

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
Tuesday
March 5, 2019

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

Prayer by Tom Waddell, the Maine Chapter of the Freedom from Religion Foundation in Brunswick.

MR. WADDELL: Good morning. I'm Tom Waddell. I'm the President of the Maine Chapter of the Freedom from Religion Foundation. We're based in Brunswick. I wanted to thank the Senate President Troy Jackson, Senator Shenna Bellows, distinguished Senators, and honored guests of all faiths, traditions, or secular beliefs. It is an honor to give an inspirational invocation here at the start of your day. I sincerely hope that my words, and the words of others who have spoken here, will help you do, will inspire you to do your best work today and every day. As far as inspiration is concerned, I was inspired by Senate President Troy Jackson's call for unity by implementing the new bi-partisan seating arrangement. I urge everyone to take full advantage of this new opportunity to work together. In Senator Jackson's words, 'focusing on the values and goals that unite us.' To that end, I will not ask you to bow your heads, as most invocations here do. Instead I ask everyone to look around the room at your peers gathered here today for the common purpose of working together to improve the lives of everyone living here in Maine. As you look around this room please recognize and acknowledge that everyone here wants to do the very best they can. We all agree on that goal but where we disagree is how do we allocate the State's limited resources to attain that goal. History tells us that civil discourse based on facts, willingness to compromise, is fundamental to finding lasting solutions that work for everyone. Some people believe compromise is a system that results in no one getting what they wanted. Others realize that compromise is the bedrock of our democracy. Partisan gridlock results when one focuses on what divides us. Bi-partisan compromise and good government of, by, and for the people results when one focuses on the values and goals that unite us. Thank you.

Pledge of Allegiance led by Senator David R. Miramant of Knox County.

The Senate observed a moment of silence, remembrance, and prayer for Captain Joel Barnes of Shapleigh.

Reading of the Journal of Thursday, February 28, 2019.

Doctor of the day, Connie Adler, M.D. of Chesterville.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Improve Funding for Maine's Hazardous Materials Emergency Response Teams" H.P. 768 L.D. 1038

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

On motion by Senator **DESCHAMBAULT** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed, in concurrence.

Bill "An Act To Require Additional Lead Screening for Children" H.P. 731 L.D. 976

Comes 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.

Bill "An Act To Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals" H.P. 755 L.D. 1025

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.

Bill "An Act To Establish as a Priority the Interests of Maine Farmers, Growers and Food Producers" H.P. 674 L.D. 910

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

Senator **CLAXTON** of Androscoggin moved to **REFER** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence. Subsequently, the same Senator requested and received leave of the Senate to withdraw his motion to **REFER** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**, in concurrence.

On further motion by same Senator, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

Bill "An Act To Provide Revenue To Fix and Rebuild Maine's Transportation Infrastructure"

H.P. 764 L.D. 1034

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION**.

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

COMMUNICATIONS

The Following Communication: S.C. 165

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

February 28, 2019
Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- L.D. 342 An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle

This is notification of the Committee's action.

Sincerely,

S/Sen. Susan Deschambault
Senate Chair

S/Rep. Charlotte May Warren
House Chair

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

The Following Communication: S.C. 166

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

February 28, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- L.D. 205 An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape
- L.D. 306 Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone

This is notification of the Committee's action.

Sincerely,

S/Sen. Susan Deschambault
Senate Chair

S/Rep. Charlotte May Warren
House Chair

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

The Following Communication: S.C. 161

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

February 27, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 330 An Act To Define Licensed Massage Therapists as Health Care Practitioners

This is notification of the Committee's action.

Sincerely,

S/Sen. Heather B. Sanborn S/Rep. Denise A. Tepler
Senate Chair House Chair

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

The Following Communication: S.C. 163

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 14, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 258 An Act To Establish and Coordinate a Volunteer Corps of Search and Rescue Specialists within the Department of Inland Fisheries and Wildlife

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill S/Rep. Catherine M. Nadeau
Senate Chair House Chair

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

The Following Communication: S.C. 164

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON INLAND FISHERIES AND WILDLIFE**

February 21, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 56 An Act To Ban the Use of Personal Watercraft on Lower Wilson Pond and Upper Wilson Pond

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill S/Rep. Catherine M. Nadeau
Senate Chair House Chair

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

The Following Communication: S.C. 162

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

February 25, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 250 An Act To Establish the Statute of Limitations in Product Liability Cases

Bill "An Act To Amend the Laws Governing Critical Incident Stress Management Teams"

S.P. 324 L.D. 1092

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael E. Carpenter
Senate Chair

S/Rep. Donna Bailey
House Chair

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, MOORE of Washington, Representatives: McCREIGHT of Harpswell, WARREN of Hallowell.

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

Bill "An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population"

S.P. 328 L.D. 1096

SENATE PAPERS

Bill "An Act To Update the Criminal Animal Welfare Laws"
S.P. 322 L.D. 1090

Presented by Senator SANBORN, L. of Cumberland.
Cosponsored by Representative GATTINE of Westbrook and Senators: CLAXTON of Androscoggin, LUCHINI of Hancock, Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, JORGENSEN of Portland, PIERCE of Falmouth.

Presented by Senator CARPENTER of Aroostook.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Bill "An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm"
S.P. 331 L.D. 1099

On motion by Senator **DILL** of Penobscot, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY.**

Presented by Senator CARSON of Cumberland.
Cosponsored by Senators: BREEN of Cumberland, GRATWICK of Penobscot, LIBBY of Androscoggin, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland, Representatives: BRENNAN of Portland, FARNSWORTH of Portland, TUCKER of Brunswick.

Sent down for concurrence.

Bill "An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure"

S.P. 325 L.D. 1093

On motion by Senator **DESCHAMBAULT** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Presented by Senator CLAXTON of Androscoggin.
Cosponsored by Representative SHEATS of Auburn and Senator: LIBBY of Androscoggin, Representatives: BICKFORD of Auburn, HANDY of Lewiston, McCREA of Fort Fairfield.

Sent down for concurrence.

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

Bill "An Act To Increase Funding for Staffing for the Child Welfare Services Ombudsman Program"

S.P. 326 L.D. 1094

Sent down for concurrence.

Bill "An Act Regarding the Maine Law Enforcement Memorial"
S.P. 320 L.D. 1088

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative GATTINE of Westbrook and Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, LAWRENCE of York, MOORE of Washington, SANBORN, L. of Cumberland.

Presented by Senator ROSEN of Hancock.
Cosponsored by Representative COSTAIN of Plymouth and Senators: CYRWAY of Kennebec, DAVIS of Piscataquis, HERBIG of Waldo, MOORE of Washington, WOODSOME of York, Representatives: COREY of Windham, PICKETT of Dixfield, RECKITT of South Portland.

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

Sent down for concurrence.

Bill "An Act To Provide for Alternative Pain Treatment before Treatment with Opioids"

S.P. 314 L.D. 1082

Presented by President JACKSON of Aroostook.
Cosponsored by Representative STANLEY of Medway and
Senators: LIBBY of Androscoggin, VITELLI of Sagadahoc.

Bill "An Act To Ensure That Maine Residents Have Adequate and Affordable Access to Health Care"

S.P. 317 L.D. 1085

Presented by Senator SANBORN, L. of Cumberland.
Cosponsored by Representative HUBBELL of Bar Harbor and
Senators: CLAXTON of Androscoggin, President JACKSON of
Aroostook.

Bill "An Act To Ban Discretionary Clauses in Life and Health Insurance Policies"

S.P. 321 L.D. 1089

Presented by Senator CARPENTER of Aroostook.

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.

Bill "An Act Regarding the Personal Liability of Government Employees"

S.P. 323 L.D. 1091

Presented by Senator LAWRENCE of York.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

Senator **H. SANBORN** of Cumberland moved the Bill and accompanying papers be **TABLED** until Later in Today's Session, pending **REFERENCE**. Subsequently, the same Senator requested and received leave of the Senate to withdraw her motion to **TABLE** until Later in Today's Session.

On further motion by same Senator, **REFERRED** to the Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Keep Maine Businesses Competitive"

S.P. 319 L.D. 1087

Presented by Senator HAMPER of Oxford.

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

Sent down for concurrence.

Bill "An Act To Protect Tenants from Sexual Harassment"
S.P. 329 L.D. 1097

Presented by Senator LUCHINI of Hancock.
Cosponsored by Senators: CARPENTER of Aroostook, President JACKSON of Aroostook, Representatives: FECTEAU of Biddeford, HICKMAN of Winthrop, SCHNECK of Bangor, WARREN of Hallowell.

Bill "An Act To Allow Discovery in the Event of a Lawsuit against a State Agency"

S.P. 332 L.D. 1100

Presented by Senator CARSON of Cumberland.
Cosponsored by Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, LAWRENCE of York, MILLETT of Cumberland, Representatives: BRENNAN of Portland, TUCKER of Brunswick.

On motion by Senator **CARPENTER** of Aroostook, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding Workers' Compensation Liens"

S.P. 327 L.D. 1095

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative SYLVESTER of Portland.

Bill "An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas"

S.P. 330 L.D. 1098

Presented by Senator KEIM of Oxford.
Cosponsored by Representative STEWART of Presque Isle and
Senators: GUERIN of Penobscot, MOORE of Washington,
Representatives: ALLEY of Beals, STANLEY of Medway.

On motion by Senator **BELLOWS** of Kennebec, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent down for concurrence.

Bill "An Act To Promote the Goals of the Low-emission Vehicle Program by Requiring That New Vehicle Purchases for the State Fleet Be Composed of a Minimum Percentage of Zero-emission Vehicles"

S.P. 318 L.D. 1086

Presented by Senator FOLEY of York.
Cosponsored by Representative TUCKER of Brunswick and
Senators: CARSON of Cumberland, DOW of Lincoln, SANBORN, H. of Cumberland, Representatives: CAMPBELL of Orrington, SKOLFIELD of Weld.

On motion by Senator **CLAXTON** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

Bill "An Act Regarding the Operation of Pedal-powered Tour Vehicles"

S.P. 316 L.D. 1084

Presented by Senator SANBORN, H. of Cumberland. (BY REQUEST)
Cosponsored by Representative SYLVESTER of Portland and Representative: GATTINE of Westbrook.

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

Bill "An Act To Impose Further Restrictions on where Marijuana May Be Smoked"

S.P. 313 L.D. 1081

Presented by Senator CYRWAY of Kennebec.
Cosponsored by Representative COSTAIN of Plymouth and Senator: DAVIS of Piscataquis, Representatives: ALLEY of Beals, HANLEY of Pittston, LYFORD of Eddington, MAREAN of Hollis, STEARNS of Guilford, STROM of Pittsfield, VEROW of Brewer.

Bill "An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine"

S.P. 315 L.D. 1083

Presented by President JACKSON of Aroostook.
Cosponsored by Representative WARREN of Hallowell and Senators: BELLOWS of Kennebec, BREEN of Cumberland, CHENETTE of York, GRATWICK of Penobscot, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc, Representative: GROHOSKI of Ellsworth.

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

Sent down for concurrence.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Laws Governing Maine Potato Board Districts"

H.P. 109 L.D. 127

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Eliminate Gross Metering" (EMERGENCY)

H.P. 77 L.D. 91

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

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Representatives:

FOSTER of Dexter
GRIGNON of Athens
HANLEY of Pittston

Comes from the House with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

Reports **READ**.

Senator **LAWRENCE** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

Senate

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Governing the Practice of Pharmacy" S.P. 79 L.D. 267

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

Signed:

Senators:

SANBORN, H. of Cumberland
GRATWICK of Penobscot

Representatives:

TEPLER of Topsham
BRENNAN of Portland
BROOKS of Lewiston
FOLEY of Biddeford
MASTRACCIO of Sanford
MELARAGNO of Auburn

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

Signed:

Senator:

FOLEY of York

Representatives:

MORRIS of Turner
PRESCOTT of Waterboro
SWALLOW of Houlton

Reports **READ**.

Senator **H. SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **FOLEY:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This bill was heard in front of the committee and it's a simple change to the healthcare law that gives pharmacists the title of providing healthcare services. We heard great testimony from pharmacists throughout the state. We had 20 people testify. Only one group testified in opposition to the bill. I know from personal experience with the passing of my father-in-law, God rest his soul, that when he was going through the end of his life his medications got confusing. He got confused. He spent hours with his pharmacist, going over his medications, providing valuable medical services to him, and this change in the law simply recognizes that ability for what the pharmacists do provide for our senior citizens and I think it's a minor gesture to recognize the professional services that they provide. So with that, I oppose the pending motion. I request a roll call.

On 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 Cumberland, Senator H. Sanborn.

Senator **H. SANBORN:** I just wanted to speak briefly, Mr. President, to my motion. As the Chair of the Health Coverage, Insurance and Financial Services Committee, I think one of critical roles this session is to ensure that we are using our levers to decrease the amount of money that is spent on health insurance and not inadvertently providing openings for additional monies to be spent on healthcare for Mainers. The concern here is that this may provide an opening for services that are currently included in the price of medications to be billed separately and so that explains why I'll be voting in favor of the Ought Not to Pass Report and just wanted to put that on the record. Thank you.

The Chair noted the absence of the Senator from Cumberland, Senator **DIAMOND**, the Senator from Waldo, Senator **HERBIG**, and the Senator from York, Senator **WOODSOME**, and further excused the same Senators from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#20)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DILL, GRATWICK, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, SANBORN H, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, LIBBY, MOORE, POULIOT, ROSEN, SANBORN L, TIMBERLAKE,

Sent down for concurrence.

EXCUSED: Senators: DIAMOND, HERBIG, WOODSOME

15 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 3 Senator being excused, the motion by Senator H. SANBORN of Cumberland to ACCEPT the Majority OUGHT NOT TO PASS Report FAILED.

Senator LIBBY of Androscoggin moved the Senate RECONSIDER whereby it FAILED to ACCEPT the Majority OUGHT NOT TO PASS Report.

On further motion by same Senator, TABLED until Later in Today's Session, pending the motion by same Senator to RECONSIDER whereby the Senate FAILED to ACCEPT the Majority OUGHT NOT TO PASS Report.

Divided Report

The Majority of the Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Amend the Laws Governing Political Action Committees"

S.P. 101 L.D. 361

Reported that the same Ought Not to Pass.

Signed:

Senators:
LUCINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:
SCHNECK of Bangor
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell
STROM of Pittsfield

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

Signed:

Representative:
ACKLEY of Monmouth

Reports READ.

On motion by Senator LUCINI of Hancock, the Majority OUGHT NOT TO PASS Report ACCEPTED.

SECOND READERS

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

House

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 24 L.D. 23

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

H.P. 40 L.D. 39

READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

Senate As Amended

Bill "An Act To Protect Health Care Coverage for Maine Families" (EMERGENCY)

S.P. 10 L.D. 1
(C "A" S-3)

Resolve, To Rename the Stinson Bridge the Woodsome-Carroll Bridge

S.P. 56 L.D. 244
(C "A" S-2)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/5/19) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Lieutenant Robert N. Nichols, of Eliot, who is retiring
after 25 years of service as a Maine State Trooper.
SLS 57

Tabled - February 5, 2019 by Senator **LAWRENCE** of York

Pending - **PASSAGE**

The Joint Order was **READ**.

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

Senator **LAWRENCE:** Thank you, Mr. President. It's a pleasure
to rise today to honor a constituent and a friend, Robert Nichols.
Back when I was a young person and became the District
Attorney in York County one of the things I did was substitute in
for my Assistant District Attorneys when they were out sick. One
day early in my career I substituted in the York District Court, and
I was the only prosecutor there, only to arrive and find the parking
lot full of truckers and trucking cabs. I had about 30 or 40
trucking cases, as well as other motor vehicle cases, to resolve.
For those of you who follow trucking law, and I'm sure there are
many of you who do, it is extremely complex and intertwined with
the federal and the state law. I said, 'How am I going to get
through these 40 cases, make the judge happy, and get them all
done by noon?' There a few Troopers there and one of them
came forward and said, 'Can I help you with any of these cases?'
It was Trooper Nichols and he and I sat down and we took the
first case and he explained to me what it meant by the number of
axles, the weight, the log of the truck, the road they were driving
on, and things like that. He and I resolved that first case and at
that point I just handed him a stack of cases and said, 'Here, Rob,
you resolve all the trucking cases and I'll take care of all the other
cases. Just tell me if you want me to take one to trial.' That's the
first time I met him and I came to respect him, his intelligence, his
integrity, his ability to deal fairly with people and represent law
enforcement at the same time. Quite a career. He's spanned 25
years, and he's not the only person in his family. A couple of
years ago we lost his father who was a Trooper for many years.
His uncle, Don Nichols, had been a State Trooper. In fact, I think
Rob was telling me eight members of his family have served in
the Maine State Police. We're sorry to lose him after 25 years of
service to the State and eight previous years in service to the
Department of Transportation, but it's great to honor, Rob
Nichols, for his service to the State today.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear
of the Chamber Lieutenant Robert Nichols and his wife, Rebecca
Nichols, of Eliot. They are the guests today of the Senator from
York, Senator Lawrence. Will they please rise and accept the
greetings of the Maine State Senate.

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:

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Increase the Number of Members of the Wild
Blueberry Commission of Maine"
H.P. 807 L.D. 1103

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

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

Bill "An Act To Prohibit the Sale of High-capacity Magazines"
H.P. 794 L.D. 1071

Resolve, Establishing the Task Force on Alternatives to
Incarceration for Maine Youth (EMERGENCY)
H.P. 812 L.D. 1108

Come from the House, **REFERRED** to the Committee on
CRIMINAL JUSTICE AND PUBLIC SAFETY and ordered
printed.

On motion by Senator **DESCHAMBAULT** of York, **REFERRED** to
the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
and ordered printed, in concurrence.

Bill "An Act To Address Maine's Firefighter Shortage by Offering
Firefighter Training for Credit in High School Career and
Technical Education Programs"
H.P. 787 L.D. 1064

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

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

Bill "An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly"
H.P. 783 L.D. 1060

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

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

Resolve, Regarding Biofuel in Number 2 Heating Oil (EMERGENCY)
H.P. 803 L.D. 1080

Bill "An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone"
H.P. 805 L.D. 1101

Come from the House, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

On motion by Senator **CARSON** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed, in concurrence.

Bill "An Act To Support Maine Families by Providing for Transportation of Parents and Guardians of MaineCare Recipients under 18 Years of Age to Their Appointments"
H.P. 785 L.D. 1062

Bill "An Act To Improve the Health and Economic Security of Older Residents"
H.P. 810 L.D. 1106

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.

Bill "An Act To Promote Workforce Education on Alzheimer's Disease and Dementia"
H.P. 795 L.D. 1072

Bill "An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Addiction"
H.P. 809 L.D. 1105

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

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

Bill "An Act Regarding the Size and Weight of All-terrain Vehicles, the Operation of Motor Vehicles on Designated All-terrain Vehicle Trails and the Operation of All-terrain Vehicles on Trails Posted with Size or Weight Limits"
H.P. 813 L.D. 1109

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.

Bill "An Act To Update and Amend the Finance Authority of Maine Act"
H.P. 779 L.D. 1056

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.

Bill "An Act To Streamline the Eviction Process"
H.P. 780 L.D. 1057

Bill "An Act To Establish a Fund To Compensate Unjustly Incarcerated Persons"
H.P. 784 L.D. 1061

Bill "An Act To Promote Fairness and Efficiency in the Delivery of Indigent Legal Services"
H.P. 790 L.D. 1067

Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast
H.P. 796 L.D. 1073

Bill "An Act To Change Procedures of the Governor's Board on Executive Clemency and To Seal Marijuana Convictions"
H.P. 817 L.D. 1113

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

On motion by Senator **CARPENTER** of Aroostook, **REFERRED** to the Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act Concerning Liability for Direct Reimbursement of Unemployment Benefits"

H.P. 781 L.D. 1058

Bill "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System"

H.P. 800 L.D. 1077

Bill "An Act To Clarify the State's Commitments Concerning Certain Public Service Retirement Benefits"

H.P. 808 L.D. 1104

Bill "An Act To Promote Workforce Development and Community Integration"

H.P. 811 L.D. 1107

Bill "An Act To Provide Employee Vaccination Compensation"
H.P. 816 L.D. 1112

Come from the House, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

On motion by Senator **BELLOWS** of Kennebec, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed, in concurrence.

Bill "An Act To Authorize the Establishment of an Apprentice License for the Maine Scallop Fishery"

H.P. 782 L.D. 1059

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

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

Bill "An Act To Expand Health Insurance Coverage To Certain State Employees"

H.P. 788 L.D. 1065

Bill "An Act To Address Municipal Conflicts of Interest"
H.P. 789 L.D. 1066

Bill "An Act To Remove a Reference to Constables in the Law Governing Execution of Process"

H.P. 806 L.D. 1102

Come from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **CLAXTON** of Androscoggin, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

Bill "An Act To Amend the Tax Expenditure Review Process"

H.P. 792 L.D. 1069

Bill "An Act To Establish a Tax on Water Extracted for Bottling in Order To Secure the Economic Future of Rural Maine"

H.P. 797 L.D. 1074

Bill "An Act To Establish a Local Option for Sales Tax"

H.P. 814 L.D. 1110

Come 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.

Bill "An Act To Allow a Wrecker To Transport the Number of Vehicles Authorized by Manufacturer Specifications for the Wrecker"

H.P. 798 L.D. 1075

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

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

Bill "An Act To Increase the Number of Agency Liquor Stores Permitted in Municipalities with 10,000 to 20,000 Residents"

H.P. 791 L.D. 1068

Bill "An Act Regarding the Number of Agency Liquor Store Licenses Permitted in a Municipality"

H.P. 801 L.D. 1078

Come 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.

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

Off Record Remarks

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED** until Thursday, March 7, 2019 at 10:00 in the morning.