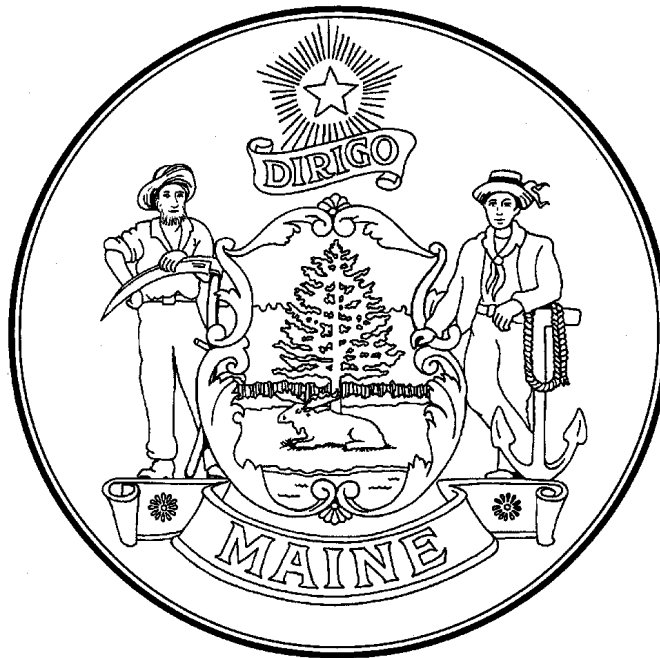


MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

Second Special Session
beginning June 19, 2018

beginning at Page 2046

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

In Senate Chamber
Tuesday
June 26, 2018

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

Prayer by Senator Michael E. Carpenter of Aroostook County.

SENATOR CARPENTER: My friends, let us pray. Heavenly
Father, as we gather here this afternoon for one of our last days
in the session, let us be ever thankful of all that You have given to
us, both collectively and individually, and thank You for the
friendships and the relationships we've built in this Chamber.
Thank you for the opportunity to serve the people of Maine. Keep
us ever mindful of just how fortunate we are. In God's name we
pray.

Pledge of Allegiance led by Senator Eloise A. Vitelli of Sagadahoc
County.

Reading of the Journal of Monday, June 25, 2018.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Establish 2 Comprehensive Licenses for Hunting
and for Hunting and Fishing"

H.P. 548 L.D. 768
(C "A" H-615)

In Senate, June 20, 2018, **PASSED TO BE ENACTED.**

In House, **RECALLED** from the Governor's Desk, pursuant to
Joint Order H.P. 1360.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-615) AS
AMENDED BY HOUSE AMENDMENT "A" (H-803)** thereto in
NON-CONCURRENCE.

On motion by Senator **CYRWAY** of Kennebec, the Senate
RECEDED and **CONCURRED.**

Non-Concurrent Matter

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

In Senate, April 10, 2018, **INSISTED** on its former action whereby
the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (S-436).**

In House, **RECALLED** from the Legislative Files, pursuant to
Joint Order H.P. 1352.

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-436) AS
AMENDED BY HOUSE AMENDMENT "A" (H-801)** thereto in
NON-CONCURRENCE.

On motion by Senator **WOODSOME** of York, the Senate
RECEDED and **CONCURRED.**

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

Senate at Ease.

The Senate was called to order by the President.

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.

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

Camp POSTCARD, in Poland, a long-term partnership of the Maine Sheriffs' Association, the Maine D.A.R.E. Officers Association and Volunteers of America, which is celebrating its 25th Anniversary of providing for Maine children a free, week-long program of exploration, healthy activities, outdoor recreation and education and improving their perceptions of law enforcement. We extend to everyone involved with Camp POSTCARD our congratulations on this anniversary;

SLS 1113

Sponsored by Senator MAKER of Washington.
Cosponsored by Senators: BELLOWS of Kennebec, BRAKEY of Androscoggin, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, HAMPER of Oxford, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, KEIM of Oxford, LANGLEY of Hancock, LIBBY of Androscoggin, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, SAVIELLO of Franklin, VITELLI of Sagadahoc, VOLK of Cumberland, WHITEMORE of Somerset, WOODSOME of York,
Representatives: AUSTIN of Skowhegan, BAILEY of Saco, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BLUME of York, BROOKS of Lewiston, BRYANT of Windham, CHACE of Durham, COLLINGS of Portland, COOPER of Yarmouth, COREY of Windham, DAUGHTRY of Brunswick, ESPLING of New Gloucester, FARNSWORTH of Portland, FARRIN of Norridgewock, FAY of Raymond, FECTION of Biddeford, FOLEY of Wells, FULLER of Lewiston, GERRISH of Lebanon, GINZLER of Bridgton, GRANT of Gardiner, GROHMAN of Biddeford, GUERIN of Glenburn, HANDY of Lewiston, HANINGTON of Lincoln, HARLOW of Portland, HARRINGTON of Sanford, LONGSTAFF of Waterville, MAREAN of Hollis, MARTIN of Sinclair, McCREIGHT of Harpswell, MOONEN of Portland, NADEAU of Winslow, O'NEIL of Saco, PERRY of Calais, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Falmouth, RILEY of Jay, SAMPSON of Alfred, STEARNS of Guilford, TEPLER of Topsham, TERRY of Gorham, TURNER of Burlington, WARD of Dedham.

The Joint Order was **READ**.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to share with you about Camp POSTCARD. Camp POSTCARD was developed years ago for the kids that needed just a little boost in their life and the Sheriffs' Association, the Maine D.A.R.E. Officers Association, and Volunteers of America stood up and made it happen by getting a camp to volunteer one week out of their year to allow kids from 5th and 6th grade, kids that would not normally get a chance to go to a camp, to experience this and have the police officers be their leaders. POSTCARD stands for Police Officers Striving To Create And Reinforce Dreams. I had the proud moments of being part of that. I've been 15 years a part of it. I was involved in it and I tell you that nothing is better than seeing a smile on a child's face and then getting a chance to experience

something they never would normally get a chance to experience. So I tip my hat off for this consistently going for 25 years and I remember Sheriff Scott Kane and Trooper Christine Buchanan both were in the lead of running the camps at the very beginning and it continued on and it is still running to this day and I think that it really says a lot for the people, and all the officers, that got involved in being camp leaders, and the people raising the money and funds, and the food, and the shirts, and giving the items for the kids. Being able to watch them go swimming. We also involved the Game Warden Service with their team for the dive teams and also their - and the Maine State Police with the canines. We had the helicopters from the Forest Service. We had many, many agencies involved that would come and let the kids experience and see what these agencies do. It's just a good, good rounded program for those kids and I've seen kids that have gone to Camp POSTCARD and they never forgot it. So just a big thank you for all the people involved.

The Joint Order was **PASSED**.

Sent down for concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Repeal Proficiency-based Diplomas"

H.P. 1338 L.D. 1900

Majority - **Ought Not to Pass** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-775)** (1 member)

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/25/18) matter:

From the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** on Bill "An Act To Repeal the Legalization of Recreational Marijuana"
S.P. 229 L.D. 667

Received by the Secretary of the Senate on June 21, 2018, pursuant to Joint Rule 309.

Tabled - June 25, 2018 by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, **READ.**)

Senator **CYRWAY** of Kennebec moved L.D. 667 **OUGHT TO PASS.**

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

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I feel that, as a Senator, my job is to protect our citizens. This bill gives Maine citizens the chance to vote yes or no on repealing the legislation of recreational use of marijuana. Maine residents are proud of saying Maine, The Way Life Should Be. When I think of Maine I think of our great coast, the mountain ranges, our forests, our wildlife, and our great parks. We are fortunate to have such resources as Baxter State Park, Acadia National Park, and the other parks throughout the state. We have a beautiful state and many opportunities for greatness. Our laws must be as great. I worry about what will become of Maine when the marijuana epidemic hits. We need to study what causes epidemics. What makes them worse? What prevents them? What ends them? We need to study this before there is an epidemic and to know what we face with marijuana. I have heard many say that the horse is out of the barn when it comes to marijuana. This bill would allow the people to put the horse back in the barn. I know, as a farmer, that's what we did. We need to step back and take a hard look as to what has happened in Colorado and Washington State. The facts concerning public health are very concerning.

You are all well aware of my work with children for the last 26 years as a D.A.R.E. officer. I've worked with about 16,000 children in all ages to help make better decisions in life and regarding drug use. This work has been gratifying but also heart wrenching as I saw families torn apart from the use and abuse of drugs. I know many of you have never seen a child stoned and failing in school while the parents don't know how to get them to stop. I have dealt with this many, many times. I've even gotten a call from a parent at midnight on New Year's Eve asking me to take their child to New Beginnings in Lewiston. The child was 14 years old and never returned home. Marijuana use in children has a long-term impact on their performance in school. Children who were once high achieving athletes and students stopped caring about school and learning. Parents often don't even recognize their children after chronic use of marijuana. Their grades fall. They stop being interested in extracurricular activities and being good citizens. High schoolers don't interact well with

their parents or the law when they are consistently under the influence of marijuana. Furthermore, there is evidence that marijuana usage in teens increases depression and suicide rates and other mental disorders. I was speaking to a doctor yesterday from Kennebunk and he told me that this is what he does for a living, works with kids, and he said that most teen suicides are from the use of marijuana.

Two days ago I observed a television advertisement for a bake shop in four towns. Bake shops now have JUUL, an electronic cigarette that is easy to refill with liquid marijuana. Because JUUL looks like a thumb drive and doesn't have an odor, it is easy to hide and is increasingly popular with the high school students. While JUUL is trying to combat use by minors, the effort has not yet been successful and is likely to be worse as success of marijuana is increased.

The public isn't getting the full story when it comes to marijuana. Advocates say that marijuana usage reduces opioid deaths while evidence shows that the opposite is true in all the states that have legalized marijuana. There has even been a significant increase in opioid deaths here in Maine. Last month there was an ad in Colorado that suggested that pregnant women use marijuana for morning sickness when it really might hurt their baby. Advocates say that marijuana is safe but the police don't have a good way to measure impaired driving. In fact, new facts are coming out every day that the public needs to know the truth.

The Marijuana Legalization Implementation Committee did an excellent job in creating a good business framework for legalization of marijuana. As a business, the bill would be fine if it were dealing with a harmless substance. Marijuana is not harmless. Marijuana is marijuana is marijuana. Those are the words that came from Dr. Gerry Collins yesterday. Unfortunately, the Committee did not address the public health and safety issues that exist with legalization. The current law does nothing to reduce usage; to rehabilitate those damaged by chronic use; to educate the public about the side effects, like poor balance, judgement, and motor skills, and mental health issues. We have to address these epidemic issues. The public health issues are my biggest concerns. This is why we need to pass L.D. 667 now that we have more information. As children, we were all taught to look both ways when crossing the road. That is what I am asking you to do today and the people of Maine to do on the ballot, take a second look. We don't need to be hit by a car to know it's going to hurt. There is the potential of a huge hurt to our beautiful state and it is why I urge you to support this bill to offer the people of the State of Maine a second chance. Thank you, Mr. President.

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

Senator **SAVIELLO:** Mr. President, thank you, Mr. President and ladies and gentlemen of the Senate. I rise in opposition to this motion and I'm going to tell you why. As many of you know, when the Committee on Legalization came together I stood before you and asked a lot of questions and ultimately voted against the first version. I later came forward, and working with the Committee, to come up with some good, solid statutes that, in fact, would address the issues. In that was an opt-in / opt-out clause, something that in the beginning I was very concerned about, but the way it got rewritten it gave towns the opportunity to really decide whether they wanted to be part of this or not part of it. Just recently in my town, at the town meeting, in Wilton we had an ordinance change that would have been the opt-in decision

and the town voted, in fact, to change those ordinances so, in fact, opted in. One of the questions that was posed that day was to our police chief, and it asked her had she seen a problem since it's been legalized and her answer was no. In fact, she went on later to explain that she felt now that she had some regulations in place she could address issues in the town easily. You know, at the end of the day I probably would vote for this if I knew that marijuana would go away. It's not going away. It is here, we finally have it regulated, and it's time for us to move on. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, back in November of 2016 I voted against the legalization of adult use marijuana. I thought that we ought to let other states go ahead of us and see how it worked out there. But I obviously was on the wrong side of that vote. But the last couple of years a number of us have spent a lot of time and I've changed my view on this, not because I think marijuana is a good thing, not because I think that it's not harmful to kids because it is harmful to kids. You know, it's taking all of the various studies and testimony we heard, I think it really boils down to this: people who want to smoke pot they're going to smoke pot, and the question for me - and statistically that's borne out. For God knows whatever reason, the teenage use of marijuana in Colorado has actually gone down slightly since legalization and Colorado's percentage position among the states about teenage use is actually gone down slightly. There really - law enforcement out there are not having any more problems with marijuana than they did before legalization. So my theory here is that if people want to use it, they are going to use it. The question is: are they going to use it under a regulated system or not? We can go back to the way things were. That's fine. But don't - let's not delude ourselves that that's going to keep people from using it if they want to. But if we were to repeal it, you'd also be repealing the fact that we now have testing so that we know that dangerous chemicals or pesticides are not being used in the product. We'll be doing away with requirements for tamper proof packaging that helps keep it out of the hands of kids. We'll be getting rid of the THC potency limits that we now have on marijuana products. Those would be gone. We'll be getting rid of the warning labels that help us keep it away from kids. We'll be getting away from the money we specifically put aside for public education, particularly around the dangers of edibles in terms of the delayed effect of them, and also the money we'll be using to, hopefully, convince kids that their futures are going to be impaired if they use marijuana. We'll also be getting rid of the money that we set aside for more drug recognition officers so that we can do a better job of keeping our highways safe. So, once again, we can go back but people are still going to be using marijuana in the State of Maine just as they have before. I'll go back to something I may have said before, but I had a chance to go to Colorado last summer and I saw, as I was in downtown Denver, three guys smoking a joint on the corner and I thought to myself, 'Is this really what I want to see happen in Maine? Should we really be legalizing it?' Then I came back to Maine and I went to downtown Portland and guess what I saw? Three guys on the corner smoking a joint. So are we going to do it safely or are we going to do it in a regulated way or not? Lastly, I point to John Hickenlooper, the Governor of Colorado, who was very much

opposed to legalization out there, but in a recent interview he says, 'Certainly the worst things we had great fear about, the spike in consumption in kids, people driving while high, we haven't seen any of that. We saw a little increase in teenagers and that came down within a couple of years. All of our studies show the consumption and time of consumption pretty much stable from what they were. So we don't think there are more people driving while high or very few more.' He went on to talk at some length about how the one impact that legalization has had in Colorado, for sure, is driving people - it's driving the black market out, or at least down. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the motion in front of us. I just want to make a few points that haven't already been made. I appreciate my colleagues behind me, who have already made some very good points. You know, we have in this Legislature - we battle back and forth on the results of many referendums and, you know what, I do think that the referendum process is parallel to our legislative process and we have two different processes to figure out what the law is and I think that's part of our checks and balance system. I think that that's fair. I know there's been a lot of disagreement about that in this Body, but I think that that's fair. What I'm concerned about here is that this proposal doesn't seek to make changes to the referendum. It doesn't seek to repeal the referendum outright. It doesn't seek to have the Legislature kind of impose that check and balance. It seeks to just, essentially, kind of send the vote out for a re-do vote. That just seems - to me, that just seems kind of - it seems like a bad road to continue kind of establishing this precedence that if we don't like the vote of a referendum we're not going to kind of work to make changes in this Body. We're just going to ask the people to kind of re-vote until they vote the way that we decide is right. I don't like that approach. But to the specific policy of the bill itself, or the policy itself, I think it's worthwhile asking the question: if this were to be repealed, what would that effectively mean for the State of Maine? Would this get - would this eliminate cannabis from the State of Maine, people using it for non-medical purposes? No, it wouldn't. People have been using it for non-medical purposes before this referendum was passed and after this referendum was passed. This isn't - that's not going to change no matter what we do. What it would do is it would drive adult use cannabis back underground. It would empower drug dealers, drug dealers who we're finally getting off the streets and getting out of our schools. Requiring that people, in order to purchase this, have to go to a regulated business, present an I.D. to determine their age, and that we have a business doing this that is accountable to the community versus - which is very different than what we had before. But I also want to say this, you know, I get that there are a lot of different perspectives in this Body on cannabis use; whether it's good for society or not good for society. I know there's many different takes on that. But I will say this, I will absolutely say that there are problems with abuse of this substance, just like there are problems with abuse of alcohol, just like there are problems with abuse of tobacco, just like there are problems with abuse of so many substances in our society. The question is: how do we respond to that? Do we respond to that - do we go back to the old ways of throwing people in jail? Is that a proper response to people maybe making choices that we may

disagree with in their own life? If it's a cultural problem, we need to respond by trying to change the culture. Just like we have encouraged people, we have had programs to encourage people to avoid abusing alcohol. Just like we have had programs to discourage the use of tobacco. Just like we have tried to encourage these things to change the culture. We don't necessarily resort to throwing people in jail as a response to these kinds of actions. I don't think that solves anything. I don't think that's fiscally conservative. I think that we spend a lot of money incarcerating people who otherwise don't need to be there and I'm concerned if we start to take this step backwards, and go to this old policy, we're not going to be fixing anything. We're not going to be curbing the abuse of any substances. We're going to be tearing apart families. We're going to be throwing people in jail and I don't think that's the right way to move forward. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was going to try not to stand up again but I feel that there are some things that are facts and I know some things that have been said about crime and the laws that we don't need and all this. One hospital in Bend, Oregon, had an increase in marijuana related emergency room visits. Back in 2012, there were 229 patients. In 2015, after it got legalized, there were 2,251. I'd say a 2,000 increase is quite dramatic. The crime rate in Colorado's increased eleven times faster than the rest of the nation since the legalization of marijuana. Eleven times faster than the national average. That's a fact. So we have to look at - a hard, close look at public safety and public health, and that's what I'm asking for you to do. Look both ways before crossing the road. I don't want to see this happen to one of your family members or mine. I was thinking of, you know, just thinking yesterday. I was talking to the people that came here about their roads and highways - that work on them. They had concerns about this marijuana issue because the flaggers are out there with the sign, turning it right or left, and you wonder if they're high on marijuana, which even if they're a weekend user it can affect them all week long in making good decisions. If they make the wrong decision on turning that flag it could kill someone. I've got friends that do the rollers. If you don't operate that correctly you could kill somebody with that pretty easily, either hit a car or one of the workers or whatever. There is a lot of danger when using heavy equipment and using marijuana, and your decision making, your way of use of limbs, everything is slowed down. That reaction time can mean everything. We're not - I've got other friends that have tried, in contracts, to work for federal jobs and they have to go through a test, and if they fail they lose that contract. It's happened. I've got a concrete business here in Belgrade that's just begging for this bill to pass because they said, 'We have workers here and we don't know what to do with this marijuana issue. We're really in trouble.' We need to take another look for safety, public health. I can't stress it enough. Look both ways before you make this vote and, hopefully, you will vote for this bill to save our children, our families, from disaster. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator Cyrway that L.D. 667 Ought to Pass. If you are in favor of that motion you will be voting yes. If you are

opposed you will be voting no. Is the Senate ready for the question?

The Chair noted the absence of the Senator from Cumberland, Senator **DION**, the Senator from Cumberland, Senator **DIAMOND**, the Senator from Knox, Senator **MIRAMANT**, and the Senator from Oxford, Senator **KEIM**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#701)

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

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, ROSEN, SAVIELLO, VITELLI

EXCUSED: Senators: DIAMOND, DION, KEIM, MIRAMANT

13 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 4 Senators being excused, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the **OUGHT TO PASS FAILED**.

On motion by Senator **KATZ** of Kennebec, the **OUGHT NOT TO PASS ACCEPTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/21/18) matter:

Emergency Measure

An Act To Amend the Maine Medical Use of Marijuana Act
S.P. 84 L.D. 238
(C "A" S-443)

Tabled - June 21, 2018 by Senator **VOLK** of Cumberland

Pending - **ENACTMENT**

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

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 3 Senators having voted in the negative, and 28 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.

Senate at Ease.

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 Measure

An Act To Clarify Which Municipalities May Receive a Portion of Day Use and Camping Fees from State Parks and Historic Sites
H.P. 1357 L.D. 1915

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senator having voted in the negative, and 31 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.

Bond Issue

An Act To Authorize a General Fund Bond Issue To Fund Wastewater Infrastructure Projects
H.P. 1034 L.D. 1510
(C "A" H-800)

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 31 Members of the Senate, with no Senator having voted in the negative, and 31 being more than two-thirds of the Members present and voting, 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.

Senate at Ease.

The Senate was called to order by the President.

Resolve

Resolve, To Name a Bridge over the Saco River in the Town of Fryeburg the Nathan Desjardins Memorial Bridge
H.P. 1361 L.D. 1916

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

Ordered sent down forthwith.

Off Record Remarks

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

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:

Bond Issue

An Act To Authorize a General Fund Bond Issue To Build Maine's Workforce Development Capacity by Modernizing and Improving the Facilities and Infrastructure of Maine's Public Universities and Community Colleges

H.P. 585 L.D. 836
(C "A" H-802)

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

This being a Bond Authorization Act, in accordance with the provisions of Section 14 of Article IX of the Constitution, having received the affirmative vote of 30 Members of the Senate, with 1 Senator having voted in the negative, and 30 being more than two-thirds of the Members present and voting, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

In Senate, June 25, 2018, **PASSED TO BE ENGROSSED**.

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

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

ENACTORS

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

Acts

An Act To Simplify Nonresident Hunting and Fishing Licenses
H.P. 548 L.D. 768
(H "A" H-803 to C "A" H-615)

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

An Act To Create a Grant Program To Assist with Dispatch Center Consolidation

S.P. 615 L.D. 1671
(H "A" H-801 to C "A" S-436)

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.

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 Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy
H.P. 640 L.D. 912
(S "B" S-490 to C "A" H-745)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#702)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, ROSEN, VITELLI, WOODSOME

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, MASON, SAVIELLO, VOLK, WHITEMORE, and the PRESIDENT THIBODEAU

EXCUSED: Senators: DIAMOND, DION, KEIM, MIRAMANT

19 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 4 Senators being excused, 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.

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

Senate at Ease.

The Senate was called to order by the President.

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. 751

Ordered, the House concurring, that when the Senate and House 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 objections of the Governor.

READ and **PASSED**.

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease until the sound of the bell.

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:

Act

An Act To Ensure the Successful Implementation of Proficiency-based Diplomas

H.P. 1152 L.D. 1666
(H "A" H-797 to C "A" H-777)

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

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

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:

Act

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

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

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

ORDERS

Joint Order

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

S.P. 752

ORDERED, the House concurring, that 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, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

The Joint Order was **READ**.

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 Chair noted the absence of the Senator from Sagadahoc, Senator **VITELLI**, the Senator from Franklin, Senator **SAVIELLO**, and the Senator from Cumberland, Senator **CARSON**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#703)

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, GRATWICK, JACKSON, LIBBY, MILLETT

EXCUSED: Senators: CARSON, DIAMOND, DION, KEIM, MIRAMANT, SAVIELLO, VITELLI

17 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 7 Senators being excused, the Joint Order was **PASSED**.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Maine's Medical Marijuana Law"

H.P. 1060 L.D. 1539

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-765)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-766)** (2 members)

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-765)**

(In House, 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).**)

(In Senate, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)** Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-765) **READ.**)

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "G" (S-539) to Committee Amendment "A" (H-765) **READ.**

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the amendment before us and I will say I did not initially support an earlier version of this, but this amendment that the Senator from Hancock has brought forward, I think with some clarity, does some things that added clarity that I'm a little bit more comfortable with. What this amendment would do is it would clarify in the law that when a child is a medical cannabis patient, currently under State law, based on legislation that was passed in the last Legislature, a caregiver or a parent can administer cannabis on school grounds to that child. There are some concerns raised and perhaps Senator Langley could speak to it. What this amendment would do is just, essentially, clarify that for a non-parent caregiver, so a caregiver who is not the parent or the legal guardian of the child, that there would have to be background check for that caregiver to be able to come and do this on school grounds. This would be consistent, as my understanding, this would be consistent with what the policy is for any other person who is coming onto school grounds to perform some kind of volunteer function and, because this amendment specifically exempts the parent or the legal guardian of the child, I think this is reasonable. So I will be supporting the amendment. Thank you.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "G" (S-539) to Committee Amendment "A" (H-765) **ADOPTED.**

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "D" (S-530) to Committee Amendment "A" (H-765) **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. This is purely a technical amendment designed to fix some conflicts in language between this legislation and another bill that we passed earlier and enacted earlier today. So nothing of substance - nothing of substantive policy in this amendment. Just a purely technical change. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, what kind of substance are you talking about? I didn't quite understand. Could you give the question of what substance he's talking about?

THE PRESIDENT: The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair to anybody who cares to respond. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** I don't have the language of the amendment right in front of me, but this is something that was specifically drafted and brought to me by the analysts' staff, just fixing some conflicts in language between this legislation and L.D., I believe it was 238, which we passed and enacted earlier today. No policy changes. So if we put this into place it's not changing anything of substantive policy in the bill, it's just language that is being made to be in alignment with other legislation so that there aren't conflicts in the law.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "D" (S-530) to Committee Amendment "A" (H-765) **ADOPTED**.

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **KATZ** of Kennebec, **TABLED** until Later in Today's Session, pending **ADOPTION OF COMMITTEE AMENDMENT "A" (H-765) AS AMENDED BY SENATE AMENDMENTS "G" (S-539) AND "D" (S-530)** thereto, in **NON-CONCURRENCE**.

Senate at Ease.

The Senate was called to order by the President.

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

An Act To Simplify Nonresident Hunting and Fishing Licenses
H.P. 548 L.D. 768

Placed on Special Appropriations Table - June 26, 2018 by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED**, in concurrence.)

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

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

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

An Act To Ensure the Successful Implementation of Proficiency-based Diplomas
H.P. 1152 L.D. 1666
(H "A" H-797 to C "A" H-777)

Placed on Special Appropriations Table - June 26, 2018 by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED**, in concurrence.)

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

On motion by Senator **LANGLEY** of Hancock, 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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, you know, I think I owe an explanation, probably, to this Body for why I fought so hard against the passage of this bill. But it really stems from the fact that, you know, in all reality I probably shouldn't be here and probably shouldn't be in this Body because, you know, I was the, you know, the son of the town drunk in my town and when you grow up on the kind of the wrong side of the tracks school is a different place and you might not think, you know, that there's bias in schools against kids who may be a little less advantaged but it does exist in there. I remember that bias in my high school. In your junior year you would take American Literature and U.S. History. Those were junior level classes, and I wrote the same paper about Benjamin Franklin. He was kind of somebody I looked up to. English I got an A on that paper. In History I got a B-. It was a good, solid paper.

English teacher wouldn't give me that kind of a grade. Then I, in that same year, I went into CTE. I went into the culinary program where I found a different place and that is where you got judged on your work. You weren't judged on your family, your upbringing. You got judged on whether or not you could make a good blueberry pie. I made a few since those days and I've lived the rest of my adult life being judged on my work. This performance-based bill, diploma bill, and performance-based education judges kids on their work, the evidence of their work. Did they meet the standard or did they not? How I know that that bias still exists, I was talking this year with a 43-year veteran of education, a teacher, who said to me: 'You know, a teacher has to think twice before they flunk a kid who comes from a well to do family and whose parents are actively involved and who show up to everything. You don't have to think twice when you flunk a poor kid whose parents never come to anything, never go to the student - never come to parent teacher conferences.' I spent my career working with those kids and telling them that if you work - you are judged on your work and it will speak for itself. I had a lot of kids that were castaway kids that came into my school and my program who had had the similar kind of experiences in school where they were judged on other things, like if they had a brother, older brother or sister, who acted out and when the next one came along the teacher would ask: 'Are you like your brother? Are you like your sister?' and prejudged. Kids came to our school because they got a clean slate and they'd be judged on their work. For a lot of kids, you know, the game is kind of rigged. We sort and we rank kids, and it's done in ways that are not always that fair. This bill, I feel, that's in front of us uses a machete to make the changes where a scalpel really is needed. We return to the practice of credit-based diplomas, where students can graduate, for example, with Ds all the way through and still get a diploma. When I would get kids who - when their work was judged and their work was of extreme quality, and people enjoyed what they had made and you see the look in their eyes of knowing that they could stand on their work and go out into the workforce, give them a level of confidence and ability to go out into the world and make their own way. So I would ask that you vote against this, even though the overwhelming emotional side of this is to pass this. The ramifications that are in this bill will unfold in a really bad way I feel. But I thank you for listening and I wanted to share why I, you know, feel like I have to fight for those kids to be judged on their work. Thank you very much.

Senate at Ease.

The Senate was called to order by the President.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I again rise, regretfully, in disagreement with the good Senator from Hancock. I understand that our own personal experiences have a great influence in how we view the world and certainly how we view public education. I did not come from a wealthy family. I did not have a great teacher in every single grade or for every single subject. I

experienced my own personal frustration and certainly it's always good to remind myself, as I'm reviewing matters of policy in our Education Committee and here in the Senate Chamber, how that could be impacting my vote and whether it's truly in the best interest of the children in the State of Maine. I have a lot of confidence in the teachers of Maine. Maybe there are a few bad teachers, just like there are some bad doctors - I'm sorry Doctor Gratwick - Senator Gratwick - just as there are probably some bad attorneys, bad in any profession. You don't get 100% good or 100% bad. It's a mixed bag. But I do believe that the supermajority of our teachers is giving their best effort. They care about these kids. They will give them the attention and effort that they would no matter their background. The question really is: is that enough? Is the teacher's best effort enough to guarantee success for every student, no matter their background? I think the good Senator from Hancock and the other members of the Education Committee understand that no, that where they come from and what they go home too and who their peers are have a substantial impact on their ability to be successful and I think, as you all know, I mention it probably too frequently for everybody, but I'm a big believer in early childhood education and what they experience. If we're looking for innovation, if we're looking to move the dial, I believe that is a very powerful way to address the question of success. Are we going to have a magic answer in proficiency-based diplomas, proficiency-based education curriculum standards? I don't think so, and we spend a lot of time talking about that but perhaps not enough about where we really have the most leverage, in the earlier years.

Having said that, the report that is before you today was the best answer the majority of the Education Committee to get to on a bi-partisan basis, to thread the needle of the emotional arguments on both sides of the issue; those fiercely advocating for an outright repeal and those advocating for keeping it in place. So I would disagree that this is a sledge hammer. This is a very fine thread that we are trying to weave here to respect those who see a potential and have buy-in within its community to move forward and those that do not. We're allowing them to choose. We are not getting rid of proficiency-based education. That has been in existence for a significant amount of time nationally and here in the State of Maine. That remains. All that we are removing is the mandated diploma, which I believe I spoke earlier about the significant negative consequences that will happen, that have not been addressed, should this stay in place. There are serious consequences for each child that does not receive a diploma and if this stands that will be a reality for every district, every school. So I hope that you will join me in supporting the passage of L.D. 1666. Thank you, Mr. President.

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

Senator **DILL:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, where I come from in Penobscot County even the town that I'm in, Old Town, we have a huge percentage of our students that receive free or reduced lunch and, as you look around some of the other counties surrounding my area, you will find that there's a direct correlation between the student's achievements and the impoverished aspects of the county. I believe that as we move forward, especially in some of those counties, if we stay with this aspect of proficiency-based standards alone we're going to have a huge number of students, when they become seniors, all of a sudden not going to be

handed a diploma. As already stated, what are those students to do? In my thoughts, this is all about choice. Give the schools the choice of proficiency-based standards and diplomas or actually going the other way, the way it has been. I've had some discussions with my good colleague from Hancock County about this and I think there will be a way forward, as we move on, to actually combine these two. I don't think it has to be as many standards as we have. I think you can combine the issues that we're dealing with. So, to me, it's all about choice. We need to have choice in how we move forward with our education system. I know many people in here have been in education for several years and they say over those years they've seen lots of different ways of trying to get to end point of diplomas. I also have been in education almost my entire life. I guess I probably have been in my entire life in one form or another, either school board or being in education, meaning being trained or actually doing the training. So, again, simply put, I believe this is choice, and local choice, and I think we should follow local choice on this issue. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I represent five communities here in the State of Maine; the communities of Auburn, New Gloucester, Poland, Minot, Mechanic Falls, and three of those communities, Poland, Minot, and Mechanic Falls, are all in one regional school district, the Poland Regional School District. That school district was actually the very first school district, as I understand it, the very first in the state to have proficiency-based learning, proficiency-based standards. They were kind of the role model for this. It's worked - from what I can tell it's working incredibly well in that school district. I see - it sounds like, as I hear from people who have been through there, that there've been some very good results. But they chose that path. They entered into that voluntarily with full commitment from people, from a lot of folks in the community, but also the school system itself chose to embark on that. I think that's a big part of why it's been successful. You know, personally, myself I see a lot of benefits with proficiency-based standards. I remember when I was younger and in school, I remember it was those classes where I wasn't thinking about the grade, where I was simply pursuing the knowledge and the education for its own sake. That's where I learned the most and I like how proficiency-based standards try to align with that. I think there's a lot of value in that. So I don't see this bill as a question of whether or not we should say proficiency-based standards is a good thing or not a good thing. I see this bill as a question of: how do we make these decisions as a State? Do we make these decisions with a top-down model with centralized decision making or do we make these decisions in more of a decentralized way where we let there be experimentation and choice on the local level, where those communities that experiment and try one model, if those models work other communities can look on and say, 'Hey, that's working over there, let's try it here.' I guess, ultimately, I'm pretty skeptical that if we have to drag communities along, to force communities to adopt something that they haven't chosen for themselves, I have skepticism that that will ultimately be successful. I think we kind of have some past examples of this with forced choice on things like school consolidation. I think school consolidation has worked in some places but not in others. I think a big factor of that is whether or not it was voluntarily and willingly entered into

or whether or not it was something that was forced and forced from the top down. I'm a big skeptic of making decisions from the top down when we can make them from the bottom up. So I thought long and hard about this with absolute the highest respect for my colleague from Hancock County, who I know has done a tremendous deal of work on this policy over the last eight years, and I commend him for that and I thank him for all his service. I just think that if this is going to be a policy that works for Maine people, for Maine communities, it should be something that should be able to be sold on a community by community level. It shouldn't be something that we have to force on communities from the top down. So I will be supporting - in support of the motion in front of us and, if my arguments make sense, I would encourage others to do so as well. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment of L.D. 1666. A roll call has been ordered. If you are in favor of final enactment 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 (#704)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DILL, GRATWICK, JACKSON, LIBBY, MILLETT, VITELLI, VOLK, WOODSOME

NAYS: Senators: CUSHING, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, LANGLEY, MAKER, MASON, ROSEN, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CARSON, DIAMOND, DION, KEIM, MIRAMANT, SAVIELLO

17 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 6 Senators being excused, was **PASSED TO BE ENACTED** and signed by the President.

(See action later today.)

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Maine's Medical Marijuana Law"

H.P. 1060 L.D. 1539

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-765)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-766)** (2 members)

Tabled - June 26, 2018 by Senator **KATZ** of Kennebec

Pending - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-765) AS AMENDED BY SENATE AMENDMENTS "G" (S-539) AND "D" (S-530)** thereto, in **NON-CONCURRENCE**

(In House, 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).**)

(In Senate, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765)** Report **READ** and **ACCEPTED**. Committee Amendment "A" (H-765) **READ**. Senate Amendments "G" (S-539) and "D" (S-530) to Committee Amendment "A" (H-765) **READ** and **ADOPTED**.)

On motion by Senator **KATZ** of Kennebec, Senate Amendment "H" (S-540) to Committee Amendment "A" (H-765) **READ**.

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

Senator **KATZ:** Thank you, Mr. President. Mr. President, the purpose of this amendment is to bring consistency to how we are handling retail marijuana stores, whether they be adult use stores or medical stores. It will bring more clarity to municipalities, patients, and medical marijuana providers about what they can and cannot do. It creates an opt-in for caregiver stores, dispensaries, and testing and manufacturing facilities. It would also allow some stores which are operating at the time this law goes into effect to remain open provided they have previously obtained municipal approval through things like relative business permits and licenses, and also provided that they will continue to operate in accordance with local ordinances. Just to be clear about the intent here, the opt-in requirement applies only to caregiver stores, dispensaries, and testing and manufacturing facilities. It does not apply to other authorized caregiver conduct. Towns would continue to be able to regulate caregiver businesses and activities in the same way they regulate any other, just without discrimination. It would not allow municipalities to prohibit or limit authorized caregiver conduct based solely on the fact that they're registered caregivers. So again, Mr. President, the intent of this is to say that there's going to be a single set of rules if somebody wants to set up a marijuana store or one of those commercial activities. A town would have to opt-in rather than having an opt-out system. Thank you, Mr. President.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "H" (S-540) to Committee Amendment "A" (H-765) **ADOPTED**.

Committee Amendment "A" (H-765) as Amended by Senate Amendments "G" (S-539), "D" (S-530), and "H" (S-540) thereto **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-765) AS AMENDED BY SENATE AMENDMENTS "G" (S-539), "D" (S-530), AND "H" (S-540) thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease until the sound of the bell.

The Senate was called to order by the President.

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

RECALLED FROM GOVERNOR'S DESK

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
(S "B" S-491; S "C" S-495
to C "B" S-469; S "A" S-528)

(In Senate, June 21, 2018, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 752), in concurrence.)

On motion by Senator **LANGLEY** of Hancock, 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 "B" (S-469) AS AMENDED BY SENATE AMENDMENTS "B" (S-491) AND "C" (S-495)** thereto **AND SENATE AMENDMENT "A" (S-528)**.

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 "B" (S-469) as Amended by Senate Amendments "B" (S-491) and "C" (S-495) thereto.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "B" (S-491) to Committee Amendment "B" (S-469) and **INDEFINITELY POSTPONED** same.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "C" (S-495) to Committee Amendment "B" (S-469) and **INDEFINITELY POSTPONED** same.

On further motion by same Senator, Senate Amendment "D" (S-541) to Committee Amendment "B" (S-469) **READ** and **ADOPTED.**

Committee Amendment "B" (S-469) as Amended by Senate Amendment "D" (S-541) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469) AS AMENDED BY SENATE AMENDMENT "D" (S-541) thereto AND SENATE AMENDMENT "A" (S-528), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Off Record Remarks

Senate at Ease.

The Senate was called to order by the President.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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
(S "D" S-541 to C "B" S-469;
S "A" S-528)

In Senate, June 26, 2018, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469) AS AMENDED BY SENATE AMENDMENT "D" (S-541) thereto AND SENATE AMENDMENT "A" (S-528) in NON-CONCURRENCE.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469) AS AMENDED BY HOUSE AMENDMENT "A" (H-805) thereto AND SENATE AMENDMENT "A" (S-528) in NON-CONCURRENCE.**

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

Ordered sent forthwith.

Off Record Remarks

Senate at Ease until the sound of the bell.

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 Measure

An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19

S.P. 712 L.D. 1869
(H "A" H-805 to C "B" S-469;
S "A" S-528)

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

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senator having voted in the negative, and 27 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.

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 Amend Maine's Medical Marijuana Law
H.P. 1060 L.D. 1539
(S "D" S-530, S "G" S-539;
S "H" S-540 to C "A" H-765)

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.

Senate at Ease.

The Senate was called to order by the President.

The following proceedings were conducted after 12:01 a.m., Wednesday, June 27, 2018.

Senator **LIBBY** of Androscoggin moved the Senate **RECONSIDER** whereby the following was **PASSED TO BE ENACTED**:

An Act To Ensure the Successful Implementation of Proficiency-based Diplomas

H.P. 1152 L.D. 1666
(H "A" H-797 to C "A" H-777)

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

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

Same Senator requested a Roll Call.

Senator **MASON** of Androscoggin moved to **TABLE** until Later in Today's Session.

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 (#705)

YEAS: Senators: CUSHING, HAMPER, KATZ, LANGLEY, MAKER, MASON, ROSEN, WHITEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DILL, DOW, GRATWICK, JACKSON, LIBBY, MILLETT, VITELLI, VOLK, WOODSOME

EXCUSED: Senators: CARSON, COLLINS, DIAMOND, DION, HILL, KEIM, MIRAMANT, SAVIELLO

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 8 Senators being excused, the motion by Senator **MASON** of Androscoggin to **TABLE** until Later in Today's Session **FAILED**.

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

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

Senator **LIBBY**: Thank you, Mr. President. On the pending motion, it's Reconsideration and I'm going to be voting red, I'm going to be voting against reconsideration. Thank you.

THE PRESIDENT: The pending question before the Senate is Reconsideration. If you are in favor of Reconsideration 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 (#706)

YEAS: Senators: CUSHING, HAMPER, KATZ, LANGLEY, MAKER, MASON, ROSEN, WHITEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN,
CARPENTER, CHENETTE, CHIPMAN,
CYRWAY, DAVIS, DESCHAMBAULT,
DILL, DOW, GRATWICK, JACKSON,
LIBBY, MILLETT, VITELLI, VOLK,
WOODSOME

EXCUSED: Senators: CARSON, COLLINS, DIAMOND, DION,
HILL, KEIM, MIRAMANT, SAVIELLO

9 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 8 Senators being excused, the motion by Senator **LIBBY** of Androscoggin to **RECONSIDER** whereby the Bill was **PASSED TO BE ENACTED FAILED**. This Bill, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until the call of the President of the Senate.