

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
April 5, 2018

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

Prayer by Pastor Rob Green, Bible Baptist Church in Wiscasset.

PASTOR GREEN: Let's pray. Father in Heaven, we thank You
for Your goodness to us. We thank You, Lord, that You have
allowed us to live in the State of Maine. Father, we ask that You
would direct these men and women as they direct our state, as
they give us direction and things to do. We ask, Lord, that You
would direct their thoughts and their decisions. We are thankful
for each one of them, Father. We ask that You would take care of
them, give them health, give them strength, give them wisdom.
We ask it in Jesus' name. Amen.

National Anthem Performed by William Somes of Ellsworth.

Pledge of Allegiance led by Senator Geoffrey M. Gratwick of
Penobscot County.

Reading of the Journal of Wednesday, April 4, 2018.

Doctors of the day, Allen Hayman, M.D., of Falmouth and Lindsay
Neal Oberg, D.O., of Gorham.

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. 729

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Monday, April 9, 2018 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 959

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

April 3, 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
Labor, Commerce, Research and Economic Development has
had under consideration the nomination of Daniel Brennan of
Winslow, for appointment as the Director of the Maine State
Housing Authority.

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

YEAS	Senators	3	Volk of Cumberland, Bellows of Kennebec, Langley of Hancock
	Representatives	10	Fecteau of Biddeford, Austin of Gray, Bates of Westbrook, Doore of Augusta, Handy of Lewiston, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland, Vachon of Scarborough

NAYS 0

ABSENT 0

Thirteen 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 Daniel Brennan of Winslow, for
appointment as the Director of the Maine State Housing Authority
be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

April 4, 2018

The Chair noted the absence of the Senator from York, Senator **HILL**, and further excused the same Senator from voting on this matter.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#589)

YEAS: Senators: None

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

EXCUSED: Senator: HILL

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 **Daniel Brennan** of Winslow for appointment as the Director of the Maine State Housing Authority was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today Mr. Brennan. He's here - would Mr. Brennan please stand and accept the greetings and congratulations of the Senate.

The Following Communication: S.C. 962

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

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 Rykerson of Kittery, to report the following "Leave to Withdraw":

L.D. 433 An Act To Allow Municipalities To Apply a Local Option Sales Tax to the Sale of Marijuana;

Senator Katz of Kennebec, to report the following "Leave to Withdraw":

L.D. 1491 An Act To Provide for Safety, Quality and Transparency in the Retail Marijuana Industry.

Sincerely,

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

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

The Following Communication: S.C. 958

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

March 30, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1830 An Act To Amend the Anson and Madison Water District Charter

This is notification of the Committee's action.

Sincerely,

S/Sen. David Woodsome
Senate Chair

S/Rep. Seth A. Berry
House Chair

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

The Following Communication: H.C. 490

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

April 3, 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 1778, "Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals."

The Department of Health and Human Services recently made an adjustment to the hospital tax and match scheme to more equitably account for both inpatient and outpatient services provided by hospitals. Because rehabilitation hospitals provide significantly more inpatient services than outpatient services, the change negatively affected the total reimbursement received by Maine's only rehabilitation hospital. This bill would reduce the share of supplemental pool income received by hospitals around the state and redirect those dollars to just one specific hospital.

I hear often about the fiscal challenges of Maine's hospitals. In fact, one of the primary arguments used by proponents of Medicaid expansion was that expanding Medicaid would help provide additional support to struggling Maine hospitals. While I disagree with that assumption, it seems antithetical to then cut reimbursement for a broad group of hospitals just to give one hospital an increase.

For this reason, I return LD 1778 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 Resolve:

Resolve, Regarding Medicaid Reimbursement for Rehabilitation Hospitals (EMERGENCY)

H.P. 1224 L.D. 1778

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#590)

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

NAYS: Senators: None

EXCUSED: Senator: HILL

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ORDERS

Joint Orders

On motion by Senator **CARPENTER** of Aroostook, the following Joint Order:

S.P. 730

**STATE OF MAINE
128TH LEGISLATURE**

ORDERED, the House concurring, that the Joint Standing Committee on Veterans and Legal Affairs shall report out, to the Senate, a bill to implement ranked-choice voting. At a minimum, the bill must:

1. Provide necessary funding to the Department of the Secretary of State to conduct all primary and general elections in 2018;
2. Expressly authorize the Secretary of State to take physical control of the ballots and related materials as necessary to implement ranked-choice voting; and
3. Expressly authorize the State Police, at the direction of the Secretary of State, to retrieve ballots from voting jurisdictions as necessary to implement ranked-choice voting.

The Joint Order was **READ**.

Senator **MASON** of Androscoggin moved the Joint Order be **TABLED** until Later in Today's Session, pending the motion by Senator **CARPENTER** of Aroostook to **PASS**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#591)

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

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

EXCUSED: Senator: HILL

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **TABLE** until Later in Today's Session pending the motion by Senator **CARPENTER** of Aroostook to **PASS FAILED**.

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

Senator **CARPENTER:** Mr. President, you have before you Senate Paper 730, a Joint Order. I call it an olive branch to reach out to the folks who are concerned that the Secretary of State does not have sufficient authority to conduct the Ranked-Choice Voting scheduled for June 12th, less than 90 days from now. We had a significant debate here the other day, and into the evening, on a different Joint Order that dealt with this same issue. The issues that were raised by the folks who have now filed suit in Kennebec County Court are addressed, would be address, if this Joint Order passes here and in the other Body, and the committee that I serve with the Majority Leader, Senator Mason, would be ordered to report out a bill that would provide the necessary funding for the Department of the Secretary of State, expressly authorize the Secretary of State to take physical control of the ballots, expressly authorize the State Police to gather the ballots. I don't think that this is necessary because I believe, with all my experience, that the Secretary of State has that authority now. I think there's no question that the Secretary of State is the one that conducts elections and this is the conduct of an election. Nothing more, nothing less. This issue has just been recently examined with regards to the whole Ranked-Choice Voting controversy by the Superior Court here in Kennebec County; opportunity to look at any issues of constitutionality that was not ruled upon, not taken up by the court. There has been no court in the State of Maine, that I'm aware of, that has found a Constitutional infirmity with the proposition that Ranked-Choice Voting should go forward on June 12th with regard to the primary elections. It was not dealt with in the Opinion of the Justices last year. So here's a fix. I talked to one of the Senators from the other side this morning, wanted to know what I was up to, and I said, 'I'm offering a fix.' If we really are concerned with fixing a problem that I, frankly, don't think exists, that's fine. Let's fix it. That's what we do. That's what we do in this Legislature every day. Look at your calendar. Look at the L.D. books. That's what we're doing. Often times what we're doing is fixing something that we didn't get quite right in the last session or whenever. This is a fix. It's an offer. It's me holding out my hand to my friends who feel differently than I do and saying let's fix this. The committee has worked well. Senator Mason has been the Chair and we've worked very, very well over the session. So give us a chance, if you think it needs to be fixed, to be fixed. Nothing more, nothing less. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President and men and women of the Senate. I appreciate the sentiment of my friend from Aroostook, Senator Carpenter. If I thought that doing this would fix the problem I would vote for this order, but I don't believe it will fix the problem and I will not vote for this order. There are three parts to this proposed order, Mr. President. First of all, it's rather unusual to direct a committee not only to report out a bill but it directs the committee what bill to report out, that is exactly what to say on it. The first thing that proposed order would do is to direct the committee to draft a bill which provides the necessary funding for the conduct of the Ranked-Choice Voting and if the court rules against our petition, Mr. President, we're going to need to do that, and I will be the first one to reach across and say I'd like to co-

sponsor that bill to provide the funding if the court doesn't find serious Constitutional problems. But the court has indicated that there are significant Constitutional issues raised in this matter which have not been litigated yet and the problem I have with the rest of this order, Mr. President, is number two and number three, which authorizes the Secretary of State to take control of the ballots and the State Police to retrieve the ballots. Now if the court doesn't find Constitutional problems, I'll be right with you on that, to pass this statute, but the very heart of the law suit is suggesting that that is unconstitutional. Article IV, Section 5, of the Constitution, I won't belabor this point because we talked about it at some length the other day, it's there. We've got to honor it. It says that only municipal officials can count ballots and it says that those have to be done, and the only thing the municipal officials can do, under the Constitution with respect to the original counting of ballots, is to send a tally of the count to the Secretary of State. Maybe that seems like a bad rule or maybe it seems like an outdated rule in 2018, but the Constitution says it. Again, I apologize for going on a bit here, but when voting machines got invented we had to go back and amend the Constitution even to allow voting machines to be used in the context of that. So, until the court finds that argument is not valid, which they may, I don't think they're going to but they may, we can't be passing legislation in violation of that Constitution. So, we were in court yesterday. I think we all came away with the knowledge that the court is going to address these issues quickly and get this thing resolved in the next couple of weeks. If the court denies our request, says there's no Constitutional infirmities here, I hope the Senator from Aroostook brings the bill over to me and ask me to co-sponsor it because I will. But until that happens, I suggest it's premature and the tabling motion is appropriate, or the order is not currently appropriate. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I rise on this today for one purpose and that is the strong belief that I have in the authority of the Secretary of State. That job is very complex and often times require immediate decision making that you could not even anticipate in many occasions. It's one of those things where I worry about what might happen if we start eroding the Secretary of State's ability. Again, that's my concern, and not just the current Secretary of State but every one prospectively. I can tell you, as a Secretary of State, I was sued many times. Many times I was sued. Many of those times I was defended by my seatmate. In fact, I think maybe all of those times the courts would always give flexibility and latitude to the Secretary of State's authority, and thank goodness because otherwise we could not have run elections. They do require a lot of shifting, last minute changing, and the ability to have clear decision making powers. So I can underscore here that my concern is that there may be some unintended consequences as a result of the issue before us, but I would ask us to remember that this is a very delicate position, requires trust and you have to earn that trust and I think every Secretary of State that I've known, Republican or Democrat, has

tried to that and has done it. So that's the reason I stand. I stand here to say I defend what the Secretary of State's Office is obliged to do and that job description can't be written because it changes too often at the last minute and I don't want to jeopardize that person's ability to carry out elections in this state. Thank you, Mr. President.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't want to belabor this but I do want to point out that the court's decision yesterday on Ranked-Choice Voting and to respond to my friend from Kennebec, Senator Katz, with regard to the issues of constitutionality. The court here in Kennebec County had the opportunity to examine and to rule on the issue of whether this is constitutional for primaries or not and declined to do so. I just want to very briefly read what the Justice did write just yesterday. In order to get a preliminary injunction, one of the things you have to do is you have to show it's likely that you're going to win later on on the merits. 'Therefore, the court finds it's more likely than not that plaintiffs,' the Ranked-Choice Voting folks, 'will succeed on the merits of showing that the legislative intent of the people of Maine should be carried out by the implementation of Ranked-Choice Voting in the June 12, 2018 primary elections for Governor,' she adds for Governor although it, obviously, applies to a couple of other. 'In this case, it is the interest of the public in mind that the court orders entry of a temporary restraining order. The uncertainty that halting the Ranked-Choice Voting implementation process at this late date would cause is significant. Clarity, stability, and public confidence are essential to ensure the legitimacy of Maine elections.' Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, the good Senator from Aroostook has correctly read the court's order but there was another order issued yesterday. It's in the case of the State - of the Senate of Maine vs. Matthew Dunlap. Before I get to what that order said, as my colleague well knows, the posture of the case yesterday, of the Ranked-Choice Voting Committee vs. Matthew Dunlap, the posture of the case was that there was total agreement between the parties. Ranked-Choice Voting folks wanted the election to go forward based upon Ranked-Choice Voting. The Secretary of State was saying fine. There was no disagreement between those parties. There were no issues raised and none of the Constitutional issues that we raised in our complaint were even before the court. So the second order yesterday comes in the case that we filed and the same Justice, Justice Murphy, said all the counts, in our case, all the counts present significant Constitutional issues which deserve expedited review. She is now in the process of helping to arrange for that expedited review. Again, maybe we're wrong, but these serious questions of constitutionality have never been raised in front of a court before. Secretary of State missed them. We missed them. Anybody else who was looking at these issues missed them. Plenty of blame to go around, but the Constitution isn't any different because the issues get raised now rather than a few weeks ago. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion to - Passage of this Joint Order. A roll call has been ordered. If you are in favor 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 (#592)

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

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

EXCUSED: Senator: HILL

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARPENTER** of Aroostook to **PASS FAILED**.

Senator **MASON** of Androscoggin moved the Joint Order be **TABLED** until Later in Today's Session.

Senate at Ease.

The Senate was called to order by the President.

The Chair **RULED** the motion by Senator **MASON** of Androscoggin to **TABLE** until Later in Today's Session **OUT OF ORDER**.

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

Expression of Legislative Sentiment recognizing:

The Mount Desert Island High School Boys Swim Team, of Bar Harbor, which won the Class B State Championship. Members of the team include Lanvin Lenard Estacio, Lanvin Luiz E. Estacio, Yuri Gabetta, Jonathan Genrich, William Kerley, Noah Lambert, Isaac Mains, Chase Savage McGee, Nathaniel Messmore, Jacob Mitchell, Samuel Mitchell, Cody Parker, Amos Price, Herbert Shaw, Ezekiel Valleau, Isaac Weaver and Tyler Willis. We extend to all the members of the team our congratulations and best wishes;

SLS 805

Sponsored by Senator LANGLEY of Hancock.
Cosponsored by Representative: HUBBELL of Bar Harbor.

The Joint Order was **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 rise this morning to congratulate, by the time I'm done, probably the whole MDI High School in general because they're on the calendar in a couple of places here. But I would like to congratulate the High School Swim Team and the Robotics Team and then 4-3, which the folks aren't here, is the Mount Desert Island Drama Team. So the Boys Swim Team returned home on the evening of February 20th to full firetruck honors and cheers at the head of the Island. I don't know if that's ever happened in your town but it wakes everybody up as they come through and you know something good has happened when they get that kind of escort. The team had won the Class B Championship at Bowdoin College in Brunswick, the first in nine years. MDI jumped out to an early lead with a team win in the 200 yard medley relay. Folks from my hometown of Ellsworth closed the gap entering the final few races but it wasn't enough as the first place finish from Sullivan in the 100 yard backstroke and a runner up finish from Isaac Weaver in the 100 yard breaststroke sealed MDI's win. Junior Liam Sullivan led the way for the team, setting two meet records. The MDI Swim Team has an impressive season and I'm pleased to watch their success continue to the championship swim meet this year.

On the other side of the Chamber here, on March 3rd the MDI Robotics Team, Pickles, in alliance with Foxcroft Academy and Hampden Academy, won the tournament championship at the Maine State Championship. For those of you that have been in this Body as long as I have, this team, Pickles, started out as three members of the team that were here when they came as State Championship winners from the Conners-Emerson School when they were in grade school. They've gotten a little taller and some of their voices have changed a little bit, I think, since then. So the Vex Robotics Team of Mount Desert Island High School emphasizes critical student skills in engineering, including the mechanics of designing and building machines, designing and building the electric systems, and also in computer programing. Students just don't learn about engineering, they actually do it. There's an enormous emphasis on teamwork. This is the first time a team from MDI or a team from Hancock County has won at the State level. The team, the Pickles, is composed of seven boys and two girls, juniors and seniors, many who have devoted four years to robotics. They have earned their right to represent the State of Maine at the Vex World Championships in Kentucky in late April 2018. There they will compete with teams from

across the country and the globe. I'm proud to represent such - represent these students, athletes, and their coaches. Both of these teams will remember these championships for years to come and I'm pleased to have both the swim team and the robotics team joining us here today. Thank you, Mr. President and men and women of the Senate.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today coaches and member of the MDI School, both students and coaches. Would they please all rise and accept the greetings of the State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Expand the Areas Subject to Municipal Residency Restrictions for Sex Offenders"

H.P. 1309 L.D. 1877

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-709)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-709)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-709) **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 Bill "An Act To Require Room Remarketers and Operators of Transient Rental Platforms To Be Registered for the Collection and Reporting of Sales Taxes"

H.P. 1201 L.D. 1721

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-711)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder"

H.P. 984 L.D. 1430

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-715)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland
HAMPER of Oxford

Representatives:

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

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

Signed:

Representative:

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-715)**.

Reports **READ**.

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

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

The Chair noted the absence of the Senator from Penobscot, Senator **CUSHING**, and further excused the same Senator from voting on this matter.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#593)

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

EXCUSED: Senators: CUSHING, HILL

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-715) **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 **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19" (EMERGENCY)

H.P. 1297 L.D. 1862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-712)**.

Signed:

Senators:
DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
POULIOT of Augusta
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 "B" (H-713)**.

Signed:

Senator:
CHENETTE of York

Representatives:
TIPPING of Orono
STANLEY of Medway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)**.

Reports **READ**.

On motion by Senator **DOW** of Lincoln, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-712) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

Senate As Amended

Bill "An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge"
S.P. 615 L.D. 1671
(C "A" S-436)

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

ENACTORS

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

Emergency Measure

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

S.P. 708 L.D. 1863
(C "A" S-430)

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

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission

H.P. 1244 L.D. 1799
(C "A" H-704)

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.

Ordered sent down forthwith.

Acts

An Act To Ensure Protection of Patients

S.P. 339 L.D. 1032
(C "A" S-394)

An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds

H.P. 990 L.D. 1435
(C "A" H-701)

An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services
H.P. 1330 L.D. 1897

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 Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services

H.P. 1189 L.D. 1709
(C "A" H-702)

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

An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training

H.P. 1282 L.D. 1845
(C "A" H-695)

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

Resolve

Resolve, To Increase Digital Literacy Education in Rural Communities

H.P. 951 L.D. 1372
(C "A" H-703)

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess the Senate was called to order by the President.

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 (3/29/18) matter:

Resolve, To Establish a Task Force To Examine Agricultural Issues (EMERGENCY)

S.P. 646 L.D. 1747
(C "A" S-388)

Tabled - March 29, 2018 by Senator **DAVIS** of Piscataquis

Pending - **FURTHER CONSIDERATION**

(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).**)

(In 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 **MASON** of Androscoggin, the Senate **RECEDED** and **CONCURRED.**

The Chair laid before the Senate the following Tabled and Later Assigned (4/3/18) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Tribal Gaming" H.P. 838 L.D. 1201

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-697)** (6 members)

Tabled - April 3, 2018 by Senator **MASON** of Androscoggin

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

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697).**)

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

Senator **CARPENTER:** Mr. President, ladies and gentlemen of the Senate, thank you very much, Mr. President. This came out of our committee. I'd ask you to vote against the pending motion. This bill is a compromise that has a couple of fairly unique features to it. First of all, it would require all federally recognized tribes in Maine, all four of them, to get together under a legal umbrella in order for them to even apply for a license. It would allow them to set up a gaming operation either on tribal land or on land in a municipality with approval of the municipality. It would allow them to use a significant amount of the revenue from that for their wellbeing. Our tribal friends in Maine have not been treated well in recent years. Gaming was forbidden in Maine for many years and when it came to Maine it came to Maine on the wings of a proposal that was, actually was, put forward by one of the native tribes. Somehow in the shuffle, they're the ones who got left behind and the big corporations, with the out-of-state and out-of-country shareholders and bank accounts, were able to go forward and to thrive. Tribes have been trying to catch up ever since. They get, literally, table scraps from - two of the tribes get table scraps from one of the casinos and the other two tribes, the two that I represent, get nothing. This would allow them to come together as Native Americans, as a part of the Wabanaki Confederation of many, many years ago, and put together a legal entity and move forward and apply for licensure. The funds would go back to them, beyond the tax that would come to the State. There is no cascade attached to this bill, as there is with the other bills. Mr. President, I request when the vote be taken it be taken by the yeas and nays.

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 Androscoggin, Senator Mason.

Senator **MASON**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I would urge you to vote with me on this motion, on the Ought Not to Pass. There is a bunch of problems in this bill, a couple of which I will outline for you. The tax rate for this supposed new casino would be half the rate that the existing entities currently have to pay. The rate would be at 25% instead of 50% and would create quite an advantage for this new casino. One of the other things, and some of you might remember if you were here during the 126th, we had a long debate on what 100 miles is. The good news is we would have a new debate on this because that limitation would be moved from 100 miles down to 50 and that, I think, would be a major problem. But probably the biggest problem in this bill, in this amendment, is that the license itself would have to be agreed on by all of the tribes in the state but, as long as they stuck together for six months, after six months they could disband as long as two stayed in the agreement. One of the biggest problems that we have had in this state regarding the licensure of casinos is that they're incredibly lucrative and one of my concerns is that there could be a deal cut after this casino license was given to pay off other tribes and we could have a whole other mess on our hands like we had in the last referendum Question 2 on the ballot. So there's a lot of problems with this bill, Mr. President. I don't think that now is the right time to authorize another casino in the State of Maine and I would urge the Senate to join me on the Ought Not to Pass Report. 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, too, rise in opposition - in support of the Majority Ought Not to Pass on this. There are several issues that are here. But the larger one, looking at the larger context, is: are we going to honor our commitments to, one, the tribes and, second of all, to the cities that have been living with what we have so far? I wish to speak for the issues of Bangor. Bangor, in 2002, came with one of the parties that came here to the Legislature. We had reassurance, significant insurance, that we were going to be part of the cascade and, in consequence, Bangor invested \$65 million in the Cross Center, as you know. Many of you have been there. It really is a very good feature. It brings much economic activity to our end of the State and it is dependent on the revenues that are coming from Hollywood Casino there. I'm very concerned that, lacking any other source of funding, we're hollowing out our city. Many people are already fleeing the center city and they're going to surrounding suburbs where taxes are lower and without having this money in the City of Bangor we are going to continue a downward trajectory, one that we've avoided for quite some time now, I think partly because of Hollywood Casino, and I strongly urge that we adhere to the commitment that we made to small cities like Bangor, are very important. There are those people who live here in Maine who love their small cities and their small towns and, to me, that's what - the way we should be voting on this one and I strongly urge you go along with the Majority Ought Not to Pass. Thank you, Mr. President.

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

Senator **BELLOWS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion and I recognize that there are good and thoughtful perspectives on all sides, but I'm particularly grateful to the tribal chiefs for taking the time to come here, to Augusta, to meet with me and others and I'm grateful to tribal representatives, including most recently Representative Henry Bear of the Maliseet Tribe, for sharing their perspectives, and I think there are a number of considerations, but for me the most important consideration is that of tribal sovereignty, the right of the tribes to govern themselves within our borders and the borders of the United States. For me, that is the fundamental question. I'll just share, quoting Representative Rachel Talbot Ross in her testimony before the Veterans and Legal Affairs Committee. She noted that this Legislature was the first Legislature in North America to adopt a Resolution expressing support for the United Nations Declaration on the Rights of Indigenous Peoples. That happened in 2008, and I'm so glad it did. She read a few passages from the Declaration on the Rights of Indigenous Peoples and I quote, 'Concern that indigenous peoples have suffered from historic injustices, colonization, and dispossession of their lands, territories, and resources, thus preventing them from exercising their right to development in accordance with their own needs and interests.' That's why I will be voting against the pending motion and hope that we might get to the underlying report. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise in a rare moment of uncertainty for myself. I know in committee folks have an opportunity to testify for, against, or neither for nor against. I guess I rise neither for nor against, though recognizing I will have to pick one button or the other. I'll say I do have some concerns with this bill. I have some concerns that have been raised by the good Senator from Androscoggin about the disparity in taxes. I have some concerns that this could go anywhere in the State, not just on tribal lands. But I also - I recognize, and I think it really bears being noted, the complete inequity of the system that currently exists. You know, we have a system right now with, essentially, two firms having complete monopoly, control over this industry. Two firms that spend a lot of resources to keep out competition and I hear folks say all the time, 'Well, these two firms - these two firms had to pass through a statewide referendum in order to get the ability to do their gaming facility,' and I certainly hear and respect that. I also note that when they did go through that process of that referendum they only had to go over the hurdles of convincing people that we should allow gaming facilities in the State. They did not have to necessarily compete with established businesses willing to pump in millions of dollars to oppose their efforts, to try to restrict competition. So I don't know that this is the right bill. I'm not sure if I'm going to be green or red on this today. But I think that we're here today on this bill in part because of a failure of the overall Legislature to really address this system and I do think that, you know, we said - it's been said for years that we need overall reform for this system, this kind of mishmash of, you know, asking permission for this one group here, that one group there, this referendum here, that referendum there. That's not a way to govern this industry and I'm not sure what I'm going to do today, Mr. President, but I'm sad that we're in this spot. Thank you very much.

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

Senator **MAKER:** Mr. President, ladies and gentlemen of the Senate, I promised I wasn't going to stand today. I did, I promised. But I'm standing because of the fact that every time someone from Washington County, like this, someone from another area says, 'Oh, you can't do that because you're going to take it away from my area.' I want to remind every single person here, it was the tribe that was going to do the very first casino. Very first. This bill, I'm going to support it. It's not the best bill to have, and I wish we could fix it to make it right. But it always happens when something happens. Well, we're going to lose money here, we're going to lose money here. Don't forget, it was Washington County, it was the tribe, that wanted to do it first. I just wanted to remind people. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in support of the pending motion, not because I have any animus to the underlying desire of the State's tribes to have an opportunity, but to talk about the fairness of this. Mr. President, when we talk about the gaming industry in Maine we talk about a controlled industry, as is the alcohol industry in Maine, as are a number of other industries that we have required to be licensed. Part of that has to do with public safety. Part of that has to do with control and understanding. Part of it has to do with negotiated deals. In this State we negotiated a very large percentage of the revenues from these two properties to be distributed to a number of people, including members of some of the indigenous tribes here in Maine. Mr. President, I think when we make a deal we have to honor those commitments until we have a thoughtful discussion about how we are going to adjust the business models that we've created for these two facilities that operate in Maine, recognizing that there are changing dynamics in the gaming industry outside of our state that will have an impact on them and recognizing that there are other activities that have become dependent upon those revenue streams to subsidize either revenues for harness racing, revenues for a very successful convention and civic center in the City of Bangor, and other entities across our state that have come to find the revenue mix important to them. So it's not just a matter of whether somebody came up with the idea first. There's a lot of people who came up with hamburger restaurant ideas that didn't become as successful as Ray Kroc. That isn't to say that McDonald's is bad. It is to say that they came up with a model that was acceptable and was marketable on an ongoing basis. To say that this is a free market situation really does not reflect on what agreements were made on the behalf of the investors in these entities to bring this type of gaming here. Now I say that recognizing the fact that I'm not a big fan of gambling being considered economic development. I think that we dance very close to the flames there when we do that and, for our fellow residents who are proud of their heritage of being Native Americans, I think we have to reflect upon the opportunities that are there for them, where they may be able to provide jobs, provide economic benefits without relying upon an industry that is going to continue to be very contentious. Thank you, Mr. President, for allowing me to speak.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, yes, I do rise this time correctly. I think you've probably heard from both sides of the aisle here this morning that this may not be the best crafted bill that could go forward dealing with this issue. But is it - is gaming the best path forward for the tribes in the State of Maine, economically? Probably not. But I think that they deserve a chance at some type of movement forward and I think that the best way forward in this is to go ahead and pass this bill and then, I think, there's two or three things that we could come forward with in a floor amendment to make this much better. So I urge you to vote against the pending motion. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm not much of a gambler myself, but I was on the - I was Chair for the Veterans and Legal Affairs two years ago and we dealt with this and we came up with a very good solution, I thought, but the tribes did not agree with each other and it kind of threw it down to the wayside. So it didn't make it. Now this particular one kind of dropped off from statewide to just a county and they could also put their casino anywhere in the State and also that it's half of what the tax would have been. There's a lot of problems with this one on the cascade level, because it would make it uneven for the other casinos as well. I believe that this way it's been crafted is not a very good solution and that's why I'm going to vote for this pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time and rise in a rare moment of disagreement with my good friend and colleague from Penobscot County who cited Ray Kroc. You know, I enjoyed seeing recently the founder - the movie about Ray Kroc, starring Michael Keaton playing the role. You know, I don't recall any point in his story him using government to restrict competition and to establish himself as the one and only business able to exist in that industry. So I just wanted to note I don't think that that's an apt comparison. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. A roll call has been ordered. If you are in favor of 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 (#594)

YEAS: Senators: BRAKEY, CHIPMAN, COLLINS, CUSHING, CYRWAY, DESCHAMBAULT, DIAMOND, DOW, GRATWICK, HAMPER, HILL, KATZ, KEIM, LANGLEY, MASON, MILLETT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, DILL, DION, JACKSON, LIBBY, MAKER, MIRAMANT, VITELLI, WOODSOME

ABSENT: Senator: DAVIS

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Ordered sent down forthwith 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 Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation"

H.P. 1336 L.D. 1898

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

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

Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts

H.P. 1337 L.D. 1899

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

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

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:

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1335

**JOINT RESOLUTION
RECOGNIZING APRIL 7, 2018
AS MAINE MASONIC DAY**

WHEREAS, Freemasonry is one of the oldest and largest fraternal organizations in the world, open to men of any race, religion or social standing, and it provides opportunities for fellowship, charity, education and leadership based on the 3 ancient Masonic tenets of Brotherly Love, Relief and Truth; and

WHEREAS, the first Maine Masonic Lodge was formed in 1762 and the Grand Lodge of Maine was incorporated on June 16, 1820 as one of the first legislatively created institutions in the State, with Governor William King serving as the first Grand Master of Maine; and

WHEREAS, many of the country's famous patriots were Masons, including Paul Revere, George Washington, John Hancock and Benjamin Franklin, and many sons of Maine were Masons, including at least 33 Governors, Civil War Brigadier General Joshua Chamberlain, arctic explorer Rear Admiral Robert Peary, businessmen and philanthropists Harold Alfond and Galen Cole and famed baseball coach John Winkin, Jr.; and

WHEREAS, throughout history Masons have been committed to serving their communities through charity and continue to do so today through such projects as working with schools and libraries to encourage children to read; providing school teachers and administrators with free educational training and tools to identify and assist at-risk children; offering free specialized education in Portland and Bangor for children with dyslexia; and working with the Shriners, who operate the Shriners Hospitals for Children, an international hospital network providing no-cost, state-of-the-art burn and orthopedic care to children; and

WHEREAS, on Maine Masonic Day, April 7, 2018, Masonic lodges throughout the State will confer the Master Mason degree on men of character who wish to improve themselves and benefit their communities; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 7, 2018 as Maine Masonic Day and to express our appreciation of the charitable contributions of Masons to their communities and the State.

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

The Joint Resolution was **READ**.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I appreciate your indulgence in allowing us to recognize this very worthy organization of which I'm proud to be a member, as are some of my colleagues here in this Chamber. Mr. President, I have found a great opportunity to reflect on some of the important principles that help me here in the decisions we make in this Chamber on behalf of the people of our state because of the principles that I have learned through the steps I've followed in Masonry. I'm honored today, Mr. President, that we have members of the Grand Lodge here and others from the other Body who also participate, and I thank you for allowing me a few moments to stand and for taking the time to illiterate some of the important people in Maine's history, and our nation's history, who have served and benefited from their role in Freemasonry. Thank you, Mr. President.

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

THE PRESIDENT: The Chair is extremely pleased to recognize in the Gallery today Masons from across our State, including the Grand Master of the Grand Lodge of Maine, Thomas E. Pulkkinen, as well as officers from the Grand Lodge of Maine. Would they all please rise and accept the greetings of the Senate.

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Monday, April 9, 2018 at 10:00 in the morning.