

# 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  
Wednesday  
April 11, 2018

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

Prayer by Pastor Todd Little, First United Pentecostal Church in  
Lewiston.

**PASTOR LITTLE:** Good morning. Let us pray. Loving, gracious  
God, this morning we come to You on behalf of these honorable  
State Senators in humility, seeking Your blessing and favor and  
wisdom. Your word tells us that You will liberally give wisdom to  
those who pray for it in faith. I pray that You will guide the affairs  
of our Legislature, ensuring that they serve in a manner that will  
be most beneficial for the people of the great State of Maine.  
Lord, please give patience, understanding, and strength to these  
Senators. Grant Your direction, that with the spirit of cooperation,  
with honest dialogue, and with complete listening, Your servants  
may meet the challenges of today with integrity and justice. May  
our focus today be upon Your priorities for us, that we do justly,  
that we love mercy, and we walk humbly with You. Heavenly  
Father, we petition You for Your divine wisdom and guidance  
here today, for You, and You alone, know the future and the  
things that are to come. We request that You give us boldness to  
honor You through both our actions and our interactions. Most  
importantly, we pray today that You would allow each of us to be  
more aware of You and Your word. Help us to be a virtuous  
people, responsible for upholding sound biblical principles that  
brought our country into being. We pray this all in the wonderful,  
saving name of Jesus. Amen.

Pledge of Allegiance led by Senator Rebecca J. Millett of  
Cumberland County.

Reading of the Journal of Tuesday, April 10, 2018.

Doctor of the day, Rowlanda Stone, M.D., of Lamoine.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL  
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide  
Additional Deductions from a Sentence of Imprisonment for  
Completion of Education, Mental Health Treatment and  
Substance Abuse Treatment Programs"

H.P. 973 L.D. 1415

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

Minority - **Ought to Pass as Amended by Committee  
Amendment "A" (H-719)** (5 members)

In Senate, April 9, 2018, on motion by Senator **ROSEN** of  
Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and  
**ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former  
action whereby the Minority **OUGHT TO PASS AS AMENDED**  
Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT  
"A" (H-719)**.

On motion by Senator **ROSEN** of Hancock, the Senate  
**INSISTED**.

COMMUNICATIONS

The Following Communication: H.C. 497

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

April 10, 2018

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

Dear Secretary Priest:

House Paper 972, Legislative Document 1414, "An Act To Ensure  
the Availability of In-person Visitation in County Jails," having  
been returned by the Governor, together with objections to the  
same, pursuant to Article IV, Part Third, Section 2 of the  
Constitution of the State of Maine, after reconsideration, the  
House proceeded to vote on the question: "Shall this Bill become  
a law notwithstanding the objections of the Governor?"

84 voted in favor and 62 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: H.C. 498

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

April 10, 2018

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

Dear Secretary Priest:

Senate Paper 499, Legislative Document 1444, "An Act To Prohibit Gross Metering," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

96 voted in favor and 50 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: H.C. 499

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

April 10, 2018

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Energy, Utilities and Technology on 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)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: H.C. 496

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

April 9, 2018

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1795, "An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission."

Under federal law, marijuana is a Schedule 1 controlled substance. As a Schedule 1 drug, the federal government has deemed that marijuana has a high potential for abuse and has no currently accepted medical use in treatment in the United States. In Maine, doctors cannot legally prescribe marijuana to patients, they only "certify" its use. Possession of any amount of marijuana under federal law is a misdemeanor crime. In 2011, I took an oath to support the Constitution of the United States, and I cannot in good conscience support a law that, on its face, violates federal law.

For these reasons, I return LD 1795 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission (EMERGENCY)

H.P. 1239 L.D. 1795

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

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 (#606)**

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, 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: Senator: CYRWAY

EXCUSED: Senator: HILL

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs"

H.P. 1228 L.D. 1783

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-736)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-736)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-736) **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 Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 1289 L.D. 1852

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-739)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-739)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-739) **READ** and **ADOPTED**, in concurrence.

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

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Off Record Remarks

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Lead Abatement in Older Residential Properties"  
H.P. 1063 L.D. 1542

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-628)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-628)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-628) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Pretrial Justice through Risk-based Decision Making with Enhanced Diversion, Release and Treatment Options for Eligible Defendants"  
H.P. 880 L.D. 1268

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-732)**.

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

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

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

Signed:

Representative:

GERRISH of Lebanon

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase Youth Mental Health Awareness in Schools"

H.P. 1302 L.D. 1866

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-740)**.

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

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

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

Signed:

Representatives:

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

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-740)**.

Reports **READ**.

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

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this legislation is very timely in light of the events, not just in Scarborough this week but also with a very similar suicide in Kennebunk just a week before, and these two young men, both of whom seemed to really just have a lot going for them, a tremendous amount going for them in their future. In the case of Sam in Scarborough, a senior, finally found his forever home with his adopted Dad, Dan Mercer, who is a wonderful man that I have known for a decade. Generous person who has taken in, I believe, somewhere in the neighborhood of 15 boys, adolescents, many of whom had been released from Longcreek and had nowhere else to go. Were taken into his home and quite a few of them adopted the same way that Sam was and, unfortunately, it's come to light that the school did have some knowledge that this suicide was something that he had talked about and they're still determining, you know, whether the correct protocols were followed. But I think it makes sense that we are passing this today so that we can just ensure that all schools do have a protocol and that we can bring awareness to this issue, which is obviously very weighty and very important and, unfortunately this week, very timely. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Mr. President, men and women of the Senate, as the good Senator from Cumberland, Senator Volk, mentioned, we've had yet another high school suicide in Southern Maine. I just wanted to note that in the 3-plus years I've served in the Maine Senate there have been five students in my district who have lost their lives to suicide. The youngest was in 7<sup>th</sup> grade. We hear a lot in this Chamber and in this building about how important it is that we have a healthy, vigorous workforce and how we are demographically upside down. We need to attract more young people to Maine and make this a great place for young people to live. I would say that with this bill and others before, this is one way we take care of the kids we already have in Maine and that's really an important endeavor. Thank you, Mr. President.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-740) **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 Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services

H.P. 1191 L.D. 1711

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-737)**.

Signed:

Senator:  
CHIPMAN of Cumberland

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

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

Signed:

Senator:  
BRAKEY of Androscoggin

Representatives:  
CHACE of Durham  
SANDERSON of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-737)**.

Reports **READ**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-737) **READ** and **ADOPTED**, in concurrence.

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

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Divided Report

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Ensure the Continued Provision of Services to Maine Children and Families (EMERGENCY)  
H.P. 1307 L.D. 1874

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-738)**.

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 Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-738)**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#607)**

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, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Resolve **READ ONCE**.

Committee Amendment "A" (H-738) **READ** and **ADOPTED**, in concurrence.

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

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Off Record Remarks

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**Divided Report**

The Majority of the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** on Bill "An Act To Implement a Regulatory Structure for Adult Use Marijuana" (EMERGENCY)

H.P. 1199 L.D. 1719

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-733)**.

Signed:

Senators:

KATZ of Kennebec  
DESCHAMBAULT of York  
DION of Cumberland  
MAKER of Washington  
ROSEN of Hancock



Representatives:

PIERCE of Falmouth  
ACKLEY of Monmouth  
BICKFORD of Auburn  
BLUME of York  
COREY of Windham  
FREY of Bangor  
HANLEY of Pittston  
HARVELL of Farmington  
JORGENSEN of Portland  
MAREAN of Hollis  
MONAGHAN of Cape Elizabeth

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-734)**.

Signed:

Representative:

HICKMAN of Winthrop

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)**.

Reports **READ**.

Senator **KATZ** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report, in concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District  
H.P. 32 L.D. 31

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (H-572)**.

Signed:

Senators:

MASON of Androscoggin  
CARPENTER of Aroostook  
COLLINS of York

Representatives:

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

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

Signed:

Representative:

SCHNECK of Bangor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-572)**.

Reports **READ**.

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

Resolution **READ ONCE**.

Committee Amendment "B" (H-572) **READ** and **ADOPTED**, in concurrence.

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

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**Senate**

**Ought to Pass**

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

S.P. 720 L.D. 1885

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

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

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

Sent down for concurrence.

**Ought to Pass As Amended**

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Stabilize Vulnerable Families"  
S.P. 658 L.D. 1771

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-449)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-449) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Privacy of Online Customer Personal Information"

S.P. 566 L.D. 1610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-453)**.

Signed:

Senator:  
DION of Cumberland

Representatives:  
BERRY of Bowdoinham  
COOPER of Yarmouth  
DeCHANT of Bath  
RILEY of Jay  
RYKERSON of Kittery  
SANBORN of Portland

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

Signed:

Senators:  
WOODSOME of York  
CUSHING of Penobscot

Representatives:  
HANLEY of Pittston  
HARVELL of Farmington  
O'CONNOR of Berwick  
WADSWORTH of Hiram

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Promote Prescription Drug Price Transparency"  
S.P. 484 L.D. 1406

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-451)**.

Signed:

Senator:  
HILL of York

Representatives:  
MOONEN of Portland  
BABBIDGE of Kennebunk  
BAILEY of Saco  
CARDONE of Bangor  
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 "B" (S-452)**.

Signed:

Senators:  
KEIM of Oxford  
WHITTEMORE of Somerset

Representatives:  
BRADSTREET of Vassalboro  
GUERIN of Glenburn  
JOHANSEN of Monticello  
SHERMAN of Hodgdon

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Improve Compliance with the Maine Tree Growth Tax Law"  
S.P. 722 L.D. 1891

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

Signed:

Senators:

DOW of Lincoln  
CHENETTE of York

Representatives:

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

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

Signed:

Senator:

CUSHING of Penobscot

Reports **READ**.

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

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

Senator **DOW**: Thank you. Just briefly, this is a 10 year bill. We're into its sixth year. In four years it's going to be a review anyway. We felt that we needed to complete the entire ten years before we had a full evaluation. In the meantime, Maine Forest Service has been advised to send a letter to the municipalities to remind them that if they need any help they are available for anything to work on the tree growth laws. Thank you.

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

Sent down for concurrence.

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#### Divided Report

Eight members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Practice of Female Genital Mutilation of a Minor"

S.P. 732 L.D. 1904

Reported in Report "**A**" that the same **Ought to Pass**.

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

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

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

Signed:

Representatives:

WARREN of Hallowell  
RECKITT of South Portland  
TALBOT ROSS of Portland

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-446)**.

Signed:

Representatives:

GROHMAN of Biddeford  
LONGSTAFF of Waterville

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, Report "**A**" **OUGHT TO PASS ACCEPTED**.

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

On motion by Senator **ROSEN** of Hancock, Senate Amendment "**A**" (S-454) **READ** and **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454)**.

Ordered sent down forthwith for concurrence.

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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#### ENACTORS

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

**Emergency Measure**

An Act To Amend the Retirement Laws Pertaining to Participating Local Districts

H.P. 180 L.D. 247  
(C "A" H-716)

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.

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**Emergency Measure**

An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities

H.P. 1209 L.D. 1756  
(C "A" H-577)

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.

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**Emergency Measure**

An Act To Authorize the Treasurer of State To Facilitate the Establishment of ABLE Accounts for Qualified Persons

H.P. 1314 L.D. 1881  
(C "A" H-717)

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.

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**Emergency Resolve**

Resolve, To Develop MaineCare Reimbursement Rates for Trauma-focused Cognitive Behavioral Therapy

H.P. 630 L.D. 902  
(C "A" H-726)

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

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 180: Performance Evaluation and Professional Growth Systems, a Late-filed Major Substantive Rule of the Department of Education

H.P. 1288 L.D. 1851  
(C "A" H-722)

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

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children

H.P. 1304 L.D. 1868  
(C "A" H-729)

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

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**Emergency Resolve**

Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans

H.P. 1318 L.D. 1886  
(C "A" H-725)

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

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**Acts**

An Act To Increase Reimbursement for Child Care Services

S.P. 58 L.D. 166  
(C "A" S-407)

An Act To Allow Microgrids That Are in the Public Interest

H.P. 190 L.D. 257  
(C "A" H-720)

An Act To Amend the Child Protective Services Statutes  
H.P. 824 L.D. 1187  
(C "A" H-724)

An Act To Improve the Effectiveness of the Major Business  
Headquarters Expansion Tax Credit  
S.P. 733 L.D. 1903

**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.

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An Act To Address Maine's Nursing Shortage by Creating an  
Apprenticeship Pathway for Licensure of Health Care-trained  
Veterans and Expanding Access to Nursing Education  
H.P. 1294 L.D. 1857  
(C "A" H-718)

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

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**Resolve**

Resolve, To Create the Task Force on Mathematics Success in  
School  
H.P. 1177 L.D. 1697  
(C "A" H-731)

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

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On motion by Senator **HAMPER** of Oxford, the Senate removed  
from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Authorizing the Deorganization of the Town of Atkinson  
H.P. 1023 L.D. 1484  
(C "A" H-698; S "A" S-432)

Placed on the Special Appropriations Table - April 9, 2018 by  
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-698) AND SENATE  
AMENDMENT "A" (S-432)**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

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

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On motion by Senator **HAMPER** of Oxford, the Senate removed  
from the **SPECIAL APPROPRIATIONS TABLE** the following:

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

Placed on the Special Appropriations Table - March 15, 2018 by  
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (H-602)**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

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

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On motion by Senator **HAMPER** of Oxford, the Senate removed  
from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Regarding Criminal Forced Labor, Aggravated Criminal  
Forced Labor, Sex Trafficking and Human Trafficking  
S.P. 639 L.D. 1740  
(C "A" S-385)

Placed on the Special Appropriations Table - March 28, 2018 by  
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY  
COMMITTEE AMENDMENT "A" (S-385)**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

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

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

**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)

Placed on the Special Appropriations Table - March 28, 2018 by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-658)**, in concurrence.)

(In House, **PASSED TO BE ENACTED**.)

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.

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Off Record Remarks

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**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 (4/4/18) matter:

SENATE REPORT - from the Committee on **TAXATION** on Bill "An Act To Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce"

S.P. 633 L.D. 1734

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-438)**

Tabled - April 4, 2018 by Senator **DOW** of Lincoln

Pending - **ACCEPTANCE OF REPORT**

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

Senate at Ease.

The Senate was called to order by the President.

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Senator **DOW** of Lincoln requested and received leave of the Senate to withdraw his motion to **ACCEPT** the **OUGHT TO PASS AS AMENDED** Report.

On motion by same Senator, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/5/18) matter:

HOUSE REPORT - from 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

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-711)**

Tabled - April 5, 2018 by Senator **DOW** of Lincoln

Pending - **ACCEPTANCE OF REPORT**

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

On motion by Senator **DOW** of Lincoln, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/9/18) matter:

HOUSE REPORTS - from 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  
(C "A" H-712)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-712)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-713)** (3 members)

Tabled - April 9, 2018 by Senator **VOLK** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712)**

(In House, 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).**)

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

Senator **JACKSON:** Thank you, Mr. President. I decided not to offer an amendment so thank you.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-712),** in concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/10/18) matter:

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"

S.P. 698 L.D. 1844

Report **"A" - Ought to Pass as Amended by Committee Amendment "A" (S-447)** (8 members)

Report **"B" - Ought Not to Pass** (4 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "B" (S-448)** (1 member)

Tabled - April 10, 2018 by Senator **DAVIS** of Piscataquis

Pending - motion by same Senator to **ACCEPT** Report **"A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, I rise in opposition to the pending motion. L.D. 1844 puts the State in a difficult position. As you may remember, Mr. President, you and I served on a Blue Ribbon Commission to deal with regulatory takings in the 125<sup>th</sup> Legislature. Mr. President, this bill, in essence, puts the State in a position of de facto being involved in a process of taking of rights from some of the more important assets in this State that effect our forest products industry. Mr. President, in full disclosure, my family does own timberlands that could potentially be impacted by this, but at this point I'm not aware that there are transactions going on that would come into play. But you have to understand, as we look at what's happened to our forest products industry with the decimation of the paper mills in this state, to propose this type of legislation which could have an adverse effect on the ability for simple transactions between landowners that have value in exchanging property or selling property, to recognize that State government can't always

move as promptly as a private transaction does, you are de facto adding another nail in the coffin of what has been a long and proud tradition of Maine's forest heritage. I ask my colleagues to oppose the pending motion to assure that we do not send the wrong message. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the reason why this bill is before us today is that we have a tree growth program here in Maine that helps subsidize the land to be used for harvesting trees, growing trees. The way that it works is a parcel of land, 10 acres or more, is in tree growth. The State pays 80% of the subsidy and the townspeople in that municipality, or that organized territory, make up the other 20%. So, in my opinion, taxpayers in the State of Maine have a real equity in this land also. They're helping subsidize the amount that the property taxes are on there. So, to me, that means that taxpayers should be getting something in return for that. What I understand, the intent of the tree growth program is that it's helping provide jobs, economic opportunity, in the state. But in this situation what we've seen is that there's a company that has been created in Quebec by the Quebec government and their whole intent, purpose, their whole mission, is to provide economic opportunity for people in Quebec, provide jobs for people in Quebec, and, in this case, to buy up land in Maine to help subsidize Quebec mills. That's perfectly fine for the people of Quebec and, you know, I appreciate what they're trying to do for their people, but I think whenever the taxpayers in the State of Maine have helped subsidize this land in Maine we should be able to step in and say, 'Well, if that land is going up for sale maybe the State should purchase it.' The State is the second largest landowner in Maine and has logging all over it. Maybe it's a good deal for the taxpayers of the State of Maine to step in and purchase it. We heard in committee the time period. Well, the time period was actually scaled down to 10 days to make it as small of a deterrent for the purchaser and the seller. But in the end it comes down to do we want to make sure that land that taxpayers in the State of Maine have put their money into, was used to make sure that mills, truckers, loggers, everyone in the State has an advantage. What we know in this case, with Solifor, that is not the case. They have actually put into different briefs going to the U.S. Trade Representatives, their own press releases talking about it. One of the quotes they said that they had begun to acquire land outside of Quebec, announcing the injection of \$65 million in Solifor for the acquisition of forest lands in Maine in 2016 and 2017, acquisitions designed specifically to ensure and secure the supply of fiber for Quebec saw mills and wood processors. Again, that's perfectly fine. If they're trying to help their people, I'm all for that. I represent the people of the State of Maine. I am trying to help the people of the State of Maine. I'm trying to help mills. I'm trying to help loggers and truckers. I think the State having at least the opportunity to look to see if they want to buy these lands when they come up for sale is appropriate and that's what the bill before us today does.

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

Senator **SAVIELLO**: Thank you, Mr. President. Ladies and gentlemen of the Senate, so somebody is wondering why somebody like me is supporting this, being that I worked in the forest industry for 32 years. I'm going to read you what my good friend, the Senator from Aroostook, brought up. This is in an article in a newspaper. Solifor, a forest investment platform for funds in Quebec, has acquired the Ste-Aurelie Timberlands, a 24,910-hectare plot, for the investment, and this is the second investment outside Quebec, and it's to support, utilize, for the Quebec mills. Their press release included a quote by their President that said Solifor is planning other acquisitions to further secure the fiber supply for Quebec companies, making it a partner of choice for the forest industry. That's why I support this bill, because I'm really concerned. I'm really concerned at some point, if we don't put a flag in the ground or line in the sand, that we'll have a bigger problem. We'll be looking at all our logs, all our pulp wood, all our pellet wood, sitting on the coast of Maine getting to be shipped someplace else while our mills starve here at home. So I will be voting for this bill. Thank you very much, Mr. President.

On motion by Senator **CUSHING** of Penobscot, 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 Penobscot, Senator Cushing.

Senator **CUSHING**: Thank you, Mr. President. Could we approach the rostrum for a moment?

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Senate at Ease.

The Senate was called to order by the President.

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**THE PRESIDENT**: The pending question before the Senate is Acceptance of the Ought to Pass as Amended by - Report "A" Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of accepting that report you are going to 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 (#608)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, JACKSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WOODSOME

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, GRATWICK, HAMPER, KATZ, KEIM, MAKER, MASON, VOLK, WHITEMORE, PRESIDENT THIBODEAU

EXCUSED: Senator: HILL

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447) PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-447) **READ** and **ADOPTED.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Off Record Remarks

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**RECESSED** until the sound of the bell.

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

#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

The Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** on Bill "An Act To Implement a Regulatory Structure for Adult Use Marijuana" (EMERGENCY)  
H.P. 1199 L.D. 1719

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-733)** (16 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-734)** (1 member)

Tabled - April 11, 2018 by Senator **KATZ** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report, in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733).**)

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



Senator **KATZ**: Thank you, Mr. President and men and women of the Senate. To quote the Grateful Dead, 'What a long strange trip this has been,' over now 16 months of this Legislature. It starts with the passage of the Citizen Referendum in 2016, the Marijuana Legalization Act which allowed for personal use and personal possession of small amounts of marijuana. It was 29 pages long, the bill associated with that referendum, and it had significant gaps and problems with that bill, including the fact that actually, technically, it did not make it illegal to sell marijuana to minors. So the Legislature and the Leadership appointed a 17 member bi-partisan committee, the Marijuana Legalization Implementation Committee, to try to come up with an intelligent regulatory system for what's entirely a new industry in the State of Maine. I was proud to serve along with several of my colleagues in this Body; Senator Dion, Senator Deschambault, Senator Maker, and Senator Rosen. I think we all feel we spent way too much time together. Several of us didn't vote for this referendum. I didn't, but I think we all realized it was our responsibility to make this work, to carry out a legitimate vote of the people, but to do so in a smart way that learned from the experience of others, and the principles which guided us were to protect the safety and wellbeing of Maine residents who chose to participate in this market; to set up a rigorous licensing system; to provide a strong entrepreneurial edge for Maine residents, giving them first crack at the opportunities that this new industry creates; to ensure local control though an opt-in system so that communities decide for themselves if they want to license this activity or not; to discourage diversity to the illegal market; and fairly tax these new businesses. As you know, L.D. 1650 passed this last session, was vetoed by the Chief Executive, and the veto was sustained in the other Body. So we went back to work over the last four months and we listened and we listened and we listened and talked to all the stakeholders, certainly, again, looked at other states and what they had done, and the product of our work is here before you, this L.D. 1719, which did get voted out of committee 16-1 Ought to Pass. So, I just wanted to spend a few minutes just talking about the basic structure of what we did so that there were no questions.

The first thing we did was removed the control of this new enterprise to DAFS, the Department of Administrative and Financial Services, and also moved, in its entirety, the medical program from where it had sat in HHS over to DAFS. The reason for this was that, first of all, the Department of Health and Human Services, let's face it, really wasn't regulating medical marijuana and wasn't doing a very good job of it. Didn't want anything to do with it, frankly. It makes sense to have these two housed in the same - under the same department so that things like testing can be done in a uniform way in both systems so things like labeling and advertising can also be done in a consistent way. But just make no mistake about it, please, the medical system is remaining entirely separate from the adult use market, entirely separate, and this bill is full of references to how nothing we have done affects anybody's rights or anybody's privileges under the medical marijuana law. In particular, those people who are concerned that somehow children who are now medical marijuana patients would lose their ability to get the products which helps them so much, that's just absolutely not so and we it made very, very clear about that. Then we set up a licensing system. Four types of licenses: nursery license, cultivation facilities, manufacturing, testing facilities, and retail store. We said that not everybody can get a license. You've got to be 21 years old. We gave a real preference here to Maine residents by

a four year residency requirement, saying that if it's a business, whether corporation or a LLC or a partnership, majority ownership of that business has to be Maine residents. No disqualifying drug offenses and someone can't be a State employee or a member of law enforcement. We were consistent, Mr. President, in trying to do everything we can to protect children and other users. Very strict packaging restrictions, very strict labeling requirements, very strict advertising restrictions so that this will not get into the hands of kids to the extent we can control that. We also - the only money we were taking from the General Fund in all this, there's no cascade, there's no special this for this person or this for this group, but we did take 12% of the gross revenue and we're using 6% of it for a public health fund, public awareness fund, to make people aware of some of the risks of using marijuana, particularly edibles, which don't take effect for - you don't get the effect from them for quite a period of time after you eat them, and we want to direct this primarily at kids. So it took a good chunk of money into public safety campaigns and we took another chunk of money, another 6%, specifically for law enforcement, to help train drug recognition officers so that they can better deal with the new challenge that the use of marijuana may present in order that we can keep our roads safe. We also made sure that no marijuana establishment can be within 1,000 feet of a school and we got a seed-to-sale tracking system, a bar code if you will, that is going to make sure that all this marijuana is tracked right from the beginning of cultivation all the way through the end product so we can make sure that people are complying with the law and so we can keep track of it for tax purposes.

A central portion of this, Mr. President, is local control. It's clear that some communities are more willing to be involved in this than others and so we have a very strict opt-in provision in this law so that if your town or your city, or any town, decides they don't want to have commercial activities in their town, whether it's cultivation or product production or retail sale, they don't have to. We made it an opt-in system so that if a community does nothing it means that there won't be any commercial activities in that town. The town has to affirmatively vote to do it. Municipalities are given full control beyond that to further regulate marijuana so that we - communities in some parts of the state have a very different attitude about this than others and we wanted to honor that. Also, Mr. President, municipalities will be made whole, we believe, because municipalities can charge for application fees for the local licenses and recoup some of their expenses that way.

We've also got a marijuana advisory committee that's going to keep track of how this thing rolls out and make recommendations to future Legislators - Legislatures about changes in the law. Just a few weeks ago we passed Senator Deschambault's bill which allows for restaurants to use bump-outs out on the streets and serve alcohol. Prohibition was done away with 85 years ago. We are still tinkering with our alcohol laws. This is not going to be the final version of this either. There'll be lots of opportunities in future years for changes to this law.

Home cultivation, we are allowing - the bill provides for three mature plants, but it also provides for people to have the ability to sign up with somebody else on another parcel of land to grow their three plants if they want to.

In terms of taxation, Mr. President, some states are taxing marijuana very heavily. Other states not so much. We tried to thread the needle and be right in the middle of the pack. I think that's what we've done. We've got a 10% sales tax at point of sale and an excise tax at the cultivation level, which is based not

on price but on volume, of the equivalent of 10%. In every other state which has done this, and done it well, has an excise tax as well as a sales tax, and the reason is it helps you keep track better of where the marijuana is in the process so we're, hopefully, again discouraging diversions to the illegal market, but also because we've seen from other states the price, the retail price, of marijuana goes up and down quite a bit. Excise tax stays pretty steady and so it made sense, for financial planning, to do that as well. Again, all the revenue will go to the General Fund except for the 12% I mentioned earlier. The projections from the Fiscal Office are that once this thing is up and fully running it should generate tax revenues of about \$23 million a year.

As you make the decision whether to press your red button or your green button today, you're not deciding whether you like marijuana or not. You're really deciding between two bills, this bill, which is before you today and the original Marijuana Legalization Act. So if you think this is a better bill, or there may be some of you who think it's a least - less bad bill, hopefully you'll vote for this bill because if you don't, and this bill is somehow defeated, we will be left with the Marijuana Legalization Act. I'd just like to mention a few implications of that so we're clear because if you vote for this bill there will be money allotted for child prevention. Not in the other bill. This bill will allocate money for law enforcement training. Not the other bill. This bill will prohibit internet sales. Prohibit home deliveries. Prohibit drive-thru windows. Not in the other bill. This bill has a very strong prejudice in favor of local control, an opt-in. Not the other bill. This bill has significant civil penalties for violators of this regulatory scheme. Not the other bill. This bill has an effective tax rate of 20%. Not the other bill. This bill prohibits delivery services. Not the other bill. This bill prohibits social clubs, but not the other bill.

Mr. President, I'm - this was a 17 member committee, all the way from people who think marijuana should be treated almost like any other plant to people who have real problems with doing anything to legalize marijuana. We were able to get a 16-1 vote. Kind of like a budget bill in that sense. There's a lot of compromise that had to be made to get there. So we're proud that we have collectively done our job and hope we'll have your support. If for some reason this bill fails, the cheers you will hear will be from those who profit from the current illicit gray market, who don't want to be licensed, who don't want their products tested and appropriately labeled, and who don't want to pay taxes. So I hope you will have your - the support of each and every member of this Body on this bill, Mr. President, and I request a roll call.

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

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

Senator **DION:** Thank you, Mr. President. Ladies and gentlemen of the Senate, first I'd like to extend my appreciation and congratulations to my colleagues from this Chamber who worked on the Committee. It was work. I'm proud of the fact that we took the time to hear all the opposing views and did our best, as reflected in this bill, at drafting a consensus document that would advance the best interests of the people of this state and once

and for all declares that the mere relationship with the plant should not be a predicate for criminalization. I'll close with just a piece of history. My good friend from Kennebec spoke of prohibition. I would like to shutter that down a little bit. In 1999, as newly minted sheriff, I appeared in this Capitol and stood before a committee with a proposition that cannabis seized as a consequence of law enforcement investigations should be sequestered and redistributed to people who were ill, challenged by catastrophic or chronic disease. The *New York Times* later reported what a radical departure from mainstream thinking that was and I was treated accordingly by the members of both Chambers. We weren't ready. Good ideas need time and time has passed and today I stand proud, Mr. President, when this Chamber's on the verge of making a decision that I will always remember as that young sheriff who walked up the stairs here to advocate on behalf of what was going to become the medicinal marijuana community. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today as a man who feels that I have to be the children's voice today in the State of Maine. They had no opportunity to vote for legalizing marijuana. They have no opportunity to tell parents not to do it. This is normalizing the use of pot, marijuana, weed, skunk, Maryjane, whatever you want to call it. This a Schedule 1 drug, which is the same category as heroin and cocaine. So is it okay to say that heroin can be in your household and say that it's okay if you only have a certain amount for your kids to be able to have access to? Is it okay to have fentanyl in your house or cocaine and say it's okay? I am speaking from the kids' point of view and saying I want my home safe and I want my parents to be safe. Let's not look at what is good for an adult to be able to have their own choice on what they do or whatever they use. Let's look at our kids, which is our most precious commodity in the State of Maine. I thank you for the hard work, put in the position that these Senators have been put into to take care of this commission, trying to figure out a way to govern and trying to make this as safe as possible. But it's like trying to make something bad or worse. This is really terrible and terrible. There is no bad or worse in this. I feel that we have lowered our standards. We've lowered our standards to make this a normal thing to do, smoke pot, and you're going to go in your streets and you're going to smell it and it's going to be on your clothes, and then you have businesses and you also have professionals that are going to have certain standards that they can't meet.

Under the Controlled Substance Act cannabis is treated like every other controlled substance, such as cocaine and heroin. The federal government places every controlled substance in a scheduled - in a principle according to the relative potential for abuse and medicinal value. Under the CSA, which is the Controlled Substance Act, cannabis is classified as a Schedule 1 drug, which means that the federal government views cannabis as highly addictive and having no medicinal value. The doctors may not prescribe cannabis for medical use under federal law and they can recommend its use under the First Amendment. The federal government claims that the marijuana is not medicinal and it is *Gonzales v. Raich* in 2005 the United States Supreme Court held that the federal government has the constitutional authority to prohibit marijuana from all purposes; including knowingly open,

lease, rent, maintain, or use property for manufacturing, storing, or distribution of controlled substances. Ladies and gentlemen of the Senate, we are putting our businesses at risk here. If we say this is okay they could lose their business. It could be a situation where we're putting them in harm's way. We're putting our children in harm's way. I am taking a strong stance and saying no to marijuana because it is harmful to our state.

I am sworn to uphold the Constitution. I am sworn to take and protect this state, whether it's in favor of the popularity vote or not I have to do that, and I feel that I am sometimes the sole person that feels that way on the drug issue, but it's not. I know a lot of you would vote against marijuana if they could, and I know that, but they're put in this position, in a very tough position, where they've got the commission that's been put together here, and there's been a lot of work done, and now everybody's expected to hold hands and surround each other and sing kumbaya and say it's okay. Well, I can't do that. I've been in law enforcement for 30 years, 25 of it as being a DARE officer, and I've worked with kids and these kids look up to their parents as they are the world's best person in the world and then you're going to say it's okay to smoke pot and say that kid's going to look up to that person and say, 'Yup, that's just who I want to be.' That is wrong. What are we doing here? I am just appalled at how this is going down. I am voting no for every marijuana piece here and that's my stance and thank you, Mr. President, for this time. I appreciate it so much, and thank you all for listening.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll start by saying, to be blunt, I don't care what Washington D.C. thinks about this issue. Washington D.C. has no constitutional authority on this issue. This is something that Maine people have a right to decide for Maine people here in Maine. This is not something that some city 500 miles away gets to dictate our policy to us. Now I carry my pocket Constitution around with me every single day. I swore an oath to uphold this Constitution just the same as everyone else in this Chamber. I just want to open up for us all the 10<sup>th</sup> Amendment of the United States Constitution. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people. That's the 10<sup>th</sup> Amendment of our U.S. Constitution. If you open up Article 1, Section 8, where we listed out the powers granted to Washington D.C., nowhere in there will you find anything that gives them supremacy over the issue of cannabis policy. That policy rests with us on the State level. That's our responsibility in the Maine Legislature, and so as we debate this proposal before us we should debate it not based on what Washington D.C. tells us we should do. Frankly, I don't recognize their authority on this. But we should debate it based on what is good policy for the people of Maine. I will say it is with reluctance that I will be voting no on the bill before us today because of the substance of policy issues. Personally, I think some of the restrictions go too far in restricting what people can do on their own private property. I think some of the taxes are too high. I voted for previous bill we had last year, but I think that - I have some disagreements with this bill before us today. But I just want to make sure, as we are having this debate here, we have the debate on the substantive policy, the substantive policy which is our responsibility in the Maine Legislature. Thank you very much.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#609)

YEAS: Senators: BREEN, CARPENTER, CARSON, CHENETTE, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, JACKSON, MASON, MIRAMANT

EXCUSED: Senator: HILL

24 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **KATZ** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-733) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-733)**, in concurrence.

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#### Off Record Remarks

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All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

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On motion by Senator **VOLK** of Cumberland, **ADJOURNED** until Thursday, April 12, 2018 at 10:00 in the morning in memory of and lasting tribute to Sam Mercer of Scarborough.