

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Ninth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2018

beginning at Page 1

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Wednesday  
January 9, 2019

Senate called to order by President Troy D. Jackson of Aroostook County.

Prayer by Pastor Frank Gleason, CenterPoint Community Church in Anson.

**PASTOR GLEASON:** Thank you, Mr. President. Mr. President, Mr. Clerk, ladies and gentlemen of the Senate, let us pray. Gracious God, we thank You for another day. We are reminded of Your call and Your presence in our lives. We ask that You give the resources needed to do the work of the people of the State of Maine. May these Senators be led by Your spirit in the decisions they make. May they possess Your power as they steady themselves under the pressures of the day and those that are upon the horizon. Pour forth an abundance of wisdom, knowledge, and understanding upon each member of this Body so that together solutions for the betterment of our state might be forged. Bless them this day. In Jesus' name. Amen.

Pledge of Allegiance led by Senator James F. Dill of Penobscot County.

Reading of the Journal of Wednesday, January 2, 2019.

Doctor of the day, Robert Chagrasulis, M.D. of Casco.

**Off Record Remarks**

Out of order and under suspension of the Rules, on motion by Senator **LIBBY** of Androscoggin, the following Joint Order:  
S.P. 13

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, January 15, 2019 at 10:00 in the morning.

**READ and PASSED.**

Ordered sent down forthwith for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 22

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

January 3, 2019

The Honorable Robert B. Hunt  
Clerk of the House  
2 State House Station  
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Bruce Bickford as the Republican Lead on the Taxation Committee.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon  
Speaker of the House

**READ and ORDERED PLACED ON FILE.**

The Following Communication: S.C. 24

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

December 30, 2018

Honorable Troy D. Jackson  
President of the Senate  
3 State House Station  
Augusta, ME 04333-0003

Dear President Jackson,

Pursuant to 5 MRSA § 12009, I am submitting to you the report of Board and Commission appointments or reappointments for calendar year 2019. Additionally, I am providing a report that list appointments or re-appointments that have not been made from previous years through December 31, 2018, and where vacancies

actually exist on a board or commission that need a new appointment. If you need a breakdown by your appointments only, we can provide this to you as well.

If you have any questions concerning these reports or need additional information, please contact me or Cathy Beaudoin at the Bureau of Corporations, Elections and Commissions at 624-7748.

Sincerely,

S/Matthew Dunlap  
Secretary of State

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: S.C. 25

**CHILD WELFARE OMBUDSMAN  
P.O. BOX 2057  
HOPE, MAINE 04847**

December 31, 2018

The Honorable Troy D. Jackson  
President of the Maine Senate  
Maine State House Station  
3 State House Station  
Augusta, ME 04333

Dear Senator Jackson,

I am pleased to present the sixteenth annual report of the Maine Child Welfare Ombudsman. Our office reports to the Governor, the Department, and the Legislature each year pursuant to 22 M.R.S.A. §4087-A. This report reflects the Fiscal Year from October 1, 2017 through September 30, 2018. I respectfully request that you distribute this report to the members of the Maine Senate.

The Child Welfare Services Ombudsman provides information to callers about Child Welfare Services and referrals to other resources and sources of information. Each year we open between 110 and 120 cases for review. Additionally, we make recommendations to the Department, Governor and Legislature.

Please let me know if you have any questions about the report or our program and I would be happy to meet and discuss those or any other issues with you.

Respectfully submitted,

S/Christine Alberi  
Ombudsman

**READ and ORDERED PLACED ON FILE.**

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

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## SENATE PAPERS

Bill "An Act To Implement the Recommendations of the Task Force on Health Care Coverage for All of Maine"  
S.P. 14 L.D. 51

Presented by Senator SANBORN, H. of Cumberland.

Bill "An Act To Provide an Affordable and Accessible Health Care System for all Residents of Maine"  
S.P. 15 L.D. 52

Presented by Senator GRATWICK of Penobscot.  
Cosponsored by Representative HYMANSON of York and Senators: CLAXTON of Androscoggin, FOLEY of York, President JACKSON of Aroostook, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland, VITELLI of Sagadahoc, Representatives: McCREIGHT of Harpswell, RYKERSON of Kittery.

On motion by Senator **H. SANBORN** of Cumberland, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions"  
S.P. 18 L.D. 54

Presented by Senator CHENETTE of York.  
Cosponsored by Representative COLLINGS of Portland and Senators: CHIPMAN of Cumberland, MIRAMANT of Knox.

On motion by Senator **LUCHINI** of Hancock, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Clarify Local Referendum Ballots"  
S.P. 17 L.D. 53

Presented by Senator SANBORN, H. of Cumberland.  
Cosponsored by Representative JORGENSEN of Portland and Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, LIBBY of Androscoggin, Representatives: CARDONE of Bangor, CROCKETT of Portland.

Committee on **VETERANS AND LEGAL AFFAIRS** suggested and ordered printed.

On motion by Senator **LUCHINI** of Hancock, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

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## ORDERS

### Joint Order

On motion by Senator **LIBBY** of Androscoggin, under unanimous consent, on behalf of President JACKSON of Aroostook, presents the following Joint Order:

S.P. 16

**ORDERED**, the House concurring, that the Joint Rules be amended by amending Joint Rule 301, last indented paragraph to read:

There are established 17 joint standing committees, which must be appointed at the commencement of the first regular session and which exercise jurisdiction in the following areas:

Agriculture, conservation and forestry  
Appropriations and financial affairs  
Criminal justice and public safety  
Education and cultural affairs  
Energy, utilities and technology  
Environment and natural resources  
Health and human services  
Health coverage, insurance and financial services  
Inland fisheries and wildlife  
Innovation, development, economic advancement and ~~commerce~~  
business  
Judiciary  
Labor and housing  
Marine resources  
State and local government  
Taxation  
Transportation  
Veterans and legal affairs

**READ.**

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

Senator **LIBBY**: Mr. President, thank you. This order is recognition of some of the discussion we had on swearing-in day from our colleagues and I think it's a recognition of the fact that the business community in Maine, which is very important to all of us, should have a clear place where items that are of interest to them are heard for a public hearing and worked appropriately for work sessions. So in that vein, this Joint Order replaces the word 'commerce' with 'business' so that it is crystal clear which committee of the Legislature deals with the majority of business

issues and we offer it as an olive branch to our friends from the other party and we ask for unanimous approval of this Joint Order. Thank you, Mr. President.

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

Senator **GUERIN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I am pleased to support Senator Libby's Joint Order wanting businesses to be recognized as an important part of our committee process. I would have preferred to have the two committees together. I'm a former union member myself and I'm a business owner and I know that an important aspect of success is for the workers and the owners to work together, but I think this is a step in the right direction, changing the name. Thank you.

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

Senator **DOW**: Thank you, Mr. President. I'd like to also thank the people and Mr. President for having this name change. I consider business to be always the number one issue in everything I do. They're the ones that hire all the people and our tax monies come in because of them and anything that we can do for business also helps promote all of the other programs that need money that we want to use to help all kinds of groups of people. So I do appreciate and I thank you, Mr. President, for that consideration.

On motion by Senator **LIBBY** of Androscoggin, the Joint Order was **PASSED**.

Sent down for 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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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:

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Change the Composition of the Board of Pesticides Control"

H.P. 37 L.D. 36

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed, in concurrence.

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Bill "An Act To Authorize a General Fund Bond Issue To Invest in Fire Stations"

H.P. 48 L.D. 47

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Housing for Persons Who Are Homeless"

H.P. 49 L.D. 48

Come from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **BREEN** of Cumberland, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

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Resolve, To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State by Establishing a Work Group To Develop Educational Programming for Prevention of Substance Use and Substance Use Disorders among Youth and Adolescents (EMERGENCY)

H.P. 30 L.D. 29

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

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

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Bill "An Act Regarding Rules Adopted by the ConnectME Authority"

H.P. 32 L.D. 31

Bill "An Act To Replace Net Energy Billing with a Market-based Mechanism"

H.P. 42 L.D. 41

Come from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **LAWRENCE** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed, in concurrence.

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Resolve, To Establish the Commission To Study Children's Mental Health (EMERGENCY)

H.P. 41 L.D. 40

Bill "An Act To Amend the Law Regarding Maine's Background Check Center"

H.P. 46 L.D. 45

Bill "An Act To Establish a Substance Use Disorder Clinic at the Cumberland County Jail"

H.P. 47 L.D. 46

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

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

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Bill "An Act To Require Insurance Coverage for Hearing Aids for Adults"

H.P. 39 L.D. 38

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

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed, in concurrence.

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Bill "An Act To Provide Complimentary Lifetime Hunting and Fishing Licenses to Retired Game Wardens with 25 Years of Service"

H.P. 27 L.D. 26

Bill "An Act To Allow the Use of Crossbows during the Archery Season on Deer"

H.P. 28 L.D. 27

Bill "An Act To Establish a Thanksgiving Youth Turkey Hunting Season"

H.P. 34 L.D. 33

Bill "An Act To Ban the Use of Personal Watercraft on Lower Wilson Pond and Upper Wilson Pond"

H.P. 53 L.D. 56

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **DILL** of Penobscot, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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Bill "An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines"

H.P. 38 L.D. 37

Bill "An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Development of a Long-range Strategic Plan for Economic Improvement in the State"

H.P. 51 L.D. 50

Come from the House, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed, in concurrence.

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Bill "An Act Regarding Access to Lobster Licenses"

H.P. 29 L.D. 28

Comes from the House, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed.

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **MARINE RESOURCES** and ordered printed, in concurrence.

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Bill "An Act To Exempt All Disabled Veterans in Maine from All Income Tax and To Increase Their Homestead Exemption to \$50,000"

H.P. 36 L.D. 35

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **CHIPMAN** of Cumberland, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Dedicate All Sales Taxes from All Vehicle Sales and Vehicle-related Sales to the Highway Fund for Roads and Bridge Capital Improvements

H.P. 44 L.D. 43

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

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

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Resolve, Naming a Highway and Renaming a Bridge in the Town of Whiting

H.P. 33 L.D. 32

Resolve, To Designate a Bridge in Waterville as the Specialist Wade A. Slack Memorial Bridge

H.P. 40 L.D. 39

Bill "An Act Regarding the Designation of Traumatic Brain Injury on Driver's Licenses and Nondriver Identification Cards"

H.P. 50 L.D. 49

Bill "An Act To Require the Maine Turnpike Authority To Accept E-Z Pass Payments of Any Amount by Telephone"

H.P. 54 L.D. 57

Come from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **DIAMOND** of Cumberland, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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Bill "An Act To Exempt Fraternal and Veterans' Organizations from Cribbage Tournament Licensing Requirements"

H.P. 35 L.D. 34

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

On motion by Senator **LUCHINI** of Hancock, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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#### **Pursuant to Statute Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act Regarding the Maine Criminal Code"

H.P. 45 L.D. 44

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

**REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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

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On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, January 15, 2019 at 10:00 in the morning.