

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session
beginning January 3, 2018

beginning at Page 1451

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

In Senate Chamber
Thursday
March 29, 2018

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

Prayer by Pastor Bonnie Higgins, North Livermore Baptist
Church.

PASTOR HIGGINS: Good morning. Let us pray. Dear Heavenly
Father, we are thankful that we can join together as men and
women and do the work that You laid out in front of us. Dear
Lord, we just ask You to bless each one that is here today, that
they will be guided by You and by each other. Dear Lord, thank
You so much for being - allowing them to do the work. Dear Lord,
bless each one as they are here. In Your son's precious name,
amen.

Pledge of Allegiance led by Senator David R. Miramant of Knox
County.

Reading of the Journal of Wednesday, March 28, 2018.

Doctors of the day, Anne Hicks, M.D., of South Portland and
Natalie Maida, D.O., of Brunswick.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 724

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Monday, April 2, 2018 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE,
CONSERVATION AND FORESTRY** on Resolve, To Establish a
Task Force To Examine Agricultural Issues (EMERGENCY)
S.P. 646 L.D. 1747
(C "A" S-388)

Report "A" - **Ought to Pass as Amended by Committee
Amendment "A" (S-388)** (11 members)

Report "B" - **Ought to Pass as Amended by Committee
Amendment "B" (S-389)** (1 member)

Report "C" - **Ought Not to Pass** (1 member)

In Senate, March 20, 2018, on motion by Senator **DAVIS** of
Piscataquis, Report "A" **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-388) READ and ACCEPTED**
and the Resolve **PASSED TO BE ENGROSSED AS AMENDED
BY COMMITTEE AMENDMENT "A" (S-388)**.

Comes from the House, Report "A" **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-388) READ
and ACCEPTED** and the Resolve **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (S-388) AS AMENDED BY HOUSE AMENDMENT "A" (H-
690)** thereto in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later
in Today's Session pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act To Improve General
Assistance Reimbursements"
S.P. 363 L.D. 1109
(C "C" S-410)

Report "A" - **Ought to Pass as Amended by Committee
Amendment "B" (S-409)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee
Amendment "C" (S-410)** (4 members)

Report "C" - **Ought Not to Pass** (2 members)

In Senate, March 27, 2018, on motion by Senator **BRAKEY** of
Androscoggin, Report "B" **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "C" (S-410) READ and ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "C" (S-410)**.

Comes from the House, Report "A" **OUGHT TO PASS AS
AMENDED BY COMMITTEE AMENDMENT "B" (S-409) READ
and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "B" (S-409)** in
NON-CONCURRENCE.

Senator **BRAKEY** of Androscoggin moved the Senate **INSIST**.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the motion to Insist, to insist on our previous decision as a Chamber to support Committee Report "B" on this legislation which is essentially a compromise proposal seeking to enact two complimentary solutions to a recognized problem. The problem is this; when an individual who qualifies for General Assistance moves from one municipality to another in search of services the new municipality is wholly responsible for the cost of providing these services. Now a proposal from the Senator from Cumberland, Senator Chipman, contained in this proposal would add homelessness as a qualifier for General Assistance, which is sought as a partial solution to this problem. However, the other component of this proposal in the motion before us that originated with the Maine Welfare Directors several years ago, and we've explored this several times as the Health and Human Services Committee, over the last few years and, in fact, this idea has been overwhelmingly passed in this Chamber multiple times. This proposal would be a clarification that the General Assistance Program is, in fact, the program of last resort and other available resources must be utilized by an individual first, before turning to the General Assistance Program. Essentially, an individual who voluntarily abandons or refuses to use an available resource without just cause, and there's a whole list of just cause reasons in the bill, would become ineligible to receive General Assistance to replace that abandoned resource for a period of 120 days from the date the applicant abandons that resource. If, for example, someone has secure housing in Bangor but gives up that secure resource to move to Portland without a just cause reason, which could be seeking employment, a medical reason, fleeing domestic violence, a whole host of reasons that are there as just cause reasons, if they give up that resource in Bangor and seek General Assistance in Portland to replace that resource then GA would not be able to be used as a replacement for 120 days. In past public hearings on this issue we heard testimony of support for this proposal from the Maine Municipal Association, the Department of Health and Human Services, and the Municipal Welfare Directors from many of Maine's municipalities, including the Cities of Auburn, Lewiston, Bangor, and Biddeford. To quote the testimony of a few, the Maine Municipal Association wrote at the time, 'The proposal being advanced on behalf of the Maine Welfare Directors Association has long been supported by both the Municipal Welfare Directors and Maine Municipal Association. As proposed, both initial and repeat applicants who, through their own actions, fraud, misrepresentation, violation of program rule, etcetera, cause the loss of an otherwise available resource, for example - housing, supplemental food program, counseling, etcetera, or who without cause refuses to use an available resource would become ineligible to receive GA to replace the forfeited or abandoned resource for a period of 120 days. Under existing law, an applicant in this circumstance is ineligible to receive GA until the applicant seeks out the potentially available resource. Municipal officials believe the approach in the bill strengthens credibility, participant accountability, and provides

municipal program administrators with the tools necessary to ensure that all program resources are effectively used.' Rindy Fogler, the Community Services Manager for the City of Bangor, wrote in his testimony on this proposal.

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

Senator **JACKSON:** May leadership approach?

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: The Senator may proceed.

Senator **BRAKEY:** Thank you, Mr. President. Rindy Fogler, the Community Services Manager for the City of Bangor, wrote about this proposal previously. He said the City of Bangor supported as written and it's the protocol that they, in fact, currently follow. Sue Sharon, the Social Services Director for the City of Lewiston wrote, 'If a person abandons or causes a reduction in benefits from an available resource that would have eliminated the need for GA a disqualification period should be applied. The bill increases client accountability and adds accountability to the GA program.' The Department of Health and Human Services wrote, 'The General Assistance Program is intended to be a program of last resort. Applicants needs to avail themselves of all other resources prior to becoming eligible for General Assistance.' In short, I think this is a common sense welfare reform and I hope this Body will join me in passing this proposal, sending it back to the other Body, and fixing this long standing program - this long standing problem. Thank you very much, Mr. President.

Senator **CHIPMAN** of Cumberland moved the Senate **RECEDE** and **CONCUR**.

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

Senator **BRAKEY:** Thank you, Mr. President. Does the previously asked for roll call vote still apply to the following motion?

THE PRESIDENT: The higher motion is the Recede and Concur motion, Senator Brakey.

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

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

THE PRESIDENT: The pending question before the Senate is the motion to Recede and Concur. If you are in favor of receding and concurring 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 (#560)

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

NAYS: Senators: BRAKEY, CUSHING, DAVIS, HAMPER, KEIM, LANGLEY, MAKER, MASON, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senator: DION

23 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CHIPMAN** of Cumberland to **RECEDE** and **CONCUR PREVAILED**.

Non-Concurrent Matter

SENATE REPORTS - from 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
(C "A" S-404)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-404)** (6 members)

In Senate, March 27, 2018, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-404)**.

Comes from the House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

House Paper

Bill "An Act To Increase Safety for Maine Citizens by Amending the Definition of 'Likelihood of Serious Harm' in the Laws Governing Mental Health and Hospitalization To Include Consideration of a Person's Potential for Future Serious Harm" H.P. 1321 L.D. 1889

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

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

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

Joint Orders

The following Joint Order:

H.P. 1320

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Task Force To Study Rising Transmission and Distribution Costs is established as follows.

1. Task Force To Study the Rising Transmission and Distribution Costs established. The Task Force to Study Rising Transmission and Distribution Costs, referred to in this order as "the task force," is established.

2. Membership. The task force consists of 13 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

B. Two members of the House of Representatives appointed by the Speaker of the House, including a member from each of the 2 parties holding the largest number of seats in the Legislature;

C. Five members appointed by the President of the Senate as follows:

(1)A representative from each of the 2 investor-owned transmission and distribution utilities in the State;

(2)A representative of a consumer-owned transmission and distribution utility;

(3)A representative of a small energy consumer; and

(4)A representative of an industrial energy consumer; and

D. Four members appointed by the Speaker of the House as follows:

(1) A representative of a conservation organization;

(2) A representative of an energy generator located in the State;

(3) A representative of an organization with expertise in elder and aging advocacy; and

(4) A representative of an economic development organization in the State.

3. Task force chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of the Representatives is the House chair of the task force.

4. Appointments; convening of task force. All appointments must be made no later than 30 days following the effective date of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 30 days or more after the effective date of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

5. Duties. The task force shall:

A. Review of transmission and distribution costs for both residential and industrial consumers since 2000 for:

(1) Consumer-owned transmission and distribution utilities;

(2) Small investor-owned transmission and distribution utilities; and

(3) Large investor-owned transmission and distribution utilities;

B. Compare the costs of transmission and distribution in the ISO-NE region, as defined in the Maine Revised Statutes, Title 35-A, section 1902, subsection 3, to other regions in the United States in which the bulk power system is operated by a system operator;

C. Review and evaluate the cost differences between transmission and distribution;

D. Review and evaluate the legislative and regulatory policies affecting distribution costs;

E. Review and evaluate the cost containment provisions of law designed to prevent overbuilt transmission and distribution lines;

F. Review and evaluate different compensation models for transmission and distribution utilities in other regions in the United

States in which the bulk power system is operated by a system operator;

G. Review current transmission and distribution rate structures in the State and evaluate the effectiveness of lower rates in promoting economic development;

H. Determine if the costs of advocacy before the Legislature and administrative bodies on behalf of transmission and distribution utilities are borne by ratepayers;

I. Develop recommendations for changing current regulatory policies and determine the costs of implementing those recommendations versus the cost of leaving current policies in place;

J. Review and evaluate wheeling charges;

K. Review and evaluate time-of-use billing; and

L. Examine any other issues to further the purposes of the task force.

In conducting the duties under this subsection, the task force shall seek public input and shall consult and collaborate with stakeholders and experts in the fields of energy policy and economic development.

6. Meetings. The task force shall hold at least 4 meetings.

7. Staff assistance. The Legislative Council shall provide staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

8. Report. No later than November 7, 2018, the task force shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Energy, Utilities and Technology.

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

Senator **JACKSON** of Aroostook moved the Joint Order be placed on the **SPECIAL STUDY TABLE** pending **PASSAGE** in concurrence.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **JACKSON** of Aroostook, placed on the **SPECIAL STUDY TABLE** pending **PASSAGE** in 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.

The following Joint Order:

H.P. 1323

ORDERED, the Senate concurring, that the Joint Standing Committee on Education and Cultural Affairs shall report out, to the House, a bill regarding proficiency-based diplomas.

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

READ and **PASSED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 926

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

March 27, 2018

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Beth Anne Lorigan of Brewer, for reappointment to the Maine Community College System, Board of Trustees.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	9	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle, Turner of Burlington
NAYS		0	
ABSENT		1	Rep. Daughtry of Brunswick

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Beth Anne Lorigan of Brewer, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and **ORDERED PLACED ON FILE**.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#561)

YEAS: Senators: None

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

EXCUSED: Senator: DION

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Beth Anne Lorigan** of Brewer for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

Off Record Remarks

The Following Communication: S.C. 927

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

March 27, 2018

The Secretary opened the vote.

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

ROLL CALL (#562)

YEAS: Senators: None

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

Dear Mr. President:

EXCUSED: Senator: DION

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Dr. William H. Cassidy of Standish, for reappointment to the Maine Community College System, Board of Trustees.

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Dr. William H. Cassidy** of Standish for reappointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	9	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle, Turner of Burlington

NAYS 0

ABSENT 1 Rep. Daughtry of Brunswick

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Dr. William H. Cassidy of Standish, for reappointment to the Maine Community College System, Board of Trustees be confirmed.

Off Record Remarks

Signed,

The Following Communication: S.C. 928

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

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

March 27, 2018

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

READ and ORDERED PLACED ON FILE.

Dear Mr. President:

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Kimberly N. Lindlof of Fairfield, for appointment to the Maine Community College System, Board of Trustees.

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

YEAS	Senators	2	Langley of Hancock, Maker of Washington
	Representatives	9	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle, Turner of Burlington
NAYS		0	
ABSENT		2	Sen. Millett of Cumberland, Rep. Daughtry of Brunswick

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Kimberly N. Lindlof of Fairfield, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#563)

YEAS: Senators: None

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

EXCUSED: Senator: DION

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Kimberly N. Lindlof** of Fairfield for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 930

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

March 22, 2018

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

Dear President Thibodeau and Speaker Gideon,

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

The Committee received the report from the Department of Health and Human Services on November 1, 2017, as required by statute. However, during the review of the report in the second session, the Committee was unable to engage in any direct dialogue with any members of the Department. All other joint standing committees that conducted Government Evaluation Act reviews in the 128th Legislature were able to engage with agency personnel, including Commissioners. However, after seeking permission from Governor LePage to allow Commissioner Hamilton's attendance at the Committee's meeting to review the Department's report, the Committee was

informed that no one from the Department would be in attendance for the purposes of the Government Evaluation Act review.

The Committee submitted written questions to the Commissioner through the Department's Director of Government Relations and Policy on February 9, 2018 and received written answers on March 13. The Committee appreciated the packet of responses from the Department and commends the Department for submitting both the report and taking the time to write answers to the questions submitted by the Committee. Committee members noted that while some responses were detailed and considered and others were not, all of the answers prompted further questions that could not be explored given the lack of direct dialogue with the Department and the statutory deadline for reporting to the Legislature under the Government Evaluation Act law.

Departmental reviews pursuant to the Government Evaluation Act occur every eight years and are part of the oversight function of the Legislature. The Committee finds that the lack of in-person participation by the Department undermined the Committee's ability to exercise this oversight function. The majority of the Committee identified a number of issues that they would have liked to explore with the Department that were either raised in the report (particularly in the emerging issues sections of the Department's report) or had arisen since the report was submitted to the Legislature. These issues include: rural health care and long term plans to ensure patient access to health care; the need to attract and retain workers in health care and direct care fields; the child protective system; the opioid crisis; Riverview Psychiatric Center certification and funding as well as access to step down facilities; the loss of crisis beds; and plans for emergency response to public health threats including influenza and other epidemics.

The minority of the Committee finds that the Department of Health and Human Services is operating within its statutory authority.

S/Senator Eric L. Brakey
Senate Chair

S/Representative Patricia Hymanson
House Chair

READ and ORDERED PLACED ON FILE.

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

Off Record Remarks

Presentation of Legislative Memorial Scholarship Awards.

THE PRESIDENT: At this point we're going to move to the recognition of the Scholarship recipients that are going to be here today. I think we're all very proud of that program that has been an ongoing effort by folks here at the State House for a very long time, recognizing and providing scholarships to amazing students from every county in our State and we'll start with the individuals who weren't able to join us before and then after we get through that list I'll invite Senator Diamond to the Well of the Senate to present the awards.

So we'll begin with announcing the scholarship recipients who weren't able to be here today. The winner from Somerset County is Ravin Davis of Madison. Ravin is going to attend the University of New England. The winner from Piscataquis County is Krista Dearborn of Milo. Krista is going to attend the University of Maine in Orono. The winner from Waldo County is Sierra Fonger of Brooks. Sierra is going to attend the University of Maine in Orono. The winner of Aroostook County is Abigail Gonneville of Madawaska. Abigail is going to attend Bowdoin College. The Secretary corrected me, that these students actually do attend these colleges. The winner of Androscoggin County is Eric Hall of Lewiston. Eric attends Bowdoin College. The winner of Hancock County is Kaitlyn Kinney of Surry. Kaitlyn attends the University of Maine in Farmington. The winner of Oxford County is Megan Linfield of Norway. Megan attends the Southern Maine Community College. The winner of Kennebec County is Tyler Quirion of Randolph. Tyler attends the University of Southern Maine.

At this time would Senator Diamond - the Sergeant-At-Arms would escort Senator Diamond to the Well of the Senate to present the awards to the individuals that have been able to join us today. Senator Diamond, welcome. At this point we will be presenting certificates to those who were able to attend today.

The winner from Penobscot County is Allen Colby of Old Town. Allen is here today with Kate Walsh of the Maine Education Opportunity Center. Allen attends the University of Maine in Augusta. Would Allen and Senator Dill, if you would join us in the Well of the Senate for the presentation.

The winner from Sagadahoc County is Aaron Dustin of Bowdoin. Aaron is not able to be here today because of his basic training for the Army National Guards but he is represented here today by his mother, Stephanie Dustin. Would Stephanie please join us. Aaron is attending the University of Maine in Orono. Stephanie, congratulations on your son's service.

The winner from Knox County is Chase Flaherty of Tenants Harbor. Chase is here today with his father, James Flaherty, and his mother, Theresa Flaherty, and his grandmother, Joyce Hilt. Chase attends the University of Maine in Orono. Would Senator Miramant - he's already joined us.

The winner from Lincoln County is Stephanie Hill of Waldoboro. Stephanie is here today with Mom, Norma Hunt. Stephanie attends the University of New England. Senator Dow.

The winner from Washington County is Rosemary Nguyen of Harrington. Rosemary is here today with her mother, Christina Nguyen, and her step-father, Vincent Sawicki. Rosemary attends Bowdoin College. Would Senator Maker join us in the Well of the Senate.

The winner from Cumberland County is Kera Pingree of Portland. Kera is here today with her daughter, Emma Pingree. Kera attends Southern Maine Community College. Would all of the Senators representing Portland please join us in the Well of the Senate.

The winner from Franklin County is Alora Ross of Strong. Alora is here with her father, Kirby Ross; her mother, Melonie Ross; and her boyfriend, Luke Romanoski. Alora is going to attend the University of Maine in Farmington.

The winner from York County is Hope Saucier of Lyman. Hope is here with her parents, Jess and Christine Saucier; her brother, Jacob Saucier; and her sister, Gracie Saucier. Would Hope please join us in the Well of the Senate.

That concludes the recognition portion but just to say a few things. Any time we get a little discouraged about the future of the State of Maine, when we have an opportunity to meet and greet some amazing young people like we've just seen, that have been recognized, it brings us great courage. We know that the future of our state is strong and we have a lot to look forward to when we meet some amazing young people like that. I do want to thank Senator Diamond. This doesn't happen without a great deal of effort and Senator Diamond is the - really the driving force towards making sure that the funds are raised. He does such a good job on behalf of the Senate and I think we all owe Senator Diamond a round of applause.

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

The Honorable Thomas J. Davis, Jr., of Kenduskeag, for his over 33 years of service as a Penobscot County Commissioner. We extend to Commissioner Davis our appreciation for his service to the citizens of Penobscot County and offer him our best wishes;
SLS 784

Sponsored by Senator CUSHING of Penobscot.
Cosponsored by Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, DILL of Penobscot, GRATWICK of Penobscot, ROSEN of Hancock, Representatives: CAMPBELL of Orrington, CARDONE of Bangor, CRAIG of Brewer, DUCHESNE of Hudson, DUNPHY of Old Town, FREDETTE of Newport, FREY of Bangor, GUERIN of Glenburn, HAGGAN of Hampden, HANINGTON of Lincoln, JOHANSEN of Monticello, KORNFIELD of Bangor, LOCKMAN of Amherst, LYFORD of Eddington, REED of Carmel, SCHNECK of Bangor, STANLEY of Medway, TIPPING of Orono, TURNER of Burlington, WALLACE of Dexter.

The Joint Order was **READ**.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, today I ask we take a few moments to reflect on the service of a very special man to our State and his county. I refer to Tom Davis of Kenduskeag who

has to date given more than 33 years of service to the people of Penobscot County and also to our State through his 20 plus years on the Board of Eastern Maine Development Corporation and through that his many, many hours of work on workforce development issues. Tom is a well-known and respected individual for his public service and his business as a dairy farmer. I've had the pleasure and benefit of knowing and working with Tom as an elected official and resident of his county. I found him to be an invaluable resource when you're looking to understand an issue and get a perspective that helps you see the pros and cons of a policy matter. Tom Davis is one of those individuals who is unique in life. He's someone who's not afraid to speak his mind but does so with a great degree of common sense and knowledge on the matter at hand. Tom is one of those unique individuals who, while he has strong opinions, is respected and appreciated by those he disagrees with. I've always said that Tom Davis is someone, Mr. President, you'd want to have as an adversary but not an enemy. In my opinion, life brings Tom Davis into your world to teach you how to disagree without being too disagreeable. In the era of public policy you need a Tom Davis. He's always an advocate, many times an adversary, but really he isn't truly your enemy. You may not understand it at the time when you may be in a heated discussion, but when you step back and take a look at the issue you'll thank folks like Tom Davis for standing up and having his say. In these times of electronic politics and sometimes too fast retorts, it's public service individuals like Tom Davis who can provide a good example of what we should emulate in our roles as makers of good policy. I'm honored to know him and have had the chance to work with Commissioner Tom Davis. I hope he will continue to inspire others by how he's lived his life and service to those who need an advocate like him. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President and ladies and gentlemen of the Senate. I, too, wish to rise just very briefly to commend a man who is, indeed, larger than life. This is a very large man. He speaks with a large voice. He has a large perspective and he has, I think, large wisdom. He's a farmer. I've bought hay from him many times. He's a friend and he's, indeed, an exemplary citizen. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit"

H.P. 37 L.D. 51

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-693).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-693).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-693) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Education"
H.P. 1271 L.D. 1829

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-694).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694).**

Report **READ.**

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

The Committee on **JUDICIARY** on Bill "An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act"
H.P. 595 L.D. 846

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-691).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-691).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-691) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify Educational Placement and Notification in Regard to Parental Rights and Responsibilities"

H.P. 1175 L.D. 1695

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

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-692).**

Signed:

Representatives:

CARDONE of Bangor
SHERMAN of Hodgdon

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act Directing the Commissioner of Marine Resources To Investigate the Conditions of Sheepscot Pond Related to a Management Plan for Anadromous Fish Species"

H.P. 650 L.D. 922

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-631).**

Signed:

Senator:

VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
DEVIN of Newcastle
HAGGAN of Hampden
HAWKE of Boothbay Harbor
SIMMONS of Waldoboro

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

Signed:

Senators:

MAKER of Washington
BRAKEY of Androscoggin

Representatives:

SUTTON of Warren
TUELL of East Machias

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED.**

Reports **READ.**

On motion by Senator **MAKER** of Washington, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Elections"

H.P. 1206 L.D. 1726

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-683).**

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
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 To Pass as Amended by Committee Amendment "B" (H-684).**

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683).**

Reports **READ.**

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)** Report, in **NON-CONCURRENCE.**

On motion by Senator **CARPENTER** 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 Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, one of the more controversial bills to come out of our committee this session. The pending motion would change, fundamentally, the way our elections are conducted. It would change, fundamentally, the way that we, as candidates, are allowed to interact with voters as they come and go from the polls. It would also have a significant impact on the ability of citizens to put forth initiatives to the Legislature. Now I realize this has been a very controversial issue in the State of Maine for a number of years. The way it works now, as you may well know, under current law after you have voted there are provisions whereby people who wish to circulate petitions may do so by setting up a booth and asking people to sign - or a table asking people to sign. It's all run very orderly. The town wardens are given significant latitude to police the interior of the polling place and, as far as I know, in my experience, it's been done with very, very little disruption. This would end that. This would end the ability of people to set up outside or beyond the actual voting area and collect signatures. Now, if you accept the pending motion, now it would only be in a certain separate room with a separate egress and it would, fundamentally, change the way that people of the State of Maine are allowed to go forward and petition their Legislature. That's one of the most fundamental rights that we enjoy as citizens. If we don't enjoy something - don't agree with something the Legislature has done we can petition this Body - I'm sorry, petition the people of the State of Maine to change it. It's happened a

number of times in the last few years, frankly, much to the chagrin of some people in the State of Maine. Regardless, that is the process. My committee, or our committee, has looked at this carefully over the last two years and we've made some changes. This, in my opinion, is not a change we should go forward with as it would significantly restrict the right of people to petition their government. I'd ask you to join me in voting no on the pending motion. 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, the bill in front of you is an omnibus bill that is traditionally put in by the Secretary of State. It lists a bunch of items, and you can read the bill. There's about 18 different items that this looks at. It moves census blocks and it, you know, talks about a whole bunch of different things about keeping ballots and things like that. The one difference between the two reports, and the report that is in front of you, is there is a difference between the two reports and that is making sure that voters don't have to go through a gauntlet of people to get out the door. It does not restrict them from being at the polling place in entirety. It just limits them from being in - it limits to being outside where, traditionally, I'm sure every single one of us in here who have been in an election we've stood outside of a polling place and shaken hands. That limits the petitioners to being out there. It limits the amount of people who can be there on behalf of a candidate and it limits the total number of measures, issues, or candidates for which signatures may be collected to five. It hardly eliminates people from the polling place. It just makes sure that while people are voting they can do that and leave in peace. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I rise to support this. You know, for having five election cycles, to be standing at the polls and listening to the number of comments from people who felt they've been accosted at the polls to the point of where many of them have decided that they'd rather do absentee ballots rather than to run through that gauntlet. So I'm wholeheartedly in support of this and I believe if you did a little talking to some of the folks coming out of the polls I think it would be very much welcomed at the polling places. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" Report, in non-concurrence. A roll call has been ordered. If you are in favor of that motion 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 (#564)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)** Report, in **NON-CONCURRENCE, PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "B" (H-684) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684),** in **NON-CONCURRENCE.**

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator KEIM for the Committee on **JUDICIARY** on Bill "An Act To Protect Licensing Information of Medical Professionals" S.P. 430 L.D. 1267

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-424).**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-424) **READ** and **ADOPTED.**

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Extend the Term of Guide Licenses and Amend the License Revocation Laws

S.P. 619 L.D. 1683
(C "A" S-396)

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

Emergency Measure

An Act To Fund the Reorganization of the Department of Public Safety, State Bureau of Identification

H.P. 1293 L.D. 1855
(C "A" H-658)

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

Emergency Resolve

Resolve, Directing an Independent, Nonpartisan, Objective Evaluation of the Provision of Indigent Legal Services

H.P. 1257 L.D. 1812
(C "A" H-657)

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

Acts

An Act To Prohibit Third Parties from Facilitating Transfers of Moose Permits for Consideration

H.P. 446 L.D. 630
(C "C" H-660)

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

An Act To Expand the Local Foods Economy by Promoting Local Foods Procurement

S.P. 557 L.D. 1584
(C "A" S-391)

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

An Act To Fund the Downeast Correctional Facility

H.P. 1184 L.D. 1704
(C "A" H-593; S "A" S-393)

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

An Act To Restore Maine's School-based Health Centers

H.P. 1190 L.D. 1710
(H "A" H-667 to C "A" H-635)

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

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
(C "A" H-665)

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

An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs

H.P. 1227 L.D. 1781
(S "A" S-425 to C "A" H-685)

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

An Act To Protect Children under 14 Years of Age from Being Photographed by Certain Persons

H.P. 1258 L.D. 1813
(C "A" H-656)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#565)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, 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.

Resolves

Resolve, To Clarify Reimbursement for Parent-only Programs under the MaineCare Program

S.P. 125 L.D. 384
(C "A" S-397)

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
(C "A" H-655)

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

Resolve, Directing the Department of Health and Human Services To Allow Relatives and Legal Guardians To Provide Home and Community-based Services to Eligible Members

H.P. 1188 L.D. 1708
(C "A" H-664)

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

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

S.P. 640 L.D. 1741
(C "A" S-373; S "A" S-402)

On motion by Senator **VOLK** of Cumberland, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE** in concurrence.

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

ORDERS

Joint Order

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

S.P. 725

**STATE OF MAINE
128TH LEGISLATURE**

WHEREAS, the members of the Task Force on Maine's 21st Century Economy and Workforce worked together in a nonpartisan manner, with input from the State's businesses, education community and workforce and policy experts, to develop unanimous recommendations for targeted investments in places where workforce barriers were identified in order to provide some immediate alleviation of workforce shortages in priority sectors; and

WHEREAS, the Task Force on Maine's 21st Century Economy and Workforce focused most of its recommendations on the health care sector, while there are other priority sectors in the State, such as the construction and building trades; and **WHEREAS**, the Task Force on Maine's 21st Century Economy and Workforce recommended that the task force be authorized to continue its important work in order to develop additional recommendations to address workforce issues in these additional priority sectors; now, therefore, be it

ORDERED, the House concurring, that the Task Force on Maine's 21st Century Economy and Workforce, established by Joint Order 2017, S.P. 294, referred to in this order as "the task force," is reestablished and authorized to continue its work as follows.

- 1. Appointments; composition.** Notwithstanding Joint Rule 353, the task force consists of members appointed as follows:
- A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the Senate;
 - B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest and 2 members of the party holding the 2nd largest number of seats in the House of Representatives;

- C. One member representing the interests of the Maine Community College System, appointed by the President of the Senate;
- D. One member representing the interests of the University of Maine System, appointed by the Speaker of the House of Representatives;
- E. One member representing the interests of the State's career and technical education system, appointed by the President of the Senate;
- F. One member representing the interests of apprenticeship programs in the State, appointed by the Speaker of the House of Representatives;
- G. One member representing the interests of providers and teachers of adult education in the State, appointed by the President of the Senate;
- H. One member representing the interests of the construction and building trades, appointed by the Speaker of the House of Representatives;
- I. One member representing the statewide interests of the business community, appointed by the President of the Senate;
- J. One member representing the interests of a Maine business that employs more than 1,000 workers, appointed by the President of the Senate; and
- K. One member representing the interests of a Maine business that employs fewer than 1,000 workers, appointed by the Speaker of the House of Representatives.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Education, or the commissioner's designee, and the Commissioner of Labor, or the commissioner's designee.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force. The chairs may invite the participation of interested parties and stakeholders who represent the interests of those sectors of industry that have experienced significant workforce shortages and who are not task force members.

3. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force may call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

4. Duties. The task force shall develop strategies to make targeted and strategic investments in the State's workforce and businesses; to expand partnerships among the State's workers, educators and businesses to specifically address workforce needs and worker training; to develop strategies for attracting, retaining and training Maine workers in sectors of industry most acutely affected by workforce shortages, as identified in priority order by the Maine Department of Labor, including the construction and building trades; and to help improve the ability of small businesses to innovate and expand.

5. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance

at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

6. Quorum. A quorum is a majority of the members of the task force, including those members invited to participate who have accepted the invitation to participate.

7. Staffing. The Legislative Council shall contract for necessary staff support for the task force during the legislative session and may contract for such staff support for a longer period to the extent needed and if sufficient funding is available. At the request of the task force, the Legislative Council may provide drafting assistance to the task force during the legislative session and other staffing support to the task force when the Legislature is not in session.

8. Reports. No later than November 7, 2018, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 128th Legislature.

READ and PASSED.

Sent down for 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 Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY)
H.P. 1325 L.D. 1892

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

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

Pursuant to Statute Revisor of Statutes

The **Revisor of Statutes**, pursuant to the Maine Revised Statutes, Title 1, section 94 asked leave to report that the accompanying Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)
H.P. 1327 L.D. 1894

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **JUDICIARY** and ordered printed pursuant to Joint Rule 218.

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

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/28/18) matter:

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"
H.P. 207 L.D. 274

Report - **Ought to Pass as Amended by Committee Amendment "D" (H-686)**

Tabled - March 28, 2018 by Senator **JACKSON** of Aroostook

Pending - **ADOPTION OF COMMITTEE AMENDMENT "D" (H-686)** in concurrence (Roll Call Ordered)

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D" (H-686)**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the passage of this motion. I'll just say, very briefly, from my experience in the Health and Human Services Committee, this unanimous committee report is the result of a lot of hand-wringing and a lot of compromise. I think that there are certainly things in here that I think are very good, some things I maybe don't like as much, but I think that this is a product of folks on both sides of the aisle really hammering out our differences and coming to some mutually agreed upon conclusions. So, I will thank my colleagues in this Chamber who served on that committee with me for working through this process and I think that the results are something we can be proud of. Thank you very much.

THE PRESIDENT: The pending question before the Senate is Acceptance of Amendment "D" in concurrence. 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 (#566)

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

NAYS: Senators: None

ABSENT: Senators: CUSHING, HILL

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being absent, Committee Amendment "D" (H-686) **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/28/18) matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services"
H.P. 1287 L.D. 1850

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-672)**

Tabled - March 28, 2018 by Senator **DAVIS** of Piscataquis

Pending - **ACCEPTANCE OF REPORT** in concurrence

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-672) **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 at Ease.

The Senate was called to order by the President.

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

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Education"

H.P. 1271 L.D. 1829

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-694)**

Tabled - March 29, 2018 by Senator **LANGLEY** of Hancock

Pending - **ACCEPTANCE OF REPORT** in concurrence.

(In House, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694)**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-694) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME**.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-427) **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I'd like to just explain the amendment that's in front of you. L.D. 1829 is a department bill, as we often get them, that makes some changes. This came in late and just did not make it way onto the amended bill that we would have seen already. What this amendment does is allow the Department of Education, they may share a copy, a confidential version of the report called School Safety, Security, Emergency Management Assessment that was done in 2014 by Safe Havens International, to be able to share it with the Department of Defense, Veterans, Emergency Management, Maine Emergency Management Agency. I just wanted to point your attention to it as school safety has been a topic and we'll have some further bills that will be coming our way, maybe talking about revolving renovation funds to put towards school security. This was a report that was done and it pointed out some of maybe the deficiencies in our schools around the state. Because of its confidential nature, it wasn't shared outside

the Department and this allows the Department to share it with those folks that live in that security world. So thank you for your time and attention.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-427) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-694) AND SENATE AMENDMENT "A" (S-427), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1329

JOINT RESOLUTION RECOGNIZING VIETNAM VETERANS APPRECIATION DAY ON MARCH 29, 2018

WHEREAS, the Vietnam War was fought in the Republic of South Vietnam from 1961 to 1975 and the United States Armed Forces became involved in Vietnam to provide direct military support for the Republic of South Vietnam to defend itself against the growing communist threat from North Vietnam; and

WHEREAS, according to the United States Department of Veterans Affairs, 8,744,000 military personnel served on active duty during the Vietnam War and 2,594,000 personnel served within the borders of South Vietnam between January 1, 1965 and March 28, 1973; and

WHEREAS, on March 29, 1973, the United States Armed Forces completed the withdrawal of combat units and combat support units from South Vietnam; and

WHEREAS, the State of Maine has 343 names etched on the black granite wall of the Vietnam Veterans Memorial in the Nation's capital, and 11 of our soldiers are still missing in Southeast Asia; and

WHEREAS, March 30th of each year is Vietnam War Remembrance Day in Maine, in honor of the service and sacrifice of those veterans of the United States Armed Forces who served during the Vietnam War; and

WHEREAS, as with veterans returning from today's battlefields, those who served in Vietnam came home with both physical and unseen injuries of war, and many of those unseen injuries went undiagnosed and were not as well initially understood by the medical community and citizenry as they are now; and

WHEREAS, we must continue to honor the millions of men and women who served with valor during the Vietnam War, including those who suffered unseen injuries; and

WHEREAS, Vietnam Veterans Appreciation Day specifically honors the 7,200,000 living Vietnam War veterans and the 9,000,000 family members of those veterans; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to join in the observance of Vietnam Veterans Appreciation Day in order to honor the contributions of living veterans who served in the United States Armed Forces in Vietnam; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Defense, Veterans and Emergency Management.

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

The Joint Resolution was **READ**.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to take a second to pause and call your attention to Supplement #2, Item 1-1, the Joint Resolution Recognizing Vietnam Veterans Appreciation Day today, March 29, 2018. March 29th of 1973 the United States Armed Forces completed the withdrawal of combat units and combat support units in Vietnam. So, obviously, that's been many, many years ago. There are literally millions of us, Vietnam veterans, either veterans who served in Vietnam, as myself and Senator Carson did, or other members who were members of the Armed Forces during that period of time. I don't want to take a lot of time. I don't have any stories to tell today. You'll be thankful for that or, in the case of my seatmate, disappointed in that. I just want us to reflect back on what got us into the war in Vietnam and all that, hopefully, we've learned as a result of that experience. Personally, in some ways it was the best year of my life and in some ways it was the worst year of my life. I had good fortune, I think. We've heard a lot about how people coming home from Vietnam weren't welcomed home and I never experienced that because I came home to small town Northern Maine and life went on without too much fanfare one way or the other. But I do - many of my colleagues that served in Vietnam did not suffer that same fate and some were treated rather badly when they came home. These young men and women, and I have pictures of myself with young men from all over the United States who served in my particular unit who were just good, decent kids who went and did what they thought was the right thing. Reflecting back, we can all pick it apart and say it was wrong and all that, but some of the most - some of the finest young people I have ever met. I'm very fortunate in that I came through Vietnam unscathed. I'm also blessed that I've been able to stay in touch with many of the not-so-young men now that I served with in Vietnam and most of them have gone on to be wonderful, productive citizens, as I'm sure have most of the people that are listed on this Resolution. So just wanted to say that today. Thank you, Mr. President.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wanted to add that at the Welcome Center near the back door at 1 p.m. there will be a small gathering, I think, of Vietnam veterans and folks from the

Department of Veterans Services and some of us who are also Vietnam veterans to welcome these men and women. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, my own personal services does not compare to the two Senators that we've just heard from, but I give them sincere thanks because it's your group, your generation, your service, that is what we have learned from. So we are, today, welcoming home our veterans. We are welcoming those people that are either Marines, yes even Marines, Army, Air Force, Merchant Marines, all of them, we're welcoming them home with our arms wide open because we learned a lesson. It's not the soldier that created the war, it's the politician that did it, and it's with that we today celebrate those people and I say again to you both, as I've said before, welcome home. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair would request that all Vietnam veterans that are here with us today, if they would please rise and accept the appreciation of the State Senate.

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

Off Record Remarks

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Monday, April 2, 2018 at 10:00 in the morning.