbursements"

S.P. 363 L.D. 1109

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-409).**

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HAMANN of South Portland
DENNO of Cumberland
MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "C" (S-410).**

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

HEAD of Bethel
MALABY of Hancock

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass.**

Signed:

Representatives:
CHACE of Durham
SANDERSON of Chelsea

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (S-410) ACCEPTED.**

Bill **READ ONCE**.

Committee Amendment "C" (S-410) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (S-410).**

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Authorize Regional Medical Control Committees To Have Access to Maine Emergency Medical Services Data for Purposes of Quality Improvement

S.P. 634 L.D. 1735
(S "A" S-384 to C "A" S-383)

Off Record Remarks

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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 Measure

An Act Regarding the Termination of the Authority To Issue a Permit for a Noise Suppression Device on a Firearm for Hunting
H.P. 1266 L.D. 1824
(C "A" H-639)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 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 Measure

An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations

S.P. 689 L.D. 1837
(C "A" S-378)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 11.14: Atlantic Sea Scallop Limited Entry Program, a Major Substantive Rule of the Department of Marine Resources

H.P. 1221 L.D. 1767
(C "A" H-632)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

H.P. 1243 L.D. 1798
(C "A" H-633)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

Emergency Resolve

Resolve, Regarding Increases in Reimbursement Rates for Certain Children's Habilitative Services under MaineCare

H.P. 1262 L.D. 1820
(C "A" H-642)

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

Mandate

An Act To Modernize and Improve Maine's Property Tax System

H.P. 1018 L.D. 1479
(C "A" H-624)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, the Bill was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

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

Acts

An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law

S.P. 130 L.D. 389
(C "A" S-362)

An Act To Ensure Patient Protections in the Health Insurance Laws

S.P. 431 L.D. 1279
(C "A" S-377)

An Act To Lower the Costs of Broadband Service by Coordinating the Installation of Broadband Infrastructure

H.P. 1011 L.D. 1472
(C "A" H-643)

An Act To Reduce Food Waste in Maine

H.P. 1054 L.D. 1534
(C "A" H-634)

An Act To Maintain Access to Property on Discontinued Roads

H.P. 1092 L.D. 1588
(C "A" H-646)

An Act To Authorize the Commissioner of Marine Resources To Limit the Number of Shrimp Licenses That May Be Used in Certain Seasons

S.P. 609 L.D. 1652
(C "A" S-376)

An Act To Continue the Maine Lobster Marketing Collaborative

H.P. 1236 L.D. 1791
(C "A" H-640)

An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlers

H.P. 1269 L.D. 1827
(C "A" H-636)

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

Ordered sent down forthwith.

An Act To Create the Substance Use Disorders Cabinet

H.P. 73 L.D. 105
(C "A" H-645)

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

An Act To Establish the Maine Coastal Risks and Hazards Commission

H.P. 769 L.D. 1095
(C "A" H-625)

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

An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine

S.P. 383 L.D. 1162
(C "A" S-380)

On motion by Senator **LIBBY** of Androscoggin, 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-380)**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-380).

On further motion by same Senator, Senate Amendment "A" (S-420) to Committee Amendment "A" (S-380) **READ** and **ADOPTED**.

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

Senator **LIBBY:** Mr. President, thank you. This amendment that is before you simply adds nurse practitioner to the list of qualified medical professionals that can provide services that are called for in this bill. This addition has no impact on the fiscal note. Thank you, Mr. President.

Committee Amendment "A" (S-380) as Amended by Senate Amendment "A" (S-420) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-380) AS AMENDED BY SENATE AMENDMENT "A" (S-420) thereto, in NON-CONCURRENCE.

Sent down for concurrence.

An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce

S.P. 521 L.D. 1492
(C "B" S-368)

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

An Act To Preserve Medication Management for Persons with Mental Health Needs

S.P. 636 L.D. 1737
(C "A" S-379)

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

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Authorize a General Fund Bond Issue To Strengthen School Security"

H.P. 1316 L.D. 1883

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

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

Bill "An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons"
H.P. 1314 L.D. 1881

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

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

Bill "An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans"
H.P. 1315 L.D. 1882

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

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

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

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

REPORTS OF COMMITTEES

House

Pursuant to Resolve

The Committee on **TRANSPORTATION** on Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans
H.P. 1318 L.D. 1886

Reported that the same be **REFERRED** to the Committee on **TRANSPORTATION**, pursuant to Resolve 2015, Chapter 77, Section 4.

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

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

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

This matter ordered sent forthwith.

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

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

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

H.P. 1309 L.D. 1877

Tabled - March 27, 2018 by Senator **JACKSON** of Aroostook

Pending - motion by Senator **DAVIS** of Piscataquis to **RECEDE** and **CONCUR** (Roll Call Requested)

(In Senate, March 22, 2018, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.)

(In House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)

Senator **DIAMOND** of Cumberland requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, March 28, 2018 at 10:00 in the morning.