

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

Second Regular Session  
beginning January 3, 2018

beginning at Page 1451

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

In Senate Chamber  
Wednesday  
April 18, 2018

Senate called to order by President Pro Tempore Joyce A. Maker of Washington County.

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Prayer by Bishop Steve Coleman, Williams Temple Church of God in Christ in Portland.

**BISHOP COLEMAN:** Good morning. Let us bow our heads please. Almighty God, we ask Your blessings upon this august Body today, that You would endow them with Your knowledge to govern fairly, Your wisdom to make great decisions, Your kindness to work in unison, and love to be considerate of those they were elected to represent. We pray that, as you consider laws that will affect the lives of so many, that you would be mindful of those who struggle daily to attain the very basic comforts of life as well as those blessed with ample material means. We pray that your constituents will be proud that they elected you to the Senate because the people's concerns are the concerns of yours as well. We thank you for your willingness to serve and we are grateful, in advance, for the sacrifices that you will be making in an effort to carry out so great a responsibility. We also ask, Lord, that You would bless and give consolation to the Bush family at this time in their lives. These and other blessings we ask in the name of your Son. Amen.

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Pledge of Allegiance led by Senator Dana L. Dow of Lincoln County.

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Reading of the Journal of Tuesday, April 17, 2018.

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Doctor of the day, Kenneth Christian, M.D., of Holden.

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Off Record Remarks

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

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Bill "An Act To Include Operating a Motor Vehicle in a Parking Area in the Law Regarding Operating after Habitual Offender Revocation"

S.P. 706 L.D. 1859

In Senate, April 9, 2018, **PASSED TO BE ENGROSSED.**

Comes from the House, Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE.**

On motion by Senator **ROSEN** of Hancock, the Senate **RECEDED** and **CONCURRED.**

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System"

S.P. 712 L.D. 1869  
(C "B" S-469)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-468)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-469)** (6 members)

In Senate, April 17, 2018, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469).**

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-468)** in **NON-CONCURRENCE.**

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

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Efficiency through Electric Rate Design and Advanced Technology"

S.P. 726 L.D. 1896  
(C "A" S-465)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-465)** (5 members)

In Senate, April 17, 2018, Bill **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

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

On motion by Senator **WOODSOME** of York, the Senate **INSISTED**.

Sent down for concurrence.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District  
H.P. 32 L.D. 31  
(C "B" H-572)

In Senate, April 17, 2018, **FINALLY PASSED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the RESOLUTION **FAILED FINAL PASSAGE**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Encourage the Construction of Affordable Housing"  
S.P. 507 L.D. 1461  
(C "A" S-470)

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-470)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-471)** (5 members)

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

In Senate, April 17, 2018, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470)**.

Comes from the House, Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-471)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-471)** in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

Sent down for concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 1012

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

April 17, 2018

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

Dear Mr. President:

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

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

Ten 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 Nicki Fowlie of Appleton, for appointment to the Maine Community College System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Tori P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 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 (#646)**

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, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MAKER

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 **Nicki Fowlie** of Appleton for appointment to the Maine Community College System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 1009

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

April 17, 2018

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Frederick C. Dey of Portland, for appointment to the Maine Maritime Academy, Board of Trustees.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	8	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle
NAYS		0	
ABSENT		2	Rep. Daughtry of Brunswick, Rep. Turner of Burlington

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 Frederick C. Dey of Portland, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Tori P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 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 (#647)**

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

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, KEIM, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MAKER

EXCUSED: Senator: KATZ

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Frederick C. Dey** of Portland for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

Ten 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 Trevor J. Hustus of Hollis, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley  
Senate ChairS/Tori P. Kornfield  
House Chair**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 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 (#648)**

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, KEIM, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MAKER

EXCUSED: Senator: KATZ

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The Following Communication: S.C. 1010

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

April 17, 2018

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Trevor J. Hustus of Hollis, for appointment to the University of Maine System, Board of Trustees.

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

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

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

The Following Communication: S.C. 1011

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

April 17, 2018

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Dr. David M. MacMahon of Poland, for appointment to the University of Maine System, Board of Trustees.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	7	Kornfield of Bangor, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred
NAYS		0	
ABSENT		3	Rep. Daughtry of Brunswick, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Dr. David M. MacMahon of Poland, for appointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley  
Senate Chair

S/Tori P. Kornfield  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 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 (#649)**

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, KEIM, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MAKER

EXCUSED: Senators: KATZ, THIBODEAU

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Dr. **David M. MacMahon** of Poland for appointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 1006

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

April 17, 2018

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Larissa Darcy of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority.

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	10	Fecteau of Biddeford, Austin of Gray, Bates of Westbrook, Doore of Augusta, Handy of Lewiston, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland, Vachon of Scarborough
NAYS		0	
ABSENT		1	Sen. Langley of Hancock

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Larissa Darcy of Brunswick, for appointment to the Midcoast Regional Redevelopment Authority be confirmed.

Signed,

S/Amy F. Volk  
Senate Chair

S/Ryan M. Fecteau  
House Chair

**READ and ORDERED PLACED ON FILE.**

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 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 (#650)**

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, KEIM, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MAKER

EXCUSED: Senators: KATZ, THIBODEAU

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Larissa Darcy** of Brunswick for appointment to the Midcoast Regional Redevelopment Authority was **CONFIRMED**.

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

The Following Communication: S.C. 1005

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

April 13, 2018

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

Dear President Thibodeau,

This is to inform you that I am today nominating Matthew G. Tice, Esq. of Scarborough for appointment as a Judge to the Maine District Court.

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

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 1014

**STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE**

April 17, 2018

The Honorable Heather Priest  
Secretary of the Senate  
3 State House Station  
Augusta, ME 04333

Dear Secretary Priest,

Pursuant to my authority under 5 MRSA, Part 30, Ch. 621, §24001, (3) (F), I have appointed Kathleen Perkins of Augusta to the Maine Children's Growth Council effective immediately.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 1007

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
COMMITTEE ON MARIJUANA LEGALIZATION  
IMPLEMENTATION**

April 17, 2018

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

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Breen of Cumberland, to report the following bill Leave to Withdraw:

L.D. 672 An Act To Clarify a Municipality's Authority To Adopt and Enforce Land Use Regulations for Marijuana Facilities

Sincerely,

S/Sen. Roger J. Katz  
Senate Chair

S/Rep. Teresa S. Pierce  
House Chair

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

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The Following Communication: S.C. 1008

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
COMMITTEE ON MARIJUANA LEGALIZATION  
IMPLEMENTATION**

April 17, 2018

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

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Jackson of Aroostook, to report the following bill Leave to Withdraw:

L.D. 1499 An Act To Better Regulate Marijuana

Sincerely,

S/Sen. Roger J. Katz  
Senate Chair

S/Rep. Teresa S. Pierce  
House Chair

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

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The Following Communication: H.C. 508

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

April 17, 2018

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Energy, Utilities and Technology on Bill "An Act To Protect Privacy of Online Customer Personal Information" (S.P. 566) (L.D. 1610) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-453)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: S.C. 1013

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

17 April 2018

The 128th Legislature of the State of Maine  
State House  
Augusta, ME 04333

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 1032, "An Act To Ensure the Protection of Patients."

Since 2012, the Federal Centers for Medicare and Medicaid Services ("CMS") has required insurance carriers that provide coverage for prescription drugs to accept prior authorization requests from providers on the electronic form developed by CMS specifically to document these requests.

Section 1 of this bill would require insurance carriers to use an entirely different electronic system to accept and respond to requests for prior approval. Section 1 is duplicative of an electronic system that has been in place for several years. There is no reason to create another approval system when there is a system already in place for providers and insurance carriers to use.

Section 2 of the bill requires health care providers participating in insurance carrier networks to provide electronic access to current drug formularies at all times. This section is also unnecessary because the current Maine Insurance Code already requires carriers to post and maintain prescription drug formularies on their

public websites; they are already complying with 24 MRSA § 4303(20)(A).

This bill is simply unnecessary because it duplicates existing Maine law.

For these reasons, I return LD 1032 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Ensure Protection and Health Insurance of Patients  
S.P. 339 L.D. 1032

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

Senator **GRATWICK:** Thank you, Madame President Pro Tem. I apologize for my confusion there earlier. I would simply urge my colleagues here in the Senate to override this particular veto. I've handed you out a green sheet yet again. What this does is this is a way to save money, save time, and decrease waste in our medical system. Over the last 8 to 10 years there've been marked increases in the number of 'prior authorizations' which require the practitioner to put in a prescription to the insurance company and the insurance company decides whether or not they are going to go forward and then the treatment is delayed anywhere from 1 to 3 to 5 days. On the second part of this particular hand-out you'll see that we now get - practitioners now get 30 of these per week. This is 30 times that you have to go on the telephone and try to straighten these things out. Unnecessary and you'll also see there that it certainly delays treatment in many instances. Of the particular points brought up on the veto message are incorrect. Section one is actually not the case. We are already adhering to a national standard here and this is to make sure that the insurance company will do this as well, and section two is likewise. So I would urge my colleagues to vote to overcome this veto. Again, thank you, Madame President Pro Tem.

The President Pro Tempore 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 (#651)**

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, PRESIDENT PRO TEMPORE MAKER

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

Senate at Ease.

The Senate was called to order by President Pro Tempore Maker.

Off Record Remarks

**SENATE PAPERS**

Bill "An Act To Increase Funding in the Maine Budget Stabilization Fund" (EMERGENCY)

S.P. 738 L.D. 1908

Presented by Senator HAMPER of Oxford. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

On motion by Senator **HAMPER** of Oxford, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Bill "An Act To Fund Enhanced Data Sharing between the Department of Public Safety, Bureau of State Police and the Maine Judicial Branch"

S.P. 740 L.D. 1910

Presented by Senator KEIM of Oxford. (GOVERNOR'S BILL)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **REFERENCE**.

Resolve, To Fund a New Comprehensive Child Welfare Information System

S.P. 739 L.D. 1909

Presented by Senator HAMPER of Oxford. (GOVERNOR'S BILL)

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

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

**Joint Resolution**

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Molly Pitcher, of Brunswick. Ms. Pitcher was a dancer in New York City, working as a Radio City Music Hall Rockette, on Ed Sullivan's Toast of the Town show and as a June Taylor Dancer on the Jackie Gleason Show. She owned and operated a furniture factory in Vermont before moving to Maine and working at the Maine Legislature as part of Senator Gerard Conley's staff, as the Senate Sergeant-at-Arms and as a committee clerk for the labor committee. An active Democrat, she marched in the civil rights movement with Cesar Chavez, attended the 1960 Democratic National Convention as a Kennedy delegate and worked on Democratic campaigns, including those of her son, the Honorable Stanley J. Gerzofsky. Ms. Pitcher will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

SLS 841

Sponsored by Senator CARSON of Cumberland.

Cosponsored by Representatives: DAUGHTRY of Brunswick, MCCREIGHT of Harpswell, TUCKER of Brunswick.

The Joint Resolution was **READ**.

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

Senator **CARSON:** Thank you, Madame President Pro Tem. Ladies and gentlemen of the Senate, I rise today to speak about Molly Pitcher, a wonderful citizen of the State of Maine and a very committed member of our community. I, obviously, didn't know her when she was a Rockette in New York. I can only imagine Molly with her unbounded enthusiasm on the stage. I didn't know

her when she marched with Cesar Chavez in California, although that is an example of her commitment to her fellow human beings and I can only imagine how wide-eyed she must have been at the 1960 National Democratic Convention as a delegate for John F. Kennedy. It feels like a long, long time ago, but what a remarkable experience for any person. Molly was always deeply committed to our State, her adopted state. She believed strongly in the integrity of governmental process and she worked in this building for about 20 years. I met her early on in that period. I was a young Pine Tree Legal Assistance. I was talking with her son, Stan, a little while ago, not able to remember exactly how I met her but remembering the many times we actually carpooled together from Brunswick to Augusta and hearing stories of the really wonderful and interesting things that she had done in her life. She was always gracious. She was highly principled and generous in spirit and a true friend, I think, to everyone who knew her. We will miss her a great deal. Thank you, Madame President Pro Tem.

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

Senator **CUSHING:** Thank you, Madame President Pro Tem. Ladies and gentlemen of the Senate, I rise too to share a little bit of my history with Molly Pitcher. As you would not be surprised to know, we met through the political process, although on opposite sides. We came to be friends in the process of recounts and other political activities. Molly was always somebody that you could count on to be passionate for her cause but also respectful of your rights, something that I think, Madame President, we, today, could use more of as we deal with the issues before us here and in Washington. The importance of this is to fight for the things you believe in without injuring your enemies or your adversaries too much and Molly enjoyed the battles, certainly, but she also enjoyed the camaraderie. One of my favorite memories was when she, her son, the Honorable Dan Billings, and a couple of other local people were engaged to help with a local recount and we were all sitting on the same side, and I believe there's a picture floating around somewhere that Senator Gerzofsky's promised me a copy of that will kind of memorialize that and I look forward to getting another copy again and treasuring that. As somebody whose mother has also been involved many years in politics, I share the camaraderie with Stan as we shared some of the history. My condolences to the family and to the State of Maine on the loss of somebody who certainly contributed greatly to our State and its purpose. Thank you.

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

Senator **CARPENTER:** Thank you, Madame President. Ladies and gentlemen of the Senate, I'll be very brief. I served with Molly here in this Chamber and elsewhere in this Legislature for many, many years and I think the remarks of the good Senator from Cumberland, Senator Carson, summed things up pretty well. She was always enthusiastic. She was always optimistic and she, even though she was a pretty hard-core Democrat, she was always a friend to everybody. She was a great asset and one of those people who labor in the vineyards of the State to make this State run effectively and we're going to miss her. Thank you.

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

Senator **BREEN:** Thank you, Madame President Pro Tem. I only met Molly Pitcher once but she and I had a couple of things in common. One was that we're both born and raised in Vermont. The other is that as little girls in our tap dancing lessons we dreamed one day of performing at Radio City Music Hall and being a Rockette. The only thing was she met the height requirements and I did not. Just as importantly, she gave us Stan Gerzofsky, who was a model son and who spent the last decade taking daily and devoted care of his mother, and for that we should all be grateful. Thank you.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Madame President. Ladies and gentlemen of the Senate, I rise today just to say a few words about Molly Pitcher and her son, the former Senator from Cumberland, Senator Gerzofsky. I think the legacy that will be left by Ms. Pitcher in this Chamber is a legacy of respect for the institution. When you first come in to the Legislature there's a couple of people, that I'm sure every one of you have a different person, that sticks out to you on some of the things that you learn about the institution and the things that you learn about decorum and respect and how to treat each other as colleagues, and I learned a lot of that, and one of those people was from Stan and he learned that from his Mom who was Sergeant-At-Arms in this Chamber and she was here during the days of tobacco spittoons and ashtrays on the desks, and she'd tell you about those things when you talked to her and she'd come back for Welcome Back Day. I remember one day that Senator Gerzofsky gave me a gift, and it was one of those old cigar ashtrays that I still have at home that he had gotten from his Mom. A little memento that is one of my more proud little things that I have from my service here in the Senate. But there's also something to be said about her son. Senator Gerzofsky is just one of those people that we don't agree a whole lot, practically not at all, but he's a friend and when you go through tough times in this Body, I've said it many times, these are the people that will always stand behind you. It's the most dysfunctional family you could ever seek to be part of, but we are that and so when one of us grieves we all grieve. So, Senator Gerzofsky, we grieve with you. Your mother was a character and she was somebody that this institution will remember for a long time and I thank you for teaching me some of her lessons during my time here in this Body. Thank you, Madame President.

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

Senator **DIAMOND:** Thank you, Madame President and members of the Senate. Molly Pitcher was one of those people, as you've heard, who kind of sticks with you and somebody you don't forget. I remember when she was Sergeant-At-Arms. I and other freshmen Senators would come in and would stand at the door and look around and make sure she wasn't here, and then would scoot in and get what we needed and scoot out because she had rules, as Senator, the Senator from Androscoggin, just explained. She had rules. They were good rules. We learned respect for the institution. But also I noticed she had some of her own rules, which we had to learn and we didn't have a lot of time

to do that. I can compare her to, in that respect, if you ever saw the Seinfeld episode where the soup Nazi was there. We all would come in, stand at attention, go to our desks, do what we had to do, and get out. So she was - she did that because she did respect this Body and she was teaching us every bit of the way how important it was to respect this institution, and Stan, of course, was her biggest problem. When he was Senate - in the House and in the Senate, he worked with her. He was one of her employees and they really were a couple and she, of course, loved him and he loved her, but she was strict, maybe more so with Stan as one of her employees than she was with others. But she was a unique person and Stan loved her dearly, and you can tell a lot about someone when they're with their mother or father or loved one that last days of their lives, when they need them the most, and Stan was there every single day, and that speaks a lot about what Molly was about, but it also speaks what Stan was about. Thank you, Madame President.

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

Senator **JACKSON:** Thank you, Madame President. I appreciate it. I think everything that the good Senator from Androscoggin, Senator Mason, said was accurate except that I usually agree wholeheartedly with Stan. That's maybe why I'm over on this side. But I just wanted to get up because I only met Molly a couple of times and I've heard all the stories about her and, like Senator Diamond said, I think I was scared of her when I met her but she was truly a very nice woman to me at the few times, but what I do know is that the two of them were very much dedicated to each other. I'm very close to my mother and, you know, talking to Stan about it through the years, you could see how dedicated he was and, so I didn't know her as someone that worked in this building, I certainly felt I knew her as a mother and Stan has become an unbelievably good friend to me and I'm sure to all of us, and so for that I truly am very sorry for your loss.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

**THE PRESIDENT PRO TEMPORE:** The Chair recognizes in the back of the Chamber the Honorable Stan Gerzofsky. Would he please stand and accept the condolences of the Maine Senate.

## REPORTS OF COMMITTEES

### House

#### Ought to Pass As Amended

The Committee on **TAXATION** on Bill "An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses"

H.P. 932 L.D. 1338

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-767)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-767)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-767) **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 President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Washington, Senator **MAKER**, to her seat on the floor.

The Senate was called to order by the President.

## Off Record Remarks

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

### Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reestablish the Office of Advocacy within the Department of Health and Human Services"  
H.P. 1164 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-769)**.

Signed:

Senator:  
CHIPMAN of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-770)**.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-769)**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-770)** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "B" (H-770) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-770)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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#### Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase Transparency in the Direct Initiative Process"

H.P. 1301 L.D. 1865

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-714)**.

Signed:

Senators:

MASON of Androscoggin  
CARPENTER of Aroostook  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor

WHITE of Washburn

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

Signed:

Representatives:

CASÁS of Rockport  
HICKMAN of Winthrop

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-714)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-714) **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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#### Senate

#### Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation" (EMERGENCY)  
S.P. 657 L.D. 1770

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-473)**.

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTION of Biddeford  
BATES of Westbrook  
DOORE of Augusta  
HANDY of Lewiston  
MASTRACCIO of Sanford  
SYLVESTER of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-474)**.

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

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

Reports **READ**.

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

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

#### **ENACTORS**

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

#### **Emergency Measure**

An Act To Establish the Wood Energy Program

S.P. 644 L.D. 1745  
(C "A" S-464)

This being an Emergency Measure and having received the affirmative vote of 24 Members of the Senate, with 11 Senators having voted in the negative, and 24 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

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#### **Emergency Measure**

An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council

H.P. 1305 L.D. 1872  
(C "A" H-758)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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#### **Emergency Measure**

An Act To Enhance and Increase the Availability of Mental Health Providers in Maine

H.P. 1311 L.D. 1879  
(C "A" H-759)

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

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#### **Emergency Resolve**

Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds

S.P. 731 L.D. 1901  
(C "A" S-462)

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 Continue a Review of the State Employee and Teacher Retirement Plan

H.P. 1346 L.D. 1907

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

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#### **Acts**

An Act To Recodify and Revise the Maine Probate Code

H.P. 91 L.D. 123  
(C "A" H-762)

An Act To Promote Prescription Drug Price Transparency

S.P. 484 L.D. 1406  
(C "B" S-452)

An Act To Establish a Student Loan Bill of Rights To Regulate Student Loan Servicers

S.P. 532 L.D. 1507  
(C "B" S-405)

An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities

S.P. 642 L.D. 1743  
(C "A" S-382)

An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language

S.P. 714 L.D. 1871  
(C "A" S-463)

An Act Regarding Financial Orders Requested by the Attorney General

H.P. 1308 L.D. 1876  
(C "A" H-763)

An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups

S.P. 721 L.D. 1888

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

An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization

H.P. 796 L.D. 1133  
(C "A" H-760)

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

An Act To Enact the Maine Fair Chance Employment Act

H.P. 1079 L.D. 1566  
(H "A" H-750 to C "A" H-705)

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

An Act To Amend Career and Technical Education Statutes

S.P. 696 L.D. 1843  
(C "A" S-466)

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

#### Resolves

Resolve, To Reduce the Number of Substance-exposed Infants

H.P. 746 L.D. 1063  
(S "B" S-460 to C "B" H-678)

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

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

H.P. 1337 L.D. 1899  
(C "A" H-761)

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

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

#### COMMUNICATIONS

The Following Communication: S.C. 1015

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

April 17, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1898 An Act To Amend Maine's High School Diploma Standards and Ensure Maine Students Meet State Standards upon Graduation

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley  
Senate Chair

S/Rep. Tori P. Kornfield  
House Chair

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

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

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

**COMMUNICATIONS**

The Following Communication: S.C. 1016

**STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
OFFICE OF THE PRESIDENT**

April 18, 2018

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

Dear Secretary Priest:

Pursuant to Senate Rules, I hereby appoint the Senator from Washington, Senator Maker to preside from the rostrum over the legislative business conducted in the chamber for the session to be held on April 18, 2018. This temporary assignment shall commence at the beginning of that daily session, and expire at the end of that daily session if not sooner by the return to the rostrum of the President or the Senator with the standing appointment on March 29, 2017 to otherwise serve as President Pro Tempore.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau  
President of the Senate

**READ and ORDERED PLACED ON FILE.**

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

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

**ORDERS**

**Joint Order**

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 742

**ORDERED**, the House concurring, that, in accordance with emergency authority granted under the Maine Revised Statutes, Title 3, section 2, the Second Regular Session of the 128th Legislature is extended for up to 5 legislative days.

**READ and PASSED.**

(See action later today.)

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**RECALLED FROM GOVERNOR'S DESK**

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)

(In Senate, April 12, 2018, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 736), in concurrence.)

On motion by Senator **MAKER** of Washington, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-444).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-444).

On further motion by same Senator, Senate Amendment "A" (S-481) to Committee Amendment "A" (S-444) **READ and ADOPTED.**

Committee Amendment "A" (S-444) as Amended by Senate Amendment "A" (S-481) thereto **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-444) AS AMENDED BY SENATE AMENDMENT "A" (S-481)** thereto, in **NON-CONCURRENCE.**

Sent down for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

An Act To Create The Barbara Bush Children's Hospital  
Registration Plate

S.P. 621 L.D. 1685  
(C "A" S-348)

Placed on Special Highway Table - February 15, 2018 by Senator **COLLINS** of York

Pending - **ENACTMENT** in concurrence

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348)**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-348).

On further motion by same Senator, Senate Amendment "A" (S-482) to Committee Amendment "A" (S-348) **READ**.

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

Senator **COLLINS:** Thank you, Mr. President. Men and women of the Senate, I rise today because I think it is fitting that we pass this legislation creating the Barbara Bush Children's Hospital license plate. In 1995, Maine Medical Center announced that the children's hospital would be named in honor of Barbara Bush. Mrs. Bush spoke at the naming ceremony, saying it was so very important to have a children's hospital here in Maine. Children are our society's most precious asset and their care must be among our highest priorities. Mrs. Bush was also a champion of literacy and read to the children at the hospital on numerous occasions. The former First Lady will long be remembered for the contributions she made to the Senate - excuse me, to the State of Maine. The Barbara Bush Children's Hospital serves children from all corners of our state and provides excellent care to kids right here in Maine. Last year alone, the hospital served 100,000 children. This license plate not only will raise awareness about the Barbara Bush Children's Hospital but it will provide much needed funding so the patients treated will have access to the highest quality care. I was honored to sponsor this legislation and I'm incredibly grateful for the work the staff at the Barbara Bush

Children's Hospital does every day. Just on a personal note, on a few different occasions I met former First Lady Barbara Bush. She was very gracious and was a vital part of the community of Maine. She will be sadly missed by all. Thank you.

On motion by Senator **COLLINS** of York, Senate Amendment "A" (S-482) to Committee Amendment "A" (S-348) **ADOPTED**.

Committee Amendment "A" (S-348) as Amended by Senate Amendment "A" (S-482) thereto **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-348) AS AMENDED BY SENATE AMENDMENT "A" (S-482)** thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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Off Record Remarks

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## ORDERS OF THE DAY

### Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/17/18) matter:

Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"  
S.P. 690 L.D. 1838

Tabled - April 17, 2018 by Senator **MASON** of Androscoggin

### Pending - **CONSIDERATION**

(In Senate, April 3, 2018, **PASSED TO BE ENACTED** in concurrence.)

(In Senate, Veto Communication (S.C. 1002) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **BRAKEY:** Thank you, Mr. President. It pains me today to rise and ask the Body to sustain the Chief Executive's veto on this legislation. It pains me because I recognize what this legislation is attempting to achieve. I think what it is attempting to achieve is something very worthwhile. The apparent intent seems to be to make it a crime for an individual to harass and bombard others with sexual images over the telephone or other electronic communication devices. Let me be clear that that is harassment and, especially if targeted at a minor, it should be a

crime. What should give us pause, however, is not the intent of this legislation but the actual drafted language of this legislation. The way it is worded there is the potential for some serious consequences that I don't believe are intended by the author of this bill, and I provided a copy of the language in question and it should be on everyone's desk, and I invite the Body to closely look it over before we vote on this. The problematic language in question is in Section A-1. Now intending to target adults sending inappropriate things to minors or the mentally disabled, this language isn't very well targeted. It's actually very scatter-shot and hits many unintended bystanders. The language says that a person is guilty of a crime if 'by means of telephone or electronic communication device, the person, with the intent to cause affront or alarm or for the purpose of arousing or gratifying sexual desire, sends an image or video of a sexual act and the person called or contacted is, in fact, under 14 years of age.' Now I believe we can all agree an adult transmitting such things to someone under the age of 14 should be a crime, but this language doesn't specify that the transmitter must be an adult. So here's a scenario. If a 13 year old texts a sexual image from the internet to another 13 year old, would that be a crime under this proposal? Well, the answer is yes, it would. When I asked the Committee analyst, Jane Orbeton, she confirmed this scenario would, in fact, be a crime under this language. Now certainly I don't like the idea of this taking place. I don't think any of us like the idea of young people sending these kinds of text messages back and forth to each other, but we can all acknowledge that many young people do stupid things with cell phones. Thankfully, most of us didn't have cell phones when we were that age. Myself, even I was just - cell phones were still a relatively new thing when I was that age. We can all acknowledge that young people sending these kinds of messages to each other is stupid. But the question is, not is it stupid, but should it be a crime? I don't think it should be a crime.

Now the language also says that a person is guilty of a crime if 'by means of telephone or electronic communication device the person, for the purpose of arousing or gratifying sexual desires, sends an image or video of a sexual act and the person called or contacted suffers from a mental disability.' Now, I think that sounds good on the surface but let's analyze that a little bit deeper. Note that this language is not restricted at all by age. The person with the mental disability could be of any age. And more troubling, there is no definition for mental disability anywhere in this legislation. Again, I've confirmed this, as well, with the Committee analyst. The definition of mental disability is completely vague and subjective. So if we're not given any guidance in this legislation of what qualifies for a mental disability I guess maybe we have to look at other definitions that exist, other government definitions that exist for mental disability. So let's look at some of those other definitions. If you go with the definition used by the Social Security Administration that includes people - it could include people with mild Asperger's. It could include people with substance use disorder, alcoholism, anxiety, or depression. So here's another scenario. If an adult texts a sexual image to his or her adult romantic partner, and that adult romantic partner has a diagnosis of mild Asperger's, would that be a crime under this proposal? Arguably, yes it would be. Does anyone in this Chamber think that should be a crime? I would hope not and I certainly can't imagine so.

When I bring up these concerns no one has denied these problems exist in the language in front of us. Instead what I'm told is that we have to leave some things up to prosecutorial discretion. Well if that's the case, perhaps we should just make

everything against the law and leave everything up to prosecutorial discretion and let prosecutors decide in any case, you know, who should be charged with a crime and for what. What do we need a Legislative Branch of government for if we're just going to leave everything up to prosecutorial discretion? Mr. President, I understand that these scenarios are not what is intended by this legislation, but that is, in fact, what the language of this legislation does. It would open a Pandora's Box and I don't think we want to open that box. Sadly, and I think what's very sad is the stage of the process in which I'm - we're finding this. I think that these issues could very easily have been fixed by an amendment to the language if we had caught it earlier in the process. But now that it's come back on a veto, we can only vote to override or sustain that veto. Perhaps there exists some other legislative vehicle that we could use to address the underlying intent of this bill, fixing the problems in the current language before this year's session is finished. I know it's late in the session and I don't know how possible that may or may not be, or perhaps this issue will have to be taken up again and addressed next year to try to address the problem without the problems that come with this language. Right now, I really - I urge the Body to sustain the veto on this legislation. I think there are too many unintended consequences. I think that, again, the underlying intent is good but it needs to be more targeted than what it is right now. This would hit - this language would hit a lot of unintended bystanders who - unintended bystanders who I don't think we're intending to make potentially - potentially turn into criminals. Thank you very much, Mr. President.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, you may remember this was my bill coming about because there was an adult in Aroostook County who was engaged in this sort of behavior with minors and the conviction was overturned by the Maine Supreme Judicial Court. So I brought the bill in and it was reworked extensively by the Criminal Justice Committee and they attempted to deal with the various scenarios that the Senator from Androscoggin, Senator Brakey, was talking about. Did we get them all? Perhaps not. He's never approached me and asked me to modify it. I got a sheet on my desk this morning. There were two different scenarios: Scenario One and Scenario Two. Yes, I think as the bill is worded - keep in mind that it talks about crimes, not juvenile offenses. They are still defined under the criminal code as crimes but they are treated as juveniles if, in fact, they ever were to go to court. If a 13 year old engages in this behavior to anybody under the age of 14 it would be an offense under this bill. I'm not denying that. Secondly, it's a little bit different in the second scenario that Senator Brakey outlines. If an adult texts a sexual image to his or her partner with a mental disability, well you're going to have to have a complainant. Somebody's going to have to go to the police. Chances are, if this was consensual, my guess is the recipient's not going to go to the police. So I think that is a complete red herring. As I said, I believe a unanimous committee report out of Criminal Justice. They worked the bill. Worked it hard. I think it does send a message. If you're okay with this kind of behavior going on and you don't want to do anything about it when somebody is texting these kinds of images to a 14 year old or a 13 year old or 12 year old then I would urge you not to follow my light. If you want to try to stop some of this

behavior - and he only dealt with one part of the statute, the other part of the statute that we're proposing here today, that we passed here, says that the person contacted is 14 or 15 years of age and the actor at least 5 years older, so that gets at the adult to minor situation. But I don't disagree that the first part of the statute deals with anybody under the age of 14 who receives these images and it is what it is. I would ask that you follow my light. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. Let's start with this scenario. We have people out there right now. They can be 19 doing this to 14 year olds. It can be adults doing - sending these images to any age. We have a serious problem. Let's start there. We really do and it was brought to our attention, again, by this piece of legislation and we did work this bill very hard and I think we touched on most of the bases. But remember this, that if we do have someone who's less than 14 sending images to somebody who's less than 14 they will come under the juvenile code. Don't forget this. Don't we want to know that so that we can deal with that early on? They're not going to be treated as an adult. This is a juvenile situation, if they are juveniles, and I would urge you to take this matter, as I know you do, to the point that it is now almost out of control with our technology and our texting. I mean in this case we had, I think it was a school official, a basketball official maybe, that was doing this with people, with young girls he saw at the school. These are the kind of things that are going on and on and on and on. So I would urge us not to let this stand, not to let this stand the way it is, because if we do it's going to only multiply and multiply. Remember again, while pointed out, if we have two minors doing this they'll be treated as minors, but that's not all that bad. If we can catch somebody early, it's a mistake, it's a stupid sort of thing they did. Great, remind them that's not to be done. We take this very seriously and that may be a good message to send even to that age. So I would urge you to override this veto. We need to address this now. We should not let this go another year. We should do all we can to protect these kids who, at that age, really anything can happen in terms of how they interpret what they're getting. So thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I just want to say to my colleagues from Aroostook and Cumberland County that, you know, it isn't my intent to ambush anyone with these last minute objections and I apologize that this is coming at the very last minute. You know, this legislation went under the hammer in this Chamber and I don't think any of us - well I certainly didn't give it the very thorough read through that I would have done if it had been a divided report. But the Governor - the Chief Executive's veto prompted me to take a second look at this and read some of the objections that he raised and see if - and read whether or not those were accurate. I will say I do think that - as I said, I do think that there are very - there are some big problems with this language. I also recognize the very real problem that both of my colleagues here have brought up and addressed. I don't know

the individual circumstances of this coach in Aroostook County. My hope is that, if he did that, my hope is that he was fired from his job. That certainly seems completely inappropriate for him to be doing that in his position. I would hope that we would get to a place where this would be a crime and he could be charged with a crime for that. That said, if the veto on this is sustained I know that, you know, it's somewhat an extraordinary circumstance because we're at the end of session, but if there was any other possible legislative vehicle to work out this issue before the end of the legislative session I'd be more than happy to be a partner in that and working to achieve that while addressing some of the concerns that I'm raising here today. So I'll leave it there. I hope we sustain the Governor's veto and I hope we also find an opportunity to address the underlying problem this legislation seeks to address without all of the unintended consequences that come with it. Thank you.

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 (#652)

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

NAYS: Senators: BRAKEY, CUSHING, DAVIS, HAMPER, KEIM, MASON, VOLK, WHITTEMORE

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, and 27 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.

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/17/2018) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy" H.P. 640 L.D. 912

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-745)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-746)** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "C" (H-747)** (2 members)

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

Tabled - April 17, 2018 by Senator **CUSHING** of Penobscot

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745).**)

(In Senate, motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE, FAILED.**)

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **CUSHING** of Penobscot, the Senate **RECONSIDERED** whereby it **FAILED** to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-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 (#653)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE, PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "C" (H-747) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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#### Off Record Remarks

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

#### **ORDERS**

##### **Joint Order**

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 742

**ORDERED**, the House concurring, that, in accordance with emergency authority granted under the Maine Revised Statutes, Title 3, Section 2, the Second Regular Session of the 128th Legislature is extended for up to 5 legislative days.

**READ.** Pursuant to M.R.S.A. Title 3, Section 2, a Division was had. 35 Members of the Senate having voted in the affirmative, and no Senator having voted in the negative, and 35 being more than two-thirds of those present and voting, the Joint Order was **PASSED**.

Sent down 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 Orders**

The following Joint Order:

H.P. 1348

#### **JOINT RESOLUTION RECOGNIZING THE WEEK OF THE YOUNG CHILD IN APRIL 2018**

WHEREAS, the Week of the Young Child is an annual celebration sponsored by the National Association for the Education of Young Children, the world's largest early childhood education association; and

WHEREAS, its Maine affiliate, the Maine Association for the Education of Young Children, has over 325 members, including teachers, leaders and parents of young children; and

WHEREAS, the purpose of the Week of the Young Child is to focus public attention on the needs of young children and their families and to recognize the early childhood programs and services that meet those needs; and

WHEREAS, the future of Maine depends on the quality of life we provide to Maine's young children today; and

WHEREAS, as parents, teachers, lawmakers and community leaders, it is our collective responsibility to ensure that special care and attention is given to young children to enable them to grow and mature into loving, capable, considerate and productive adults; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 16-20, 2018 as the Week of the Young Child and to recognize and encourage efforts that foster the education and well-being of Maine's young children; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Association for the Education of Young Children.

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

**READ** and **PASSED**, in concurrence.

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The following Joint Order:

H.P. 1349

**JOINT RESOLUTION  
RECOGNIZING THE SKOWHEGAN STATE FAIR ON ITS  
200TH ANNIVERSARY**

WHEREAS, the Skowhegan State Fair is the nation's oldest consecutively running agricultural fair; and

WHEREAS, the fair was first organized in late 1818 by the Somerset Central Agricultural Society, with the first fair being held in January 1819; and

WHEREAS, one of the expressed purposes of the fair was to improve the breeding of livestock, with particular emphasis being placed upon the betterment of breeds of horses and cattle, an objective that has been continuously maintained by succeeding fair management; and

WHEREAS, the fair was officially designated the Skowhegan State Fair in 1942; and

WHEREAS, the present fairgrounds were acquired in 1856 and over the years the original boundaries were extended from time to time as additional acreage became available, with the latest expansion occurring in 2005; and

WHEREAS, the fair annually draws thousands of patrons from all over the United States and Canada; and

WHEREAS, exhibitors at the fair come from more than 100 towns and cities in Maine as well as from many other states, and

over the years many popular performers have appeared on the fair's stage; and

WHEREAS, the fair has been kept alive and active by successive generations of dedicated men and women in the area; 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 commemorate the 200th anniversary of the Skowhegan State Fair and to recognize the devotion of its organizers in keeping the fair open for many generations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the organizers of the Skowhegan State Fair.

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

**READ** and **PASSED**, in concurrence.

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

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Senate at Ease.

The Senate was called to order by the President.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 510

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

April 17, 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 1897, "An Act To Reinstate Certain Other Special Revenue Funds Allocations For the Maine Commission on Indigent Legal Services."

Unlike some states, Maine does not employ public defenders. Instead, the court appoints private attorneys for individuals below certain income thresholds in some circumstances, thus fulfilling its obligation to provide legal counsel to these individuals. Appointed attorneys electronically submit bills to the Maine Commission on Indigent Legal Services (the "Commission") and the Commission then pays those attorneys. Nearly any attorney can fill out an application and begin getting paid \$60 an hour by the State. The Commission also pays for the cost of investigators and professional witnesses.

This structure, unlike a public defender program, can provide little oversight of appointed attorneys and cannot adequately control expenditures year over year. As a result, cost overruns in the program have required numerous supplemental budget allocations since the Commission's inception. In 2011, the Commission's budget was \$11 million. In just seven years, that figure has doubled to more than \$22 million. The situation is unsustainable.

The failure to improve our system for the provision of indigent legal services represents an abdication of responsibility on the part of the Legislature. Simply making available additional funding for this program will not provide better oversight or better quality of representation, nor will it control costs. Instead, the Legislature should establish public defenders' offices to put indigent Mainers on an even playing field with Maine's District Attorneys and to provide better oversight, uniform quality of representation and cost controls to the provision of legal services for the indigent.

For these reasons, I return LD 1897 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 Reinstate Certain Other Special Revenue Funds  
Allocations for the Maine Commission on Indigent Legal Services  
H.P. 1330 L.D. 1897

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 (#654)

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, WHITEMORE, 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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Off Record Remarks

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

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

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Off Record Remarks

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

## Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Maine's Medical Marijuana Law"

H.P. 1060 L.D. 1539

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-765).**

Signed:

Senators:

BRAKEY of Androscoggin  
CHIPMAN of Cumberland  
HAMPER of Oxford

Representatives:

HYMANSON of York  
DENNO of Cumberland  
HEAD of Bethel  
MADIGAN of Waterville  
MALABY of Hancock  
McCREIGHT of Harpswell  
PERRY of Calais  
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-766)**.

Signed:

Representatives:

CHACE of Durham  
PARKER of South Berwick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)**.

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)** Report, in concurrence.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion to adopt the Ought to Pass as Amended Report, the Majority Report from the Committee. It was an 11 person bi-partisan majority report with the support of all three members of the Maine Senate serving on that committee. It's a compromise proposal that seeks to simultaneously introduce both some new regulations to add some added integrity to the program to prevent diversion and to increase local control with our municipalities. There's also a proposal that seeks to put some new freedoms in place to support patient access and to allow those in the program to have some more freedom in how they develop their business model. Now I think it's effective to think of - to understand what this proposal seeks to do. I think it's effective to think of the medical cannabis program as a circle and outside of that circle you have the black market and inside of the circle you have the program. Now currently we have a very regimented program

inside of that circle of how people can operate their business, restrictions on where patients can go in order to get access to their medicine. But that circle is very porous and there - we should be honest, we've seen in the news recently that there are some bad actors operating under the guise of this program. We've seen it as the federal government has come in and, in many cases, raided the establishments of people who called themselves members of the medical cannabis program who are diverting things into the black market. This legislation seeks to draw a much sharper line around that circle with things like seed to sale tracking and more local control and an opportunity for municipalities to have some more control in some of these businesses that operate in their community to prevent diversion and make sure this program is serving who it's intended to serve.

Now I could go through all of the different proposals, all of the different items that are included in this bill. I think that many of us have explored those things in our different caucuses. Instead I just want to talk a little bit about some of the personal stories of people whose lives have been changed by this program. You know, I've served as the Senate Chair - this is my fourth year serving as the Senate Chairman for the Health and Human Services Committee and overseeing the Medical Marijuana Program, and over these four years I have met a lot of people whose lives have been positively affected by this. I'll be honest. You know, this may come as a surprise to people, when I first - years back when I first encountered the idea of medical marijuana I thought it was a joke. I'll be upfront. I thought it was a joke. I thought that it was just some clever excuse used as some stepping stone to try to get to adult use marijuana. I thought the idea of it being used as a medicine was a complete joke. But I was wrong. When I first came into the Health and Human Services Committee I met some of these patients. I met a young girl named Cyndimae Meehan who struggled with Dravet Syndrome who would have hundreds of micro-seizures every day. Every single pharmaceutical that she and her family tried to alleviate her seizures did not work. The only thing that worked was medical cannabis because of a - the CBD in the medical cannabis that reduced the severity and the number of seizures that she experienced. Because of medical cannabis she was able to have a normal childhood for a time. She was able to go to school. She was able to enjoy playing with other kids. She had never been able to experience that before. It changed her life. I have met veterans who've come back from overseas, struggling with post-traumatic stress disorder. You know, we send our soldiers off to fight on our behalf and sometimes they leave a lot of things behind over there and I have met veterans who have served our country and who have lost much, who use cannabis to help them cope with some of the horrors that they faced. I'll say this, this is something that I don't admit to - you know I don't talk about it very much publicly, but my fiancé actually is a medical cannabis patient. She's told me it's alright to share her story. She suffered with intractable pain for much of her life and I have personally seen how access to this medicine has helped her and it's helped her in so many ways. So I think that this medical cannabis program - our medical cannabis program is incredibly important and incredibly helpful for so many. I can't tell you how many times I have heard people say, 'It has given me my life back.'

Now as we're seeking to restore - to add some added integrity to this program, we're putting things in place like seed to sale tracking. Seed to sale tracking would help prevent diversion to the black market. We're giving municipalities more local

control in terms of how they regulate some of these businesses in their own localities. In fact, this proposal has been endorsed by the Maine Municipal Association. The Department will be given authority for the first time to do same day inspections without notice to certain businesses in this. But at the same time we will be giving businesses more freedom in license and how they operate. We'll be giving patients the ability to not just have to designate one single provider. You know, in the - in other markets for pharmaceuticals, for example, if a doctor recommends to you that you need a certain pharmaceutical and you get a prescription for that, you can go to CVS, you can go to Rite Aide, you can go to any place to fill that. But under the medical cannabis program, currently, you are required to designate one person, one person to be your provider and if that person runs out of stock well tough luck. You don't have that opportunity. This proposal would be giving more patient access. There are many things I could say about this. I could go on for a long time. I'm just going to say this, this is something that the Health and Human Services Committee has worked on for much of this year. Countless hours have gone into this. We had a near unanimous report, essentially a unanimous report. There's only - differences between the reports are very minor. I hope that this Body will pass this legislation. I hope that we will support this bill to restore some integrity to the program, to increase patient access, and to allow businesses to operate with - in ways that make sense. I'll leave it there. Thank you very much, Mr. President.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, may I pose a question through the Chair, and I have a couple of them?

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, so my understanding, as under the recreational marijuana, there is a tax on various products as you go along and an ultimate excise tax. Is there such a tax on the 30% surplus that might be sold on the market?

**THE PRESIDENT:** The Senator from Franklin, Senator Saviello, has posed a question through the Chair to anyone who may wish to respond. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** So to answer that question, first I'll clarify the 30% that you referenced, that's not sold on the market. That's 30% that can be wholesale between different providers. That's to help accommodate for times that there may be someone has a crop shortage and they have patients they need to serve and so they can get help making sure they have supply by going to other providers. There is not a tax currently associated with that and I will say to the one question of the different tax rates between the adult use and the medical program, you know, there is an up-front cost in the medical program to having a patient card. That cost is significant and it's hundreds of dollars, and if the concern is that people are just going to go to the medical program instead of the adult use program because the tax rates are lower, well, that up-front cost is a big barrier to entry and you would have to be a

very, very regular user of cannabis for it to make more financial sense for you to go to the medical program versus the adult use program. If you are such a regular user of cannabis that it makes financial sense, chances are you have a medical reason for why - you have a medical reason for that.

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

Senator **SAVIELLO:** Mr. President, I have another question, if I may?

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

Senator **SAVIELLO:** Thank you, Mr. President. My question is: is the tracking system that is identified in this bill the same as one that is required on the recreational marijuana?

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

Senator **BRAKEY:** Yes, that is modeled after much of the work that was done by the MLI Committee on their seed to sale tracking program. It would be essentially - for the most part essentially identical. We were trying - in the course of developing this in the Health and Human Services Committee we tried to see ways we could synchronize with some of the work being done by the MLI Committee as much as possible.

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

Senator **SAVIELLO:** Thank you, Mr. President. At least I'm consistent. I did the same thing to my friend, Senator Katz. Last question I have before I summarize my notes. The program for labeling, is that the same as the recreational requirement?

**THE PRESIDENT:** The Senator from Franklin, Senator Saviello, has posed another question through the Chair to anyone who cares to answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** You know, I apologize. That's one I can't speak with as clear certainty, but I know that - I would imagine many of the packaging and labeling requirements would be very similar to what is in MLI but I wish I could speak with more absolute certainty on that one. But that's the best answer I can give at the moment.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, now I rise just to kind of give you the reasons why I'm going to vote against this bill. First of all, under the recreational, as you know, there was a lot of work done on that and I was critical of that last year and feel like it's come a long way to answer some of the questions concerned. One of the things under the recreational marijuana, and I can stand to be corrected, we are requiring licensing. There's no licensing required here, just registration. So I have difficulty with that. It should be one in the same. I do appreciate the fact that it's going

to be under DAFS because of the way the recreational program got there. The second thing I have concern about is that we're allowing them, the recreational, to deduct their expenses on their taxes. We're not allowing that to happen under the medical program. I do appreciate the concept of wholesale not paying the taxes. I'm not sure, but I think that that's not the same, but I could again be wrong. I have difficulty, and I appreciate my good Senator, Senator Brakey, for suggesting that most parts will be identical. They should be exactly the same and the fact that we're not sure on the labeling gives me great concern. So I will be voting against this bill. Thank you very much, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm very concerned about what seems to be happening here with this legislation. The whole debate about recreational marijuana, the one thing that I heard a lot was that there was a danger to medical marijuana and probably the biggest reason why I didn't support this version of recreational marijuana is because I've heard from the medical marijuana people that it feels like they're getting sucked in and taken over by much larger entities and here we are with a medical marijuana bill in front of us and it seems like there's real concern about passing this to keep medical marijuana on its own, working the way it has, consistently helping people that do have medical issues in the state. So I am very much in support of the Ought to Pass and hope people will continue to keep the medical marijuana project that has gone on in this state for quite a while now continuing the way it has been.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have to stand up and speak on this. You know, I kind of get it somewhat, as far as medical purposes and the oils which, to me, they should call it something else because marijuana's getting out of control here. If you look at what this is doing, it's just expanding. We just went through a whole process which the Marijuana Committee had just worked hard on and now that's going to take that right out of the picture because now what happens is if you are not satisfied with those three plants you're going to have, you just say you've got a sore thumb, get that little prescription, now you can have eight pounds. Then the other part of this is that you had made a tax structure and now it's going to go to 6% from that 20% you had and the municipalities are going to be the ones to enforce if that takes place and we had just said that this was an opt-in situation, now the marijuana medical piece is not allowing it to even opt-out. So we've really messed this all up. This is what I think marijuana does to a lot of people. So anyways, I think that - and not to even make light of it, but they put a little piece in about minors having marijuana and they have to go and get a real doctor's note, prescription, or whatever if they've got cancer or certain diseases, but they don't do it for adults. Hello. I'm just saying: why would you do it for a minor but not for an adult? It should be the same. I think doctors have certain guidelines that they do for all patients. So this is kind of like a made-up thing and it's just another excuse to use a lot of drugs. We have made this state into a drug dealing state. There are no guidelines. In fact, it even says it in this.

They are going to sell it without any rules, any rules at this point. The other part of this is: where do we - how do they enforce it? You're going to get an ordinance person, a code enforcement officer to go over and say 'Woah, you're a bad boy. We're going to do this.' I don't think so. The code enforcement officers, they have a lot they do on a lot of building projects and a lot of other things, but they're not going to be the law enforcement person going around checking on marijuana, and they certainly don't even want to go there. In fact, I was talking to one that he knew where there was some problems with a marijuana grow operation and everything and he didn't even want to step foot over there, and he could even see the house that they were building didn't even meet codes. He says, 'I'm not even going over there.' This is the reality. We can sit around these desks and say it all you want, but I'm telling you we are not even looking out for the children here. We're not looking out for their best behalf here. We are looking at just the picture of business. This is not a money issue. This is an ethics issue for our children and our future. All we're doing is throwing drugs out there and saying, 'Go for it,' and here we go. Eight pounds, I can't believe eight pounds for one person. You put that on every one of these desks here and that's a lot of money and a lot of drugs. I'm just floored to even think this is okay. I can't believe it. We're talking - it's just like saying let's throw a little heroin in there too, you know, and a little fentanyl. What the heck. Let's see how they react. It's craziness. Where is the security? Where is the safety net for our children? I don't even see any laws pertaining to their safety in a household. We can put drugs in a household and those kids are going to be accessible to it and there is nothing to stop them and there is no responsibility put on the parents for it. Where have we done that? We have not done any of that. I'm just - I just cannot picture this bill passing and really making sense of it. I just cannot see the sense of this and I know everybody works hard on these bills. There've been a lot of bills that were worked hard on too, but they don't pass sometimes. But you know what? This one is about our children and their future. That's the way I look at it. I'm the voice for them and I'm trying to speak up now because let's do it before it's too late. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. Is the Senate ready for the question? If you are in favor of 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 (#655)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, VITELLI, VOLK, WOODSOME

NAYS: Senators: CARPENTER, COLLINS, CYRWAY,  
DAVIS, DOW, MASON, ROSEN,  
SAVIELLO, WHITEMORE, PRESIDENT  
THIBODEAU

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-765) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)**, in concurrence.

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#### ORDERS OF THE DAY

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

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Medical Use of Marijuana Act"

S.P. 84 L.D. 238

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-443)**

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

Pending - **ACCEPTANCE OF REPORT**

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

Senator **BRAKEY:** I appreciate it, Mr. President. Some people have just been asking me what this is and I just want to say, very briefly, what this bill is. This bill is much more limited in scope than the legislation we just passed. This is particularly around licensing of manufacturers in the industry. That's contained in the larger bill. This is very limited in scope but, potentially, a very important piece of legislation as well. This simply puts in place some rules and requirements around what would need to be in place for people to be able to, outside of being a caregiver, outside of being a dispensary, to be able to participate in the medical cannabis program as a manufacturer, similar to and parallel to what's been put in place in the bill that we passed earlier this session. Thank you, Mr. President.

Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-443) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists  
S.P. 695 L.D. 1842  
(C "A" S-387)

Tabled - March 28, 2018 by Senator **LIBBY** of Androscoggin

Pending - **ENACTMENT**

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of Senate, I rise in support of the motion before us, which is Enactment. I appreciate the work of the State and Local Government Committee in taking this issue on, taking it seriously, and producing a unanimous bill that requires all Legislators, staff, and lobbyists to go through sexual harassment prevention training. This was done in a unanimous fashion and codifies the Joint Rule that we adopted earlier in the session. So we have, I think, made some real progress in moving this issue forward. Thank you, Mr. President.

On motion by Senator **LIBBY** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-387)**.

On further motion by same Senator, Senate Amendment "A" (S-484) **READ**.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, the amendment on your desk makes an adjustment to this unanimous report. It has to do with the lobby requirement. The amendment requires that lobbyists submit certification of completion of harassment training to the Ethics Commission. The Ethics Commission is where lobbyists go to register annually. They do it on line. This simply says that lobbyists must complete

harassment prevention training once every two years, show certification of that training to the Ethics Commission, and it also, I think, importantly provides reasonable exemptions and exceptions for special circumstances. It proves that the Ethics Commission can grant an extension for lobbyists to complete the training should the timeline be a constraint for that individual lobbyist. It also says that the Commission may exempt certain people from this requirement and the example that comes to mind is an advocate base out-of-state who is flown to Maine for a week or two to do some work. The exemption does - the Commission has the ability to exempt that person from the requirement. I think it makes a lot of sense, so thank you, Mr. President.

On motion by Senator **LIBBY** of Androscoggin, Senate Amendment "A" (S-484) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-387) AND SENATE AMENDMENT "A" (S-484), in NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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The Chair laid before the Senate the following Tabled matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation" (EMERGENCY)

S.P. 657 L.D. 1770

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-473)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (S-474)** (6 members)

Tabled - April 18, 2018 by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-473) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-485) to Committee Amendment "A" (S-473) **READ** and **ADOPTED**.

Committee Amendment "A" (S-473) as Amended by Senate Amendment "A" (S-485) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-473) AS AMENDED BY SENATE AMENDMENT "A" (S-485)** thereto.

Ordered sent down forthwith for concurrence.

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

#### COMMUNICATIONS

The Following Communication: H.C. 513

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

April 18, 2018

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

Dear Secretary Priest:

House Paper 990, Legislative Document 1435, "An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

86 voted in favor and 61 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

#### COMMUNICATIONS

The Following Communication: H.C. 504

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

April 13, 2018

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1755, "An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations."

I support organizations that help needy Mainers heat their homes in the winter. However, I simply cannot support adding yet another carve-out to Maine's tax laws at a time when the Maine tax laws are complicated enough. At last count, the Maine tax laws already contain 101 exemptions from Maine sales tax.

More troublingly, there are fewer than four organizations in the state that would qualify for the exemption created by this bill. These organizations are estimated to save approximately \$1,000 in sales tax combined under the new exemption. However, it will cost Maine Revenue Services nearly \$50,000 to create and implement the exemption. Said another way: The juice is not worth the squeeze.

For these reasons, I return LD 1755 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 Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations

H.P. 1207 L.D. 1755

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 (#656)

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

## PAPERS FROM THE HOUSE

### Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Tribal Gaming" H.P. 838 L.D. 1201 (C "A" H-697)

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

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

In Senate, April 5, 2018, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-697)**.

On motion by Senator **MASON** of Androscoggin, the Senate **INSISTED**.

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

## COMMUNICATIONS

The Following Communication: S.C. 1017

**STATE OF MAINE  
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE  
COMMITTEE ON MARIJUANA LEGALIZATION  
IMPLEMENTATION**

April 17, 2018

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

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Brakey of Androscoggin, to report the following bill Leave to Withdraw:

L.D. 310      An Act To Responsibly Implement an Adult Use Cannabis Program

Sincerely,

S/Sen. Roger J. Katz  
Senate Chair

S/Rep. Teresa S. Pierce  
House Chair

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

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

**COMMUNICATIONS**

The Following Communication:      S.C. 1018

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

18 April 2018

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

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 1747, "Resolve, To Establish a Task Force To Examine Agricultural Issues."

This resolve is an emergency measure directing the Commissioner of Agriculture, Conservation and Forestry to convene a task force to study agricultural issues in the State,

including the recommendations presented in the 2003 "Blaine House Conference on Maine's Natural Resource-based Industry: Charting a New Course" report.

The creation of a task force to study an issue does not rise to the level of an Emergency Measure. As I reject this loose definition of what constitutes an emergency, I cannot support this resolve being classified as such.

Maine does not need another task force to study a problem for which there is an existing study already completed. This matter would seem to be a topic that either the Joint Standing Committee on Agriculture, Conservation, and Forestry or, if it wishes, a sub-committee could update using the 2003 report as a starting point and by requesting additional input from stakeholder groups.

This resolve will also place a heavy burden on the natural resources departments in terms of staff time, which comes at a cost to the departments. Passing a resolve without allocating resources means that those funds for staff time and materials will need to come from the departments' budgets. Since departments having finite resources, each diversion of funds will necessarily come at the expense of some other essential functions or duties. While each individual task force or study group may not by itself divert significant funds from a department, the cumulative effect of all the studies, resolves and task forces does.

Government cannot use money that it has not first taken from citizens and businesses in the form of taxes and fees. For Mainers to prosper, we need to lower the burden that state government places upon them.

For these reasons, I return LD 1747 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE.**

The accompanying Resolve:

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

S.P. 646 L.D. 1747

The President laid before the Senate the following: "Shall this Resolve 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 (#657)**

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

NAYS: Senators: BRAKEY, COLLINS, HAMPER

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, and 32 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 Resolve become law notwithstanding the objections of the Governor.

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

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

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

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

**ENACTORS**

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

**Emergency Resolve**

Resolve, To Create the Task Force To Study and Plan for the Implementation of Maine's Early Childhood Special Education Services

S.P. 713 L.D. 1870  
(S "A" S-479 to C "A" S-457)

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

**Act**

An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses

H.P. 932 L.D. 1338  
(C "A" H-767)

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

**Resolve**

Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force and To Update and Implement the Department of Education's Statewide Strategic Plan for Science, Technology, Engineering and Mathematics

H.P. 1296 L.D. 1861  
(S "A" S-475 to C "A" H-757)

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 516

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

April 18, 2018

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Energy, Utilities and Technology on Bill "An Act To Improve Efficiency through Electric Rate Design and Advanced Technology" (S.P. 726) (L.D. 1896)

The House voted today to insist on its former action whereby Bill "An Act To Encourage the Construction of Affordable Housing" (S.P. 507) (L.D. 1461) was Passed to be Engrossed as Amended by Committee Amendment "B" (S-471)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

Joint Order To Extend the Legislative Session  
S.P. 742

In Senate, April 18, 2018, **READ** and **PASSED**.

Comes from the House, **FAILED FINAL PASSAGE** in **NON-CONCURRENCE**.

On motion by Senator **MASON** of Androscoggin, the Senate **ADHERED**.

Sent down for concurrence.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 515

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

April 18, 2018

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

Dear Secretary Priest:

Senate Paper 430, Legislative Document 1267, "An Act To Protect Licensing Information of Medical Professionals," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

85 voted in favor and 63 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

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Out of order, the Senate considered the following:

**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Update References to the United States Internal Revenue Code of 1986 Contained in the Maine Revised Statutes" (EMERGENCY)

S.P. 612 L.D. 1655

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-476)**.

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono  
COOPER of Yarmouth  
GRANT of Gardiner  
STANLEY of Medway  
TEPLER of Topsham  
TERRY of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-477)**.

Signed:

Senators:

DOW of Lincoln  
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn  
HILLIARD of Belgrade  
POULIOT of Augusta  
WARD of Dedham

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-477)** Report.

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **DOW** of Lincoln, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-477)** Report.

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Off Record Remarks

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

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)  
H.P. 1327 L.D. 1894

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-782)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-782)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-782) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent down forthwith.

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

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

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The President requested the Sergeant-At-Arms escort the Senator from York, Senator **HILL**, to the rostrum where she assumed the duties as President Pro Tempore.

The President retired from the Chamber.

The Senate was called to order by President Pro Tempore **DAWN HILL** of York County.

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

**ENACTORS**

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

**Act**

An Act To Create The Barbara Bush Children's Hospital  
Registration Plate

S.P. 621 L.D. 1685  
(S "A" S-482 to C "A" S-348)

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

Ordered sent down forthwith.

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

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

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

**ORDERS**

**ADJOURNED**, pursuant to the Joint Order, until the call of the Chairs.

**Joint Order**

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 748

**ORDERED**, the House concurring, that all matters not finally disposed of when the Legislature adjourns sine die in the Second Regular Session of the 128th Legislature be carried over to the next special session of the 128th Legislature.

**READ** and **PASSED**.

Sent down for concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 747

**ORDERED**, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider possible objections of the Governor.

**READ** and **PASSED**.

Sent down for concurrence.

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

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Off Record Remarks

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

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

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Off Record Remarks

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