

# 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 12, 2018

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

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Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

**RABBI ASCH:** Elohainu v'lohei avoteinu v'imoteinu, our God and God of our ancestors, we come before You today ready to do the work of governing our great state, but before we move into our work we pause for a moment to remember. Today is Yom HaShoah, Holocaust Memorial Day. It is a day dedicated to remembering the nearly 6 million Jews, including more than 1 million children, who died in what Adolf Hitler hoped would be the "Final Solution." In less than a decade, four times the population of our state were murdered simply because of their religion. As the Holocaust recedes further into history, as the last of the survivors pass away, it may be tempting to think that such horror could never happen again. Not here, not now, not in an interconnected world of smartphones, Facebook, and the internet. But this day exists not just to remember the victims of the Holocaust but also warn us about the perils of dehumanization in our own time. Yom HaShoah reminds us of how an advanced civilized society moved from Beethoven and Gutenberg to terror and mass murder. It cautions us not to put ideology before people. This reminder is especially pertinent to those who hold elected office. Primo Levy, an Italian chemist, author, and survivor of Auschwitz wrote, 'Auschwitz is outside of us, but is all around us, in the air. The plague has died away but the infection still lingers. Rejection of human solidarity, obtuse and cynical indifference to the suffering of others, abdication of the intellectual and moral sense of the principle of authority, and above all, a sweeping tide of cowardice, a colossal cowardice which masks itself as warring virtue, love of country, and faith in an idea.' We play with fire when we elevate our ideas above our humanity. In this country, we hold strong, passionate opinions. In recent years we have seen increasing polarization and retreat into opposite corners. We are free to express our disagreements within our democratic system at the ballot box and by sharing our opinions in person and through social media, but Yom HaShoah reminds us to be aware of scapegoating, to recognize the perils of dehumanization, the dangers of delegitimization of our central institutions of the judiciary and the press. The solemn commemoration reminds us that sometimes we go too far. When we tweet and post, often anonymously, about alleged terrorists in

our midst, heartless business owners, co-opted student activists, radical gun owners, a corrupt media, or a tainted judiciary, all bent on destroying the America we know and love, we take a step towards dehumanization. God, as we move through our work today, may we be mindful of this warning. May we find the humanity in others and act as examples to our fractured society. May we recognize that the words 'never again' are easy to speak but that the actions needed to make those words a reality are more difficult. May we remember all the lives and lights that were extinguished too early and may that compel us to shine light on the perils of dehumanization and scapegoating which we see today.

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Pledge of Allegiance led by Senator Benjamin M. Chipman of  
Cumberland County.

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Reading of the Journal of Wednesday, April 11, 2018.

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Doctor of the day, David MacKenzie, M.D., of Scarborough.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Broaden Educational Opportunities for Members of the Maine National Guard"  
S.P. 635 L.D. 1736

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-445)**

In Senate, April 9, 2018, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445)**.

Comes from the House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445) AS AMENDED BY HOUSE AMENDMENTS "A" (H-743) AND "B" (H-748)** thereto in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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Expression of Legislative Sentiment recognizing:

George Smith, of Mount Vernon, for his decades of contributions to Maine politics, policy and outdoor issues. Mr. Smith served as Executive Director of the Sportsman's Alliance of Maine for 18 years, where he led numerous efforts concerning Maine's moose and bear hunts, native brook trout and the creation of the Maine Outdoor Heritage Fund. A longtime columnist for the *Kennebec Journal* and the *Bangor Daily News*, he has also published *A Lifetime of Hunting and Fishing: The Ones That Got Away and the Ones That Didn't*, *Maine Sporting Camps* and . In 2014, Mr. Smith received the Maine Press Association award for the best sports blog. Mr. Smith is truly an advocate for Maine's outdoors, natural resources and rural economy. We acknowledge his extensive achievements and send him our best wishes.

SLS 809

The Sentiment was **READ**.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's a great honor today to speak today on this sentiment. You know, I thought about this a lot over the weekend and I thought about it a lot today, and I don't really have prepared remarks because there are just so many different ways that, you know, George Smith has made a difference to hunters and fisher people in this state, and certainly to myself. You know, I was elected in 2003. He probably doesn't remember this, but one of the very first functions I went to, I was an Independent, I didn't really know many people at all here in Augusta, and I can remember being at the Senator Inn and, you know, going through and shaking hands with different people, and one of the people that introduced himself to me was George Smith of the Sportsman's Alliance, someone that I actually had heard of and knew of. I can remember even then, you know, being excited that I met the Director of the Sportsman's Alliance of Maine. I'm sure he didn't feel the same excitement of meeting a Representative from Allagash, but I was, and through that first session I had unbelievably great ideas for fishing and hunting and consistently I went to the Inland Fisheries and Wildlife Committee and, for reasons I'm still not exactly sure, those ideas were shot down consistently. But what I started to understand is what George's philosophy was for sportsmen and women in the state, and in the next session I had served previously on the Labor Committee, something I have always enjoyed and still think, you know, greatly of, but I can remember speaking to the new Speaker of the House, John Richardson, when we were talking about committee assignments, and he asked me what I'd like to have. I said, 'Well, I'd like to be on Labor again, but I'd also like to have a fun committee.' He said, 'What do you mean, a fun committee?' I said, 'Well, Inland Fisheries and Wildlife. I mean, everybody gets along great in there and everything is awesome.' I believe in that session, and it's appropriate today that Commissioner Woodcock is in the Chamber because he was on that committee in the 124<sup>th</sup> - 123<sup>rd</sup> excuse me, with me, or 122<sup>nd</sup>. I'll get it, it was a long time. It was fun to serve with him and have people like George Smith out there, but what I remember a lot about that in the beginning was, I think, George was able to convince then Governor Baldacci to put Sunday hunting in the budget. You talk about a fun committee going all to pieces in a hurry. But I agreed with

George then, and I agree with him now, that we should have Sunday hunting in this state. Some of the other things, you know, I didn't agree with him on but what I always appreciated was his passion. He was a great advocate for sportsmen and women in this state and I think what is really important to me now about that is that, you know, I changed my philosophy on a lot of those issues and, looking back on it now, it was because of George Smith. We probably still disagree on some but he definitely moved me his way on a lot of these things because it was the right thing to do. And so, for me, I want to thank you, George. I really do. I'm really honored to stand here today for you. I appreciate all of our discussions, good or bad, and, in the end, I just thank you for what you've done for the people of Maine. Seriously.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I think I have the distinction here, I believe, of having known George Smith longer than any of us. We grew up in neighboring communities and George is one half of the famous Smith Brothers. We see the other half quite often in this building. I saw George first from afar as a basketball star in Winthrop High School, and over all of the years that I've known him, and I think those of you that do know him will agree with me, he's a passionate person. He has a passion for his family. So glad to see Linda here today. But he really has a passion for the State of Maine, particularly for the outdoors. He's been a public policy advocate to celebrate our state and its heritage, what makes us special, and he hasn't been afraid to go out on a limb and be controversial either when he thinks it's in the best interest of the outdoor heritage of the State of Maine. I've always admired George as an example of someone who never took the easy road, but was always willing to fight for what he thought was right. He also played an important role in my family. George gave me my first job out of law school. I think he was the youngest Chief of Staff in Congress, at the time, working for Dave Emery, and he took a chance on a recent graduate from Boston University of Law School and hired me to work down there, which I really enjoyed. And then when my Dad was thinking of running for Governor he hired a campaign manager. Only wanted one person to do it and it was George Smith. I think the campaign lasted four days, as I recall. But I think George actually got paid. So, you know, I've been thinking a lot about the concept of a life well lived and I think about George. I think about that he has lived his life well and that right now he is living his life well and he will continue to live his life well. Thank you, Mr. President.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. I - when I heard he was going to be here today, George, I spoke with a lot of people saying, 'I don't know him but I loved him. I've never met him but I enjoyed his shows. I learned about hunting, fishing, nature, and he just had an air about him that you really wanted to listen to him.' Senator Katz said that he is - has known him for the longest. Well, I have the privilege of being his newest friend because when I left the caucus this morning, an hour ago, I walked up to the elevator, and who's walking towards me? God, thank God. George Smith walks to me and I'm able to reach out

and say, 'You are George Smith.' We chatted, and he introduced me to his lovely wife, and we conversed and then he says, 'And who are you?' I told him, 'I am Senator Deschambault.' He was nice enough to say, 'From where?' I said, 'Biddeford.' He didn't stop. He says I met my lovely wife at a Biddeford restaurant. So look at that, look what I started - or my city started. I want to thank him, personally, again and his wife, Linda, and I love today, for myself. 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, George Smith has been in IF&W Committee meetings almost every time, every day, that I've been in it for the last four years and I got to know him, and have always watched his shows when I was younger and through the years. I really appreciated all the hard work and thoughtfulness that he's put into the State of Maine. Just - he made the Committee a lot of fun because when he came in he always has that great, passionate smile of knowing that he really wants to do something good for the State and so you knew that. Whether you agreed or not, he just had that way about him that just, you know, it just kind of everybody knew that this was going to be a good day and we always have fun with him and made us all laugh. So I really appreciated him making our Committee fun and enjoyable and he also - I was able to get a few bills passed through his ideas because he's quite an idea man. He's always coming up with all kinds of ideas. In fact, I think half our Committee bills resulted from his ideas. But we always kind of worked them and we got something out of them. So it was very enlightening and I think that the greatest thing is that Maine is so much better today because of his efforts. Thank you, George.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, George - I first met George Smith when I was Executive Director of the Maine Civil Liberties Union and he was Executive Director of the Sportsman's Alliance. Having grown up in Maine, I was well aware of his reputation to be a brilliant and a tireless advocate for sportsmen and the outdoors. I also knew he was a lifelong Republican and worked on Bill Cohen's campaign and, frankly, for that first meeting I was intimidated. But I found George to be humorous, down to earth, to share my passion for the Constitution. I think George makes everyone he meets feel some sort of sense of common connection. So we worked together for several years. We worked on privacy. We worked on Real I.D., trying to stop that. We worked on freedom from unreasonable search and seizure, game warden issues, game camera issues. Non-discrimination. After I left the ACLU, we worked together on fundraising for the Dr. Shaw Memorial Library in Mount Vernon. George serves as the President of that Board of Directors and is overseeing a renovation of that library, and you should contribute or check it out sometime soon. I saw, first hand, in that work that, not just in politics but also in service to his community, he is dogged. He is persistent. He is gentle but he is a champion for making our community and our State a better place. I think, George, what you taught me the most is how to work in a bi-partisan way, to see what we have in common rather than what divides us, to try

to meet each other with humor, and to be passionate advocates for what we care about but to try to set aside personal differences. I know all of us truly love George's columns in the paper, even if we - even if they make us a little mad or we disagree with them. But whether George is writing on his recent journey with ALS or politics or Maine's outdoors or whether it's another review of a hidden jewel in Maine that he and his beloved wife, Linda, have found, his writings are something that all of us look forward to and his books will also endure. George and Linda have just donated 125 acres over in Mount Vernon. They have set up the Ezra Smith - I'm going to get the name wrong - Land Trust that will be open for outdoor recreation and be managed by Kennebec Land Trust. Again, you should check that out and you should make a contribution to help it endure. Senator Katz said it first, but I think George does, in fact, embody a life well lived, always and now. When I think about the people in Maine who have made our State a better place over decades, when I think about Maine's greats, I think about George Smith. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I rise today to add my simple comments to the testimony to this gentleman. Mr. President, the Smith family is one of those that has become sort of an icon in Maine's political world. I remember meeting the Smiths at an early age, when I was first involved in politics. We certainly don't want to forget his formidable sister, Edie, and her contributions to the system and to the principles that we all work very hard for here. I guess as someone who grew up in the Maine woods, my folks had a campground and boating facility, I have an appreciation for the way that George has approached his time here, serving us as an advocate for Maine's outdoors. You know, as a hunter and a fisherman, we spent a lot of time waiting for that right moment when that fish catches onto the line, when that right buck or animal crosses our path, and I think, in his approach to the legislative policy, George has lived that type of patient and thoughtful attitude to accomplish his goals. He's been a strong advocate for the outdoors. Through his efforts at SAMs you have a wonderful voice for many of the traditional outdoor activities. I think the best part that I see in George Smith is he's been able to turn his vocation into an avocation, and he has taken great joy and it's an honor to know him and to have spent time here in the Legislature while he has worked, and I thank him for his commitment to our state.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. George is looking over here because he knows. George was the very first lobbyist that I met when I was first elected in the 108<sup>th</sup> Legislature and, come to find out, he wasn't even a lobbyist. Actually that was, for those of you doing the math, that was 1977 and he was working for Congressman Emery at the time but he was in the State House working. But the point of the lobby part is that I thought he was. He acted like a lobbyist. We were warned, back then. We actually had classes warning us about lobbyists. So I didn't know what they looked like. I didn't know how to tell one was coming near you so you'd kind of avoid them. But George really put that all aside, and

you've heard why. It's all of the - all of his characteristics and attributes that he has. I think what really made the biggest impression on me was even though he was really lobbying for a Republican Congressman he was - you'd never know it except for the issues he was talking about. He really did set the tone, and then when he took over SAM, and, by the way, back then - and I think George will agree with me - SAM was a highly, or considered at least, highly partisan group, organization. One thing that George did, among many, for that organization was make it more open and receptive, at least we felt it was, on what they were all about and what they were willing to do, and talk and work with even House Democrats. He gave us time, like he did everybody else. So I just wanted to add that piece. You've heard most of the things that George is, but I wanted to add that little piece because I think that's what's a lasting part of George's history here in the legislative side. He's who he was, what he brought to us, and he kind of changed the scene here. He changed the scene as to how we interpreted lobbyists, how we interpreted an organization that is really designed for the whole state, men and women. So I thank George for that, thank him for even talking to me when I was just a young lad who didn't even know what I was doing - maybe that hasn't changed. But I really appreciate his time and his consideration, and he really is a class act, an act of courage. So thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I don't have the long history that - I'm not quite the newest friend as Senator Deschambault, but I think I first worked with George on a bill about foraging mushrooms, you know, people going onto other people's lands, and I got a real chance to meet him. But as I'm sitting here listening to everybody talk, it brings up the idea of six degrees of separation and I don't know if you can get more than three degrees of separation from anybody in Maine. Whenever - and I rise today - my comments are not so much about how I know George but my in-laws, Bill and Julie Bromley from Ellsworth - Dr. Bromley - have a camp on Sourdnhunk Lake, just a few doors down from George. It might be 20 or 30 years that they've shared the same lake frontage up there. They - every time that I see George he's always asking me how my in-laws are, so not only is he somebody that I've met here in this job but I think you would be hard pressed to find three degrees of separation from almost everybody that lives in Maine. And so - it's always that kind of a connection that's really kind of neat. As important, his brother, Gordon, who represents the Hospital Association, always asks me the same things about how my in-laws are doing. So that's kind of rare, that people here have that kind of relationship with this quality of people as George and certainly his whole family. So, on behalf of all of those who aren't here today that are only three degrees of separation from George and the whole State of Maine, I rise to add my comments. Thank you very much.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, George sits behind me, a bit nervous, because he's really worried about what I'm about to say. He's concerned I will tell tall tales, lies, and more lies about him. Well,

he nigh not worry. I want to really talk about George, my friend. I don't want to talk about the many bills he's introduced, as we've heard about. If we ever put a limit on the number of bills we'd probably have 50 less per term, at least. I'm not going to talk about him not endorsing me in my first election because that was of the other party. I'm not going to talk to you about him not knowing the difference between a turkey hen and a turkey tom. I'm not going to talk to you about the TV show that he invited me on numerous times when I got to say, 'Hi, I'm Tom,' and that's all. I'm not going to talk about foraging for mushrooms, when I found out how evil I really was. I'm not going to talk about the game dinners that we finally got some direction on. I want to talk about George: my friend, my constituent, and a true Maine sportsman. Let me start with a quote from his book that was written in the foreword by Angus King. 'This book is a long valentine to the hills, small towns, back woods, ponds, streams - especially the streams - of George Smith's native land.' Angus goes on to describe the book and describe Maine, but I'm going to cheat a little bit and I'm going to edit that. 'What struck me,' he says, 'was the image implicit throughout the book of George, the teacher. Teacher of skills and useful knowledge, of character and patience, of life principles, but mostly a teacher of values, respect for others, a flinty integrity, simplicity, and, above all, a profound sense of stewardship for Maine's gifts.' Now, in this book he also talked about camp, because camp is really important to him, and this describes George as I think about camp. 'Camp is a wild Brook Trout caught on a fly or a Small Mouth Bass on a spinning lure; a hike up a mountain or a stroll along the beach; a glorious Magnolia Warbler,' a brown bird, George, 'in your binoculars; a big black bear coming towards you on the road. Camp is for kids,' as George would say, 'of all ages; dangling worms on a hook with a grandchild, hoping for a White Perch splashing on a summer day. Camp is beanhole beans; pancakes; eggs and bacon.' Now in the book George talks about the signs of country life, but I'm going to call them 'Georgeisms'. So here are some of George's 'Georgeisms'. The most powerful political group in a town is the fire department. George says you wake up in the country with the smell of lilacs, not the smell of car exhaust. The country, as George says in his 'Georgeism' is a silence filled with song birds, not the wail of sirens. Country, as George's 'Georgeism' says, people see you in the store and say hi rather than look away. Country, as George's 'Georgeism' says, you get excited when you see a black bear and not scared. Country, as George's 'Georgeism' says, you can still call a transfer station the dump. 'Georgeism' says you can fix things but you don't do it until it's an emergency. 'Georgeism' says city people secretly envy you. Now, as I read that, I also found a few things to me that describe George. This is the *Deer Hunter's Psalm* written by Eddie and Jamie Squires. 'The Lord is my shepherd, I shall feel safe in the deer woods. He maketh me lie back at my tree stand. I fall asleep while a big buck walks below. He leadeth me beside the path of the buck scrapes. This restoreth my soul. He leadeth me through the thorns and thickets for the sake of the biggest buck. Yea, though I walk through the hills and meadows I shall not have fear. My trusty rifle is with me. My doe caller and my hunting knife, they can comfort me. He lets me prepare a deer steak dinner before me, in the presence of my family. They anoint the gravy with oil. My waistline runneth over. Surely the spikes of the buck shall be with me all of the days of my life and I will dwell in the house of the big buck forever.' We also know George is a fisherman. So he has a different poem, the *Fisherman's Psalm* by the same two. 'The Lord is my shepherd.

I shall feel safe in my boat. He maketh me dream of corks bobbing all night. He leadeth me to the lakes and the streams and the rivers. He restoreth my soul. He leadeth me through the lily pads and the brush piles for the sake of the biggest catch. Yea, though I walk through the ticks and the blackflies, I will fear no bug bites. My tackle box is with me. My rod and my reel, they comfort me. He lets them prepare a fish dinner before me, in the presence of my family. My waistline is runneth over. Surely trout, salmon, and bass shall be with me all the days of my life and I shall dwell in the backseat of my boat forever.' I know there are five stages of a sportsman or a hunter. The first stage is the shooter. The more they shoot the happier they are. These are usually the beginners. Then there are the limit-out stage. I got my limit. They talk about getting their limit. I got my five fish. I got my one deer. Don't worry so much about shooting, but they got their limit. Then there's the trophy stage. This is a case of how big is my deer. How long was my fish? How much did it weigh? This is one of those cases where size does matter. Then there's the method hunter, the one where you challenge yourself. Yes, it's easy to shoot a gun, but if I use a bow it's a challenge to do that, or black powder. Then there's the last stage, the sportsman stage. This is George. After many years in the field, a hunter feels - begins to place the emphasis on the total hunting experience, being in the outdoors, enjoying the company and the friends and family, and seeing nature as beauty, and these hunters turn out to be mentors for other hunters for their satisfaction, not their own. That's George Smith. So let me close with this. This is part of a poem called the *True Sportsman* by William Henry Ogilvie. This is the last stanza. 'The God that gave good courage - and to every man his share, and all the truest sportsmen I have met have had this gift: A love of all the classic books that lighten and uplift, and all have loved red woodlands, swift birds and colored flowers, and all have played with children and counted not the hours. And I think when God has gathered all the men that He has made, the perfect Maine sportsman may stand forward unafraid for, brave and kind and courtly, and clean of heart and hand, no life than his seems nearer to the life our Maker planned.' George Smith, you are a true sportsman, a gift to the State of Maine. You are as Maine as Maine can be. Thank you.

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

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Maine Senate, I go back a long ways with George. In 1998, I attended a political fundraiser at the Harraseeket in Freeport and George was there, and I talked with him - it was the first time I'd met him - and I told him that it would be very important to me if I got the endorsement of the Sportsman's Alliance of Maine and, low and behold, I did. George, it's your fault. When George took over the Sportsman's Alliance of Maine, quite frankly, ladies and gentlemen, it was in shambles. The membership had dwindled down to a very low count. The organization was deep in debt. The former Executive Director was being sued for sexual harassment. George stepped into all that and in a short time, perhaps a year or two, he got things back on an even keel. If George hadn't gone in to become the Executive Director at that time I doubt very much if SAM would be in existence today, but he pulled it out. Along that same time the Land For Maine's Future Program started and George insisted that any land that was bought for the Land For Maine's

Future be open to all outdoor recreation, and I believe that holds true today and I'm not sure that that would have happened if it hadn't been for George. We also had the first bear referendum during that time and George put together a coalition and, unbelievably, the pundits, the bear referendum, was defeated, and I believe that George had certainly a great hand in that. A lot of people don't know this, Governor King wanted George to be the Commissioner of Inland Fisheries and Wildlife at one time. George turned it down and I think Maine's sportsmen are probably better off for it. I went fishing with George, took him up to Horseshoe Pond. Unbelievably, it's a place he'd never been before. I thought he'd fished everywhere. I also have been fishing with Commissioner Woodcock. I took him to First Roach Pond, and I can tell you folks George Smith is a much better fly fisherman. George, I guess I'll close just by saying God bless both you and yours.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the Chamber today George Smith; his wife, Linda; and his brother, Gordon. Would they please all rise and accept the greetings of the Senate.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to call your attention to a group of young people in the balcony. They are the Old Town Jazz Ensemble. This is their twelfth year that they have won the State Championship and it's the second year in a row for these young people to have made this accomplishment. A couple of quick things about them. They were also named - one of the individuals was named the Outstanding Soloist. Another one got an award for the Jazz Combo. One judge, which is almost unheard of, gave them a perfect score. So I'd like you to all join me in congratulating these young people, Division 3 State Champs Jazz Ensemble. Thank you, Mr. President.

**THE PRESIDENT:** The Chair is pleased to recognize in the balcony today the Old Town Jazz Ensemble State Champions and Director Jeff Priest. Would they please all rise and accept the greetings of the Senate.

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### Joint Order

Expression of Legislative Sentiment recognizing:

Eric Blanchard, of Wells, who has been named the Maine Game Warden of the Year. We thank Warden Blanchard for his service and congratulate him on his receiving this honor;  
HLS 1115

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

The Joint Order was **READ**.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it is a particularly interesting day because of the events preceding the nomination and acceptance of the Warden of the Year, that being Eric Blanchard of Wells. Today it seems fitting with the praises of George Smith. Eric Blanchard of Wells was chosen to be the Warden of the Year and it's always particularly important to realize that your own peers recognize you and your abilities and particularly fitting today that we have a Warden of the Year with us, along with his boss, former member of this Body, Commissioner Woodcock, and recognize Eric Blanchard as the enforcer of the rules and regulations that protect our wildlife here in Maine. So congratulations again.

The Joint Order was **PASSED**, in concurrence.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the Chamber with us today Commissioner Chandler Woodcock, Deputy Commissioner Timothy Peabody, Captain Shon Theriault, and Game Warden of the Year Eric Blanchard. Would they please all rise and accept the greetings of the Senate.

### COMMUNICATIONS

The Following Communication: S.C. 982

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

April 10, 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 Judiciary has had under consideration the nomination of Brent A. Davis, Esq. of Skowhegan, for appointment as a District Court Judge.

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	Keim of Oxford, Hill of York, Whittemore of Somerset
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Representatives	8	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland
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NAYS	0
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ABSENT	2	Rep. Guerin of Glenburn, Rep. Sherman of Hodgdon
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Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Brent A. Davis, Esq. of Skowhegan, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim  
Senate Chair

S/Matthew W. Moonen  
House Chair

### READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#610)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Brent A. Davis**, Esq. of Skowhegan for appointment as a District Court Judge was **CONFIRMED**.



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

The Following Communication: S.C. 983

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

April 10, 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 Judiciary has had under consideration the nomination of Tammy Ham-Thompson, Esq. of Gardiner, for appointment as a District Court Judge.

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	Keim of Oxford, Hill of York, Whittemore of Somerset
	Representatives	8	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland
NAYS		0	
ABSENT		2	Rep. Guerin of Glenburn, Rep. Sherman of Hodgdon

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Tammy Ham-Thompson, Esq. of Gardiner, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim  
Senate Chair

S/Matthew W. Moonen  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#611)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Tammy Ham-Thompson**, Esq. of Gardiner for appointment as a District Court Judge was **CONFIRMED**.

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

The Following Communication: H.C. 500

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

April 10, 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 630, "An Act To Prohibit Third Parties From Facilitating Transfers of Moose Permits for Consideration."

I am opposed not only to allowing moose permits to be exchanged for different zones but also to asking the department to assist in facilitating such an exchange or having the department adopt rules to implement an exchange of permits.

Moose permits are granted in the State by virtue of a lottery system. The Oxford Dictionary defines a lottery as "a situation whose success or outcome is governed by chance." These elements of chance include the location and timing of when and where the hunt will take place.

Both the number of permits and the types of permits are determined each year by the Department of Inland Fisheries and Wildlife to help the department achieve its herd size goals, namely, to ensure the long-term health and vitality of Maine's moose population across the state.

Those who apply for a permit do so with the anticipation of being able to hunt moose somewhere in Maine during the season. They do so with the full knowledge and understanding that they may need to travel to take advantage of the opportunity should they be successful in winning a permit in the lottery.

For these reasons, I return LD 630 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 Expand Opportunities for Moose Permit Winners To Swap Their Permits

H.P. 446 L.D. 630

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 (#612)

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

NAYS: Senators: None

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

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

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## ORDERS

### Joint Orders

Expressions of Legislative Sentiment recognizing:

Kolleen Bouchard, of Houlton, a senior at Houlton High School and a member of the Class C North championship girls basketball team, who has been named Miss Maine Basketball by the Maine Association of Basketball Coaches. Kolleen was also named the Gatorade Maine Girls Basketball Player of the Year and is the first Houlton player to score over 2,000 points in her high school career. We extend to Kolleen our congratulations and best wishes;

SLS 758

Sponsored by Senator CARPENTER of Aroostook.  
Cosponsored by Representative: SHERMAN of Hodgdon.

The Joint Order was **READ**.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise a proud native son of Aroostook County to speak very briefly about a young person from Aroostook County. We spend an awful lot of our time here trying to fix systems to better champion our children and, sadly, we all too often hear about young people who are not great role models, who have gotten themselves into trouble, and we're trying to do some things to make their life more productive and better. So I think it's extremely important when we have young people who

succeed and who stand out as role models, that we do recognize them. A few years ago up in the small Town of Houlton we had a young man come along who developed into quite a fine basketball player and became known across the state. I had known his Dad, Marty, and his Mom, Karen, for quite a few years. His name was Carl Bouchard. Carl got to be so good that he became Mr. Basketball in the State of Maine. Went on to Bentley College, where he's a student today. Then we met his little sister. Kolleen Bouchard, the young lady who's mentioned in item 4-1 today, is a really exceptional young woman not only because of her basketball and other athletic attributes but because she's a role model in the community - in her school and in the community. I complained a little bit about these legislative sentiments we pass. They're not big enough to put all things on that you would like to put on. For example, you won't see on this legislative sentiment that she was the only student athlete, student basketball player, of either gender to be the Most Valuable Player of the tournament in Bangor, used to be called the Eastern Maine Tournament, four consecutive years: freshman, sophomore, junior, and senior, in two separate classes. Two years in Class B and two years in Class C. You also won't see on this sentiment that she played on, and was the star on three Eastern Maine Soccer Championships and one State Championship Soccer. You also won't see on this sentiment that she was extraordinarily unselfish, both on the basketball court and on the soccer pitch. She was as good a passer as she was a scorer, and always with a smile on her face. Great irony this morning, as she looked around - we were walking in the hallways and she said - they lost the State Championship this year, I'm sorry, to Monmouth Academy. We were walking in the hallways and she said, 'Isn't that the Monmouth Academy basketball team?' Some of them, we found out later, had said, 'What's Kolleen Bouchard doing here?' She brought the team back. She sort of put the team on her back in the fourth quarter and brought them back to within a few points of winning yet another State Championship. I'm just extraordinarily proud of this young lady, not only, as I said, because of her basketball and athletic attributes but because of everything else that she has become. As I told her earlier today, no pressure. She's going on to Bentley College to join her brother. Sadly, she'll be leaving the State of Maine for that purpose, but remember the name Kolleen Bouchard, you will probably - you will almost certainly hear it again. She was named Ms. Basketball by the Maine Association of Basketball Coaches this year. The only sibling team ever to win that honor. Carl won it in 2015, Kolleen won it this year. Also she was named the Gatorade Maine Girls Basketball Player of the Year. I talked to the Monmouth coach. Apparently he had been called by the Gatorade people for some comments since he had played - coached against her. He said the best player - he told Gatorade the best player I ever coached against. I think she's the finest student athlete I have ever seen perform on a basketball court, male or female. I want to say that. She's also the first Houlton basketball player ever to score 2,000 points. So I wanted her recognized here today. I'm going to take her down to the other Body to have her recognized. Just a truly outstanding young lady, and later on in the session you'll also see another sentiment coming by to recognize her as Valedictorian of Houlton High School this year. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the Chamber with us today Ms. Maine Basketball Kolleen Bouchard, with her parents, Karen and Marty Bouchard. Would they please all rise and accept the greetings of the Senate.

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Timmy Doyle, of West Gardiner, who has been named the Maine Youth of the Year 2018 by the Boys and Girls Clubs of Kennebec Valley. We extend to Timmy our congratulations and best wishes;

SLS 821

Sponsored by Senator BELLOWES of Kennebec.  
Cosponsored by Representative: WARREN of Hallowell.

The Joint Order was **READ**.

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

Senator **BELLOWES:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in recognition of Timmy Doyle of West Gardiner who is one of Maine's Youth of the Year in 2018. Timmy is 16 years old and he is remarkable. He worked - he wrote a grant and helped win \$500 for a Next Chapter Program for the Kennebec County Sheriff's Office. For those of you who don't know about the Next Chapter Program, this is a program that buys books for children to read to - with - incarcerated parents in visiting the jail. It's really an extraordinary program and for a 16 year old to have the wherewithal to write a grant and win \$500 for such an important program is remarkable. Timmy is in the Chamber today with some of the other boys and girls Youth of the Year who are on the House calendar. We've got Caitlin Grenier of Winslow; Brian Beaulieu of Lewiston; Gloria Bila of Westbrook; and Sam Boswell of South Portland. So the Boys and Girls Club does such a tremendous service in our community. It's a great program for youth of all ages to get engaged in recreational activities, sports, community service. They are making a huge difference in our state. There will be a gala dinner this evening where the Youth of the Year will receive their awards and one youth will be chosen to go on and compete nationally on behalf of Maine. It's with great pleasure that I recognize them today. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the back of the Chamber today Timmy Doyle, Gloria Bila, Brian Beaulieu, Samuel Boswell, and Caitlin Grenier. They are all Youth of the Year 2018 for Boys and Girls Clubs, as well as Bob Clark of the Boys and Girls Club. Would they all rise and accept the congratulations of the State Senate.

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Off Record Remarks

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass Pursuant to Joint Order**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Rules Governing the Medical Use of Marijuana Program"

H.P. 1256 L.D. 1811

Reported that the same **Ought to Pass**, pursuant to Joint Order 2017, H.P. 1241.

Comes from the House with the Bill and Accompanying Papers **INDEFINITELY POSTPONED**.

Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Ought to Pass Report, in **NON-CONCURRENCE**.

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

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**Ought to Pass As Amended**

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs"

H.P. 491 L.D. 700

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-749)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749)**.

Report **READ**.

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

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The Committee on **TAXATION** on Bill "An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans"

H.P. 1315 L.D. 1882

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-741)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-741) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY)

H.P. 1325 L.D. 1892

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-744)**.

Signed:

Senators:

VOLK of Cumberland  
BELLOWS of Kennebec  
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford  
AUSTIN of Gray  
BATES of Westbrook  
DOORE of Augusta  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland  
VACHON of Scarborough

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

Signed:

Representatives:

LOCKMAN of Amherst  
STETKIS of Canaan

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-744)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#613)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-744) **READ** and **ADOPTED**, in concurrence.

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

---

#### Senate

#### Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize a Prerelease Facility in Washington County" (EMERGENCY)  
S.P. 694 L.D. 1841

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

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-455)**.

Signed:

Representative:

GERRISH of Lebanon

Reports **READ**.

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

Sent down for concurrence.

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

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#### Off Record Remarks

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, again it's my pleasure to rise to honor a group of students, again in the balcony. What we have today is we have the Orono Girls Nordic Ski Team, which was the Class C Champs. They competed a few weeks ago in Fort Kent. We also have the Old Town/Orono Hockey Team. Traditionally, Orono and Old Town are rivals. Have been for years and years and years. Five years ago the numbers were low for the hockey team for these two schools so they combined. So in five short years their coach, Dennis Collins, took them from almost nonexistent teams to State Champs. They went year 20-1 and they beat Greely in overtime. They lost to Houlton. The one they lost. So they beat Greely in overtime 3 - 2. So certainly it's been a great accomplishment. The one other thing that I would add is that Jacob "Jake" Dubay of the Old Town team was also honored with the Class B North Hockey Player of the Year. So please

congratulate - join me in congratulating these students and coaches. Thank you, Mr. President.

**THE PRESIDENT:** The Chair is extremely pleased to recognize in the balcony today students and coaches from Old Town and Orono High Schools. Would they please rise and accept the greetings of the Senate.

---

## SECOND READERS

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

### Senate As Amended

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  
(C "A" S-447)

### READ A SECOND TIME.

Senator **DOW** of Lincoln moved to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

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Senate at Ease.

The Senate was called to order by the President.

---

Senator **DOW** of Lincoln requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**.

On 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 (#614)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING,  
CYRWAY, DOW, HAMPER, HILL, KATZ,  
KEIM, MAKER, MASON, ROSEN, VOLK,  
PRESIDENT THIBODEAU

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the Bill was **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down for concurrence.

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## ENACTORS

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

### Emergency Resolve

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County  
S.P. 257 L.D. 812  
(C "A" S-444)

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.

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### Emergency Resolve

Resolve, To Establish a Task Force To Examine Agricultural Issues

S.P. 646 L.D. 1747  
(H "A" H-690 to C "A" S-388)

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.

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## Mandate

An Act To Strengthen Requirements for Water Testing for Schools

S.P. 20 L.D. 40  
(S "A" S-429 to C "A" S-406)

Comes From the House, **FAILED ENACTMENT**.

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

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

Senator **BRAKEY**: Thank you, Mr. President. I'll just say very briefly I think that the underlying policy here is sound policy. We certainly want our schools to be doing this, this kind of water testing, when it is appropriate. That said, this bill is, essentially all it is is a mandate on our schools, mandating them to do something that they have the complete power to do already themselves, under their own decision. I, personally, you know, as a rule I vote against these unfunded mandates on our schools. I think it certainly is worthwhile for us to reach out and encourage them to adopt policies like these, but I do not feel it is appropriate for us to put these kinds of unfunded dictates down on them. So I'll be voting no.

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

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, over the past couple of years we've all heard more and more about the dangers of lead in our children's drinking water. Unfortunately, those dangers aren't just present for kids and families in other states or on the nightly news. That news came much closer to home fairly recently. Yarmouth public schools discovered lead levels higher than the standards set by the U.S. Environmental Protection Agency at some of their drinking fountains and faucets at the Yarmouth Elementary School. Then we learned about the Benton Elementary School, with results at 40 times the federal standard. Because Yarmouth and Benton Elementary Schools get their water from a public water system, the Kennebec and Yarmouth Water Districts, they had not been held to the same testing standards that the Legislature mandated that schools get their water from wells are currently required to perform. Today schools that get their water from wells must test for lead. This bill would just make it all schools. A stakeholder group representing water districts, the Maine Drinking Water Program, the Department of Education, and Maine Rural Water Association met this past November in-between sessions to dig into water testing processing, best practices, and develop a recommended approach. What is before you today is their recommendation to consider the utilization of the EPAs three Ts as the operational framework for major substantive rules that will come before this Body for consideration. We know that no level of lead is safe for our children and that exposure to lead can lead to impaired development, especially for developing brains. We should ensure that our kids aren't being exposed to lead, no matter where their water comes from. I would add that should a school test positive for lead they can access the School Revolving Construction Fund as a Priority 1 level project. We often say that our children deserve a good education no matter their zip code. Well let's add to that. Our children all deserve not to be exposed to lead no matter their water supply. Thank you, Mr. President.

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

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, reflect what my colleague, Senator Millett, says. I am, you know, from Benton. We had high levels of lead, traces 40 times the amount of what we should have and I fear that our students, you know, they need water in their supply and we need to have it tested and it's not that expensive to test water. It doesn't take very long and I think if it's just a routine

thing it gives confidence in your families and parents to know that your children are - have the right necessity, and that's a basic necessity. So I think we should take care of our children and I am for this bill. Thank you.

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

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, I'll be really brief. We should get the lead out, get the lead out of our schools.

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I do hear what our good colleague, Senator Brakey, says about unfunded mandates. I've been a school board Chair in Old Town for 20 years and I can tell you, as a school board Chair in a school system, we hate unfunded mandates. However, this is one mandate that I think we all should vote yes, and you'll hear more about the dangers of lead, so please vote for this bill. Thank you.

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

Senator **GRATWICK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, just a little bit of background about lead. I'm actually not going to talk about lead. I'm going to talk about calcium. We all know that we need calcium in our bodies. It's for our bones and so forth. But people don't often realize that calcium is that essential element of when one nerve connects to another at the so-called synapse. It's like when - your nerves often work by extension cords. You have one nerve then it plugs into another nerve, plugs into another. You need calcium to cross that gap. It turns out that lead is absorbed through the body through the same mechanism as is calcium and it gets into that synapse, it gets into that conduction process, and it doesn't work the way calcium does. In consequence, nerves don't work well. We actually all need nerves. We need nerves in our brains, hopefully. Nerves function in your muscles. There are synapses all over your body and if they aren't functioning we don't function well. There is no safe level of lead. You do not want to have lead in your body, if at all possible. But most particularly, if you're in utero, if you are a young kid, young kids can absorb 50% more than - I'm an old folk and I absorb 1% of what lead that a young person would do. You just want to keep lead away because we all need those nerves functioning well. I'm sure you've heard, and you'll hear again, about the different graphs - there's been a lot of literature on our desks, but really at very low levels, from 1 to 5 parts per billion, not very much, your I.Q. decreases, hearing decreases, growth decreases, peripheral nerve function decreases. Getting above that, you really can get toxicity above 10, above 20, and you can get all that. If you're 150 you - that's bad stuff, you die. So there's a graph that goes up. You don't want to have any lead. My recommendation, I think this is a very good bill. It's an appropriate bill. If ever there was a time a mandate is appropriate this is it. My personal recommendation, though, is that people who live in houses that were plumbed, they were built before 1987 or 1993, you should check your water faucet because lead does leak out of the solder and if you have

grandchildren, kids and so forth, you should check it because kids are precious. Our brains are precious. This is something we can do as a public health measure. But I also, on the side, would recommend everybody to take this very seriously. If you live in an older house have your water tested because the lead that leaches out of that can be toxic to people you value and you love a great deal. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Enactment of L.D. 40. If you are in favor of Enactment you will be voting yes. If you are opposed you will be voting no. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

### ROLL CALL (#615)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

### Act

An Act To Amend the Maine Life and Health Insurance Guaranty Association Act

S.P. 718 L.D. 1875  
(C "A" S-442)

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

### Resolves

Resolve, To Support Home Health Services

H.P. 591 L.D. 842  
(C "B" H-728)

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

Resolve, To Amend Authorization To Sell Certain Property in Augusta

H.P. 1107 L.D. 1604  
(C "A" H-587)

Comes from the House with the Resolve and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **KATZ** of Kennebec, Resolve and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

### 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 (4/4/18) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Substance-exposed Infants"

H.P. 746 L.D. 1063

Majority - **Ought to Pass as Amended by Committee Amendment "B" (H-678)** (8 members)

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

Tabled - April 4, 2018 by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678).**)



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

On motion by Senator **LIBBY** 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 Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion. Mr. President, I have to regroup my thoughts.

**THE PRESIDENT:** The Chair would ask the Senator to defer and I'll give him an opportunity to gather his thoughts. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I moved the Majority Ought to Pass as Amended Report with the hopes of what might come after, but I do have to say that this report, as drafted, is very deeply flawed and I think to understand why it'd be helpful to understand the history of this legislation and how we ended where we are with this report today. As we may remember, this isn't the first time this particular bill has come before us as a Body. This bill actually came forward in the 1<sup>st</sup> Session. It came to the Health and Human Services Committee proposed as one thing but by the time we got to work session it was proposed to be something completely different that had never received a public hearing. It actually was proposed to be something that would require the Department to make long-acting contraceptives available to people under the Medicaid program, make those more accessible. I wasn't necessarily opposed to that, but we didn't have a full public hearing on that, so there were objections from the fact that there hadn't been a public hearing. But it came to this Body on a divided report on that proposal and it was initially shot down. But this Body felt that there was some merit in this and it should go back to the Committee for a public hearing so it could be fully considered for the 2<sup>nd</sup> Session, this session. Now, during that time, however, the Department of Health and Human Services took it on themselves to adopt that policy under rule making it so that those long-acting reversible contraceptives, Larcs as they are called, are now available to people, essentially adopting the policy that was proposed. So when it came forward again for another public hearing we had a third proposal which was completely different than the original bill. What that third proposal, what's before us now today, does is essentially takes \$120,000 a year and makes it available to Planned Parenthood.

I'm not interested in using any more taxpayer money to give to providers of abortions in this state, so I will be voting against this, understanding it will likely pass and perhaps there may be something coming after to improve the bill. Thank you very much.

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

Senator **GRATWICK:** Thank you, Mr. President, for your indulgence. Ladies and gentlemen, my apologies for having gotten up earlier. I just think that the issue this deals with is an extraordinarily important one for us. This is one of the major

recommendations of the Opioid Task Force that a number of us here served on and the gist of this is contained in the orange sheet that has been handed out to you today. Specifically, what this does, this makes available to women with substance use disorder who delivered a child long-acting birth control pills very readily, very rapidly after their delivery. I think it's worthwhile going through these points here. Specific, I think we're all aware that 1,000 babies were born in Maine who have been exposed to illicit drugs before birth and 9 out of the 10 of these pregnancies were unintended, were unintended by these women. Neonatal Abstinence Syndrome is a nasty business for a kid to have to go through. This fourth point there, the cost of treating a single baby with Neonatal Abstinence Syndrome is estimated to be \$40,000 to \$42,000, five to seven days in the hospital -this is very good data from Tennessee, where they studied it carefully - as opposed to the usual \$6,000 or \$7,000 for an uncomplicated birth. In other words, these women are extraordinarily expensive, as are their kids, and that is just the first two weeks of life. That's not indicating what's going to happen after to these children born in these very difficult circumstances. It's important to know this is an entirely voluntary program. A lot of this care is already provided by MaineCare and current programs are missing a number of these women, a great number of these women. If you do the arithmetic and you save - you really only have to prevent two or three of these unintended pregnancies in order to pay for this particular thing and to not push this through, I think, is penny wise and pound foolish. On the back you'll see other data that relates to this. The major issue is to vote against this - sorry, I'm going to get confused here - to vote against - the bill should be going through and so if we vote against the bill it's really a vote to have more children who are exposed to the Neonatal Abstinence Syndrome, have more kids with long term difficulties through their life, and it's going to make a major difference on the public monies that are spent on this particular group of kids as they go through, undoubtedly, troubled lives.

The second question is: are we doing something bad by giving - by opening up to any willing provider, any willing group, to be able to talk about this because these providers may provide abortion - in their other context may provide abortion services? I'll strongly suggest that not be the case. The federal government and the state government do not allow federal or state monies to be used for abortion services currently. Period. You simply can't use Medicaid or other State money for abortions at this time. Therefore, whatever organization is going to provide these services is going to have to keep very careful books. You're going to have to have column A, B, C, D, E. A, B, C, D are fine but E is not okay according to current State laws. All organizations do that. It's not at all a stretch to think, whether it be Planned Parenthood or Family Planning or Organization XYZ, they are going to have to keep careful books, as they do right now, and so this is really a way to, I think, subvert the intent of saving money, saving lives, and preparing to deal with our opioid crisis. Thank you very much, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll just say very briefly, with respect to my colleague from Penobscot County, certainly these funds would not be earmarked for abortion services. However, all funds are fundable and when you put funding into an organization that provides these kinds of services

you can't necessarily guarantee that that's not freeing up funds that can otherwise go to other services that taxpayers may object to. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended 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 (#616)**

**YEAS:** Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI

**NAYS:** Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, MASON, ROSEN, VOLK, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, 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 "B" (H-678) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "B" (S-460) to Committee Amendment "B" (H-678) **READ**.

**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 was, I recall, a matter of quite a bit of debate last June and I was one of the strongest advocates about sending this bill back to Committee because I really did feel that this is an extremely important issue. When I consider the number of babies that are born substance abuse exposed it's really sad for them and for our whole state and I have a tremendous amount, as I'm sure all of you do, of concern about these babies. So largely, I believe, as a result of what happened in the course of those discussions last June on this bill, the Department, on its own, decided to, within rules, pass a policy so that they are now not only covering the long-acting reversible contraceptives but they're also covering the counseling piece, and that part is really important because what we heard from the hospitals last June was that typically when a baby is delivered there's a package deal and that's what they pay for - the labor and delivery aspects of caring for that woman and that baby as a package, and so they had some concerns about adding time in

for their staff to have these conversations with the women and that they wouldn't be able to bill for it. MaineCare, on its own, as of November, began authorizing the payment for that counseling service, as well as for the Larc, which is the acronym for the long-acting reversible contraceptives. So I was very gratified to learn that. I really feel that that was partially a by-product of our conversations last June and so I definitely think we can all agree that that's a positive thing. Not only are these services covered for women who are on MaineCare, but they are also covered for anyone up to 209% of poverty. So what this amendment actually does is it just asks the Department of Health and Human Services, it directs them to conduct an outreach to ensure that providers, including but not limited to social workers, counselors and case managers, working with people experiencing homelessness or substance use disorder, as well as the substance use treatment providers, family practice physicians, internists, obstetricians, gynecologists, nurse practitioners, physician assistants, and mid-wives - hopefully we caught everybody - are aware of the availability of reimbursement under MaineCare rules for contraceptive counseling, placement of the method of long-acting reversible contraception. I think this is really good legislation. This is going to prevent us having to spend money with an organization that some of us are very uncomfortable spending money with and it's something that the Department can do within existing resources. So I look forward to seeing lots of support for this amendment. Thank you.

On motion by Senator **LIBBY** 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 Arostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, in my office I have 20 or 30 cases I'm involved in where there have been drug affected babies, NAS babies, born to folks who have had their children removed. Very, very common for these folks to again become pregnant either during or after the ongoing proceedings. Terrible to see these babies go through several weeks of immediate pain. They are inconsolable. They cry all the time. They have tremors. It's just awful. Any of you that might go to the NIC units of the state and watch them would feel the way I do. Then often times the mother, we're not going to prevent folks from having sex, becomes pregnant again. Anything we can do to prevent that, just for the pain that it causes to these little children and recurring DHS proceedings and recurring DHS proceedings. Quite often I look around the courtroom, and while waiting on one of these DHS proceedings, at the rate of \$60 an hour, which is what DHS Child Protective Lawyers get paid, you have \$300 or \$400 an hour sitting around on these cases, and then you talk about the cost to the children, the financial cost of these children is just - anything we can do to prevent these reoccurring pregnancies to these folks who are struggling and having a very difficult time taking care of themselves, let alone taking care of the babies. I don't think the way to go about it is to reduce the funding, or remove the funding. I think you're going to have to have an agency, an organization, that's dedicated to reaching out to these people. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you, Mr. President and ladies and gentlemen. I rise yet again just to emphasize three points. One is that the difference that this amendment will do is to say that the decision must be made by DHHS. DHHS has done a very good job. On the other hand, there are numerous different sub-committees that DHHS has worked for that really haven't been able to solve this problem. I think we're all aware that in 2006 there were 178 drug addicted - excuse me, substance abuse exposed infants and in 2015 there were 995. In other words, what we've done in the past, what DHHS has done in the past has not worked. DHHS - I have to refer to a list here - has under its aegis the Substance Abuse Exposed Infant Committee, the Substance Abuse Committee Community Task Force, Office of Child and Family Services, the Public Health Nursing, the Hot Line - which is a whole other topic, Snuggle ME, SAMHS. In other words, many different organizations which have not been able to solve this problem in the past and, as I'm sure you are all aware, the usual definition of idiocy is doing the same thing over and over again and trying to come up with something new. We're trying to come up with something new. Whether it be Family Planning or whatever, those are organizations that work specifically with family planning. This is about family planning, pure and simple, and this bill will focus on those groups, or whatever group does this well, and I think that's where we want to be. We want to be reaching out to newer groups at this time to try to solve what's become a major epidemic in our society. So I think this amendment, while I appreciate very much the sentiment behind it, I think it's possible to give major reassurance that these organizations keep very good books. They are audited yearly and I have - if they're going to be in trouble they will be in big trouble now for disobeying the law. The law says you cannot give state and federal monies to these groups that are providing abortion services. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the amendment before us. I think that this amendment would certainly alleviate the concerns I have and I think the concerns that many members of this Body have. This would, in a large way, accomplish the same thing as the underlying bill, but going in-house through the Department of Health and Human Services, directing them to re-double their efforts on outreach and letting and educating people and providers and social workers about this recent policy change, to let people know that funding through Medicaid is available for these long-acting reversible contraceptives. I think that this is a reasonable compromise. I think that - I think that we should adopt this amendment today. I think that every single person here cares about the problem of drug affected babies in this state. I think that we all want a search for solutions to those problems. I think that we should commend the Department of Health and Human Services for pro-actively taking on this policy change, which was asked for in the original bill, and if we can encourage them to promote that more and educate people more about that policy change then I think that would be a benefit. 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 just to clarify. The Department did not unilaterally adopt the policy of MaineCare coverage for long-acting contraception. In fact, that was passed by this Body via L.D. 319 in the 127<sup>th</sup>, sponsored by Representative J. McCreight from the other Chamber. At that time, it's really interesting, there was a very similar debate. There was an amendment that was brought in the Senate at that time to direct the Department to study the issue. That amendment was defeated, the underlying legislation passed. Today, we can all agree that we are glad that there is MaineCare coverage for that so that we can address this issue. So I think that we should follow the precedence set in the 127<sup>th</sup> rather than delaying through a study or a simple direction to the Department of Health and Human Services. Let's make actual policy and let's protect those babies. Thank you.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, for the life of me I can't figure out why we would seek to reduce any number of willing participants to work on this issue. The Children's Caucus hosted, our last meeting, a panel of experts about this very topic and what we heard was incredibly disturbing, and I'm sorry that more from the other side of the aisle were not there to hear what those of us who were present heard. We cannot, as the good Senator Carpenter said earlier, allow more children to go through what they are going through and I would welcome anyone who would step forward to have these conversations with these mothers. For many, the organizations that are being discussed here today are the only access to the healthcare system and without them these women would forego care. In fact, these health centers that these organizations run are located in medically underserved areas and without their commitment to these communities these women would lose their provider of choice. These organizations operate health centers across Maine, in large part through a combination of federal Title 10 Family Planning Funding, reimbursements for services through insurance and programs like Medicaid, and charitable donations. These organizations receive federal and state funds like other healthcare providers in Maine and shouldn't be singled out for political purposes. Through their work, these organizations prevented more than 2,200 unintended pregnancies. Its work has saved the State approximately \$10 million annually. As healthcare providers serving at-risk communities, these organizations provide critical reproductive and sexual healthcare to women struggling with substance abuse disorder. They have an expertise completely in line with the goals of this bill. I hope you will oppose the pending motion.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, I wish to pose a question through the Chair.

**THE PRESIDENT:** The Senator may proceed.

Senator **VOLK**: Sure. Just a point of clarification regarding the L.D. 319, that I was just trying to pull up when you said my name, that the good Senator from Kennebec mentioned, and I just wondered whether that covered the counseling services or just the Larc itself.

**THE PRESIDENT**: The Senator from Cumberland, Senator Volk, has posed a question through the Chair to anybody who wishes to respond. The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY**: Thank you, Mr. President. The answer to the question is both.

**THE PRESIDENT**: The pending question before the Senate is Adoption of Senate Amendment "B" to Committee Amendment "A". Chair is in error. The pending question before the Senate is Adoption of Senate Amendment "B" to Committee Amendment "B". If you are in favor of adopting Senate Amendment "B" 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 (#617)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ADOPT** Senate Amendment "B" (S-460) to Committee Amendment "B" (H-678) **PREVAILED**.

Committee Amendment "B" (H-678) as Amended by Senate Amendment "B" (S-460) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED COMMITTEE AMENDMENT "B" (H-678) AS AMENDED BY SENATE AMENDMENT "B" (S-460)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/27/18) matter:

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

S.P. 532 L.D. 1507

Majority - **Ought to Pass as Amended by Committee Amendment "B" (S-405)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - March 27, 2018 by Senator **WHITEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **WHITEMORE** of Somerset moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

**THE PRESIDENT**: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI**: Thank you, Mr. President. Men and women of the Senate, first I want to thank Senator Whitemore for bringing this bill forward. If we're serious about retaining and attracting young people in our state we need to address the student debt crisis. It's already holding back a whole generation of young adults. L.D. 1507, An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers, provides one flank in the attack against crippling college debt. I am delighted that colleagues on both parties in the Insurance and Financial Affairs Committee saw the importance of these protections and I hope you will all follow their lead and mine on this bill. Student loan debt has become one of the defining problems facing a generation of students and graduates in Maine and across the country. According to the Federal Consumer Financial Protection Bureau, or CFPB, more than 40 million borrowers have student loan debt nationwide, with a total volume of over \$1.4 trillion, that's with a T, of outstanding debt. In Maine, the average student debt load is nearly \$30,000, with many Mainers owing far more than that. Student debt affects Maine people of all ages and the economy in general. It impacts how young people plan for the future as more Mainers put off purchasing a home, starting a family, and saving for retirement. It also prevents individuals from pursuing any form of higher education from traditional four year college to skills building and training programs.

This bill was held over from last year and in the interim conversations were held with stakeholders in the Committee and it has been amended to the form that is before you today. This legislation creates a Student Loan Bill of Rights, a statute that makes several changes within the Maine Bureau of Consumer Protection. The amended version of the bill does three things. It creates a registration procedure for lenders which requires they submit an application to the Superintendent of Maine's Bureau of Consumer Protection. It requires lenders to comply with federal law and identifies prohibited acts for lenders, including misleading student loan borrowers and fraud. Finally, it allows the Superintendent to investigate student loan servicers to ensure

compliance with the law. Our state has a strong interest in protecting consumers from practices that are flat out unfair. Mainers should not have to wait for the federal government to take action. Too many borrowers are faced with flat out rejection when they seek refinancing or forgiveness through current programs. I wanted to share with you a couple stories that we've heard in the process of working this bill. This is from somebody that some of you may know. Her name is Amy. She said, 'My payment increased to my non-income adjusted rate, \$1,450, without notice. I called the loan servicer and they acknowledged the mistake had been made but took no action to remit the payment. To avoid this mistake, every November I un-enroll myself in auto pay. The loan servicer provides a discount for auto payment, and then manually I pay December's bill and then re-enroll in January. The loan servicer sends an annual notice of income recertification for income-based repayments. For 5 years I've completed the form and sent it right back. This year I was denied recertification. When I called to inquire the reason, I was told I submitted it too early. I resubmitted it and was approved. These are just two examples on a list of challenges, misinformation, and mistakes that make the repayment of my loans unnecessarily stressful and unpredictable.' This is from Natasha, who lives in Jackman. She says, 'I was told in November by my loan provider that in order for my public service loan fund to go into effect I needed to consolidate that loan with another one from another service provider. So I applied, then began reading further and realized the consolidation would have wiped out the nearly six years of payments I had already made on my much larger loan and started me again from day zero. I had an anxiety attack and canceled the consolidation request the next day. Luckily, I caught it in time. The system is complicated to navigate and it feels like there is always a moving target with no promise of the loan servicer being held accountable.'

As a result of these and other behaviors, high payments and high interest rates are crushing borrowers and leaving them no choice but to default and continue paying unsustainable amounts of money from their monthly budget. More than 3,800 complaints have been submitted by Maine people to the CFPB documenting refusals from lenders to refinance or consolidate loans. This bill provides us with an opportunity to do good for Maine's students and families and has received support of the CFPB Assistant Director and Student Loan Ombudsman Seth Frotman, AARP, Coastal Enterprises, and a number of students, including constituents in my district, for taking this action. Please let's consider taking this bill forward and protect Maine borrowers from these kinds of practices in the future. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "B" 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 (#618)

**YEAS:** Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, VITELLI, WHITTEMORE

**NAYS:** Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WOODSOME, PRESIDENT THIBODEAU

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

**Bill READ ONCE.**

Committee Amendment "B" (S-405) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System" H.P. 1091 L.D. 1587

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-699)** (8 members)

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

Tabled - April 3, 2018 by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699)**.)

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

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 Breen.

Senator **BREEN:** Thank you, Mr. President. Mr. President, men and women of the Senate, I was so excited when I saw this bill come in this session and I really appreciate the good bi-partisan work done by the Labor, Commerce, Research and Economic Development Committee. I think a robust paid family medical leave system in Maine could be a real game changer for our workforce development and for keeping and recruiting young families in our state, which we all know we need to do. Of course, the report before us is a compromise. I regret that it has no money - has no firm funding in it. It's a request that the University conduct a study. I sure hope our colleagues at the University will have the resources to do that and I hope that with that information we can move this issue forward. Thank you very much, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#619)

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

**NAYS:** Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, LANGLEY, MAKER, MASON, ROSEN, WHITTEMORE, PRESIDENT THIBODEAU

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-699) **READ** and **ADOPTED**, in concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/18) matter:

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Promote Prescription Drug Price Transparency" S.P. 484 L.D. 1406

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-451)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-452)** (6 members)

Tabled - April 11, 2018 by Senator **KEIM** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)** Report.

**THE PRESIDENT:** The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I rise to speak briefly about the issue that this bill addresses. The rising cost of prescription drugs in this state and in this country is certainly nothing new. Most of us know somebody who's struggling to get by and afford their medication, whether it's an aging parent, a sick friend, or a child with a chronic condition or illness. In my work outside the Legislature I have a young colleague who depends on insulin to live and monitors herself continually to maintain a healthy balance. She's one of more than 1.5 million Americans diagnosed with Type 1 Diabetes, an autoimmune disease that she's had since she was a toddler. The problem is her pancreas cannot produce insulin, which is essential to getting glucose into her cells so her body can get the energy it needs. Fortunately, she can take insulin injects to lower her blood sugar, remain healthy, and stay alive. She will likely need to take this drug throughout her lifetime. But the cost of her insulin has increased more than 50% in the past four years for no apparent reason. The make up of the drug has remained relatively the same since its invention more than a century ago. Fortunately, she has insurance which covers these high costs at the moment. But my concern is that if nothing changes the rising cost of this drug could make it difficult for folks with Type 1 Diabetes to afford to stay alive, especially those without insurance, and this is just wrong. I know this is just one story, but my colleague's experience and condition is not an anomaly. My guess is that most of you know a similar story.

I sponsored this legislation because her experience is indicative of the larger problem. The rising cost of prescription drugs is putting Mainers in the difficult position of choosing between life-saving medications and basic essentials, such as groceries, heat, and rent, and the situation is getting worse. The recent and sudden spike in the price of Epipens is just one high profile example of the high cost of medicine capturing media attention. Even without such dramatic events, we have all become aware of the rising cost of drugs in this country and the devastating consequences this has, especially on seniors and families. About 1 in 10 Americans don't take their medications as prescribed due to the price of drugs. In Maine, the per-person cost of prescription drugs has risen almost 200% over the past two decades. Maine seniors and working families are really

starting to feel the pinch and they're looking to us to do something. No one should have to compromise their health because the cost of medication is beyond their reach. When individuals can no longer afford to meet their basic needs due to the exorbitant cost of medication, we know we have a problem that cannot and should not be left up to individuals alone to solve.

In the Legislature, we can take reasonable steps that set Maine on a path to achieving real relief to Maine people. If we're going to make progress we have to start at the beginning. L.D. 1406, An Act To Promote Prescription Drug Price Transparency, seeks to gather information so policy makers can better understand the scope, cause, and contributing factors to these prescription drug prices. Increasing drug price transparency is only part of the solution, but it is an important piece of the puzzle and a doable first step. The challenge is that the prescription drug market does not function like other markets. It is shrouded in secrecy and is one of the few industries where added competition does not drive down the cost. In fact, the American Academy of Neurology has already identified transparency as one of three solutions to this prescription drug crisis. I believe L.D. 1406 will lift the veil on prescription drug pricing, give customers the information they need to better understand the true cost of their medications, and equip lawmakers with the tools to craft sound policy for the future. I know that healthcare is complicated, I think we all do by now, and I am very grateful to my colleague, Senator Keim, and her committee for grappling with this difficult issue. Together, we have worked with policy and industry experts, stakeholders on both sides of this issue, to gather input and to modify this bill. I think we have struck the right balance. Our bill builds on existing capacity within the State of Maine Health Data Organization and it directs them to focus their light on drugs that are the most expensive, most used, and have the highest price increases. This bill further lays out a path to gather more specific data from manufacturers that will allow us to understand the rationale behind the high cost of these medications. Addressing the high cost of prescription drugs is a priority that all of us can agree on. In fact, our own Senator Susan Collins has been vocal about the need to take action on drug prices and she has advocated for similar efforts in the past. L.D. 1406 is the product of a bi-partisan effort. I am confident that we can come together on behalf of Maine people to pass this bill. Thank you, Mr. President.

On motion by Senator **KEIM** of Oxford, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-452) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (4/11/18) matter:

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-453)** (7 members)

Minority - **Ought Not to Pass** (6 members)

Tabled - April 11, 2018 by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I brought this legislation because of a fundamental question and that is: should internet service providers be able to sell or share your personal, sensitive information without customer consent? Now, for a long time Facebook and Google have been able to harvest public information about you, your personal information, and sell that, or share that, without your consent. But your internet service provider has not been able to go into your e-mails or review what you look at online and then sell that to the highest bidder. Imagine, for example, you e-mail a loved one about a sensitive medical condition, or you research something deeply personal on the internet, and then the next day you get something in the mail related to that personal e-mail that you thought was between you and one other person. That's exactly what would happen in the absence of internet privacy protections because of a change in federal law.

So I brought this bill to say not in Maine and there was some concerns, some legitimate constitutional concerns, about passing a bill in our state that didn't - that might interact with the Constitution. So a compromise was brokered in the Committee that upholds the right to privacy, which you can find in the 4<sup>th</sup> Amendment of the Constitution, the freedom from unreasonable search and seizure of your private records, and meets the commerce clause requirements. That compromise was that any internet service provider that engages with the State, either contracting services or receiving ConnectME funding, grant funding, will be prohibited from selling or sharing that sensitive customer personal information without consent for the period of the contract or for the period of 5 years following the grant. There's an additional piece of the bill which directs the Attorney General to further study the principles of network neutrality and whether it might be appropriate to bring legislation on that issue. So that's what the bill does. There are exceptions in the bill that, of course, allow - and I'll read from the bill - 'internet service providers may disclose or share information for the purposes of providing a service to comply with a lawful court order, to protect users from fraudulent abuse of an unlawful practice.'

Now, there was significant support from internet service providers at the local level, like GWI, like OTT Communications. I will quote from GWI: 'L.D. 1610 is a necessary step to keep ISPs transparent about how we use customer data. All consumers should have the right to consent to their information being used. It is not enough for an ISP to simply say that we will protect consumer information. We should be required to do so, as we have a responsibility to our customers. If Congress is unwilling to enact laws governing the way technology companies use personal information then the State of Maine needs to take a stand, like so many other states around the country.' I'll quote Susan Corbett of Axiom in the *Press Herald* a year ago when this bill was first introduced: 'As an internet service provider, we have access to individual's data; where and how they surf the web; the sites they frequent; and other important information most customers would be uncomfortable sharing. We believe customers have a right to know if a company is selling or using their data in a way that invades their privacy and should be given a choice to decide for themselves.'

Maine has long been a leader in privacy in a bi-partisan way. We have been first in the nation on many privacy bills over time and having George Smith here in the Chamber this morning reminded me of his partnership on some of those bills. But I want to clarify, Maine would not actually be first on this particular issue because Minnesota and Nevada already have statutes on the books that protect internet privacy. So any arguments that this would create a barrier that would be unworkable or put Maine completely out of step with the rest of the country is simply exaggerated. So with that in mind, you know, we just heard news that Facebook compromised the data of millions of users that was harvested and shared. Regardless of your political or partisan affiliation, I think the question is this: are the e-mails we send, are the websites that we visit, is that information our information or our internet service provider's information? Is the content of our most private e-mails - is it private or not? If you think that it should be private then I hope you will vote against the pending motion so that we can pass this legislation, not for every company in the state, any internet provider who chooses not to receive taxpayer dollars or chooses not to contract with the State of Maine would be exempt because of the Commerce Clause issues. But any internet provider that does contract with the State and receive taxpayer funding would be required to protect customer privacy, just as GWI, Axiom, and OTT Communications has suggested we should. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I will say it's rare for me to rise in disagreement with my colleague from Kennebec County on a privacy issue. I think there's far more we share in common on these issues than we disagree. But today I have some real concerns about this legislation and I'm not sure that it is all that it's cracked up to be. You know, obviously in the news right now on the federal level there's a lot of discussions about privacy in relation to websites like Facebook and websites like that. But as I understand it, unless I'm mistaken, this wouldn't affect at all companies like Facebook. This is targeting internet service providers and my understanding is 70% of all the information, all the websites we normally go to anyways, are encrypted so ISPs don't have access to the information on our e-mails or what we're doing on these websites. Perhaps they can

see what websites we're visiting, and I'm certain that, you know, in certain circumstances that could be troubling and a privacy concern. But it seems to me a false equivalence as, you know, we're talking about Facebook and everything going on there and to equate that to what's going on with internet - what this seeks to do with internet service providers. I will say, regardless of the merits of the policy here, which I completely recognize, I think the goal is an understandable goal and I respect what's trying to be achieved here, but I will say, I mean consumers have a say in this as well. There's the old saying, the customer's always right and customers can express their preferences on who they do business with, and I understand in certain cases there's a limited marketplace. But customers do have power. I am very concerned, you know, if a state like New York or a state like California, a big state with a very large economy, was to try to implement something like this, regardless of the merits of the proposal, I would think that they would have some real weight to throw around simply because of the size of their economies, and that might really force these companies to comply with that. I worry here though, we're a small state economically, comparatively, and I worry that putting costly provisions like this in place are just going to discourage companies from doing business here and say, 'You know what? It's just too difficult and too expensive to do business in Maine. Let's focus our time and our investment elsewhere.' I think that would do more harm than good to us in the long run. So thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#620)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.



The Chair laid before the Senate the following Tabled matter:

HOUSE REPORT - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs"

H.P. 491 L.D. 700

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

Tabled - April 12, 2018 by Senator **VOLK** of Cumberland

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

(In House, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749)**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-749) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-456) to Committee Amendment "A" (H-749) **READ** and **ADOPTED**.

Committee Amendment "A" (H-749) as Amended by Senate Amendment "A" (S-456) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749) AS AMENDED BY SENATE AMENDMENT "A" (S-456)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

#### **PAPERS FROM THE HOUSE**

##### **Joint Resolutions**

The following Joint Resolution:

H.P. 1342

##### **JOINT RESOLUTION RECOGNIZING JUNE 16, 2018 AS DESTROYER ESCORT DAY**

WHEREAS, World War II, the Korean War, the Vietnam War and the Cold War called upon thousands of America's youth to join in the fight by land, sea and air to restore freedom and peace throughout the world; and

WHEREAS, the Destroyer Escort was designed for use in World War II as an anti-submarine vessel to provide a lifeline for Allied forces by protecting convoys from the U-Boat menace in the Atlantic and was used extensively in surface-to-surface combat, shelling shores for invasions and many other assignments; and

WHEREAS, in recognition of the lives lost in these endeavors, and in commendation of the bravery and valor of the sailors of the Destroyer Escorts, the Destroyer Escort Association will host a special ceremony in Lewiston to honor the sailors of the Destroyer Escorts of World War II, the Korean War, the Vietnam War and the Cold War with special tribute paid to those who lost their lives with their ships; 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 June 16, 2018 as Destroyer Escort Day throughout the State of Maine in commemoration of the valiant sailors who risked and often gave their lives for peace and freedom worldwide.

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

**READ** and **ADOPTED**, in concurrence.

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The following Joint Resolution:

H.P. 1343

##### **JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE DAY OF REMEMBRANCE, APRIL 12, 2018**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 8, 2018 to April 15, 2018 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, April 12, 2018; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, marking 73 years since the end of World War II and the liberation of the Nazi concentration and death camps; 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, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that We urge one and all to recommit themselves to the lessons of the Holocaust through the international week of commemoration; and that We express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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

**READ** and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1345

**JOINT RESOLUTION  
TO RECOGNIZE THE MULTIFACETED  
AGRICULTURE OF MAINE**

WHEREAS, recent statistics show that farming in Maine has grown, that Maine continues to lead the New England states with 8,174 farms and that the value of Maine's crops and livestock has grown 24% since the last census of agriculture; and

WHEREAS, Maine's agricultural enterprises provide more than \$764,000,000 through the sale of farm products and contribute more than \$2,000,000,000 annually to the State's economy, and Maine agricultural products are increasingly available locally in farmers' markets, schools and institutions; and

WHEREAS, Maine farmers are the stewards of 1,450,000 acres of land, a vital resource in maintaining Maine's rural economy; and

WHEREAS, Maine is first in the world in the production of wild blueberries, a world leader in the production of brown eggs, first in New England in the production of food, first in New England in the value of aquaculture sales, second in New England in milk and livestock production, third in the Nation in the production of maple syrup and eighth in the Nation in the production of fall potatoes, is the fastest-growing artisanal cheese-producing state in the Nation and is the only state involved in the commercial production of fiddleheads; and

WHEREAS, agriculture has always been a part of Maine's prosperity, maintaining much of Maine's scenic open space, providing recreational opportunities and contributing to the character of Maine's rural 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, pause in our deliberations to recognize Maine's agricultural community and its contribution to the betterment of

our State, to pledge our support and encouragement and to urge the youth of Maine to pursue the growing opportunities for careers in today's technologically advanced agriculture industry; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Commissioner of Agriculture, Conservation and Forestry, as a token of the esteem in which those in this vital field are held.

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

**READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Friday, April 13, 2018 at 10:00 in the morning.