

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
April 16, 2019

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

Prayer by Evelyn Salhany of Troop #612, Riley Shean of Troop #913, and Kelsey Record of Troop #11.

With reverence in our hearts we, Your children of many beliefs, united in the common purpose of Girl Scouting gather to offer this, our humble prayer of thanksgiving. As Girl Scouts we are thankful for the many gifts and talents given to our fellow sisters, members of our community, and ourselves. We are thankful for the freedom that we have to work together and that we have learned that we accomplish more as a team than any of us can accomplish alone. We are thankful for the opportunity to be of service to people young and old, our parents, and our community. Our joy is in celebrating young women who have grown and met challenges. Let them be reminded through the accomplishments of the many Girl Scout Take Action Projects that she who serves her fellow man is one of Your greatest followers. Most importantly, we are thankful for the gift of knowing that our prayers are heard. We each, in our own way, take this moment to silently add our own thanksgiving. With thanks in our hearts, we offer our prayers and ask that You be with each one present and guide us to do our best each day. Amen.

Posting of the Colors by Riley Record of Troop #683 and Kenyah Alen, Ivianne Gonzales, Taylor Mario, Juliana Martin, Caroline Rand, Caitlin Rubner, and Gabrielle Walker of Troop #1780.

National Anthem Performed by Megan Clark of Waldoboro.

Pledge of Allegiance led by the Girl Scouts of Maine.

Reading of the Journal of Thursday, April 11, 2019.

Doctor of the day, Duska Thurston, M.D. of Glenburn.

Off Record Remarks

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.

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Expand Incentives To Live and Work in Maine through a Tax Credit for Certain Student Loans"
H.P. 1113 L.D. 1530

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

Comes from the House, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS**.

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

Off Record Remarks

Joint Resolutions

The following Joint Resolution:

H.P. 1047

**JOINT RESOLUTION
MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND THE UNITED STATES CONGRESS
TO SUPPORT THE PLEDGES MADE BY THE UNITED
STATES IN THE PARIS AGREEMENT**

WE, your Memorialists, the Members of the One Hundred and Twenty-ninth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the year 2016 was the hottest year in the modern temperature record; and

WHEREAS, there is increasing consensus among scientists and economists that there will be serious economic consequences if we fail to reduce global carbon emissions quickly; and

WHEREAS, a changing climate will irreversibly damage the global economy; and

WHEREAS, if left unaddressed, the consequences of a rising global temperature have the potential to adversely affect all Americans, hitting vulnerable populations hardest, hurting working families and harming productivity in middle class job sectors such as construction, agriculture and tourism, among others; and

WHEREAS, there has been an increase in extreme weather events across the United States that have affected supply chains, consumer behaviors and local economies; and

WHEREAS, the Paris Agreement provides a pathway forward to limit temperature rise to well below 2 degrees Celsius; and

WHEREAS, the Paris Agreement sends a powerful signal to the world that climate change is an immediate problem facing the planet; and

WHEREAS, if the United States withdraws from the Paris Agreement, the United States will face an international diplomatic backlash and will cede leadership on climate change and renewable energy issues to China; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress work with our allies that signed the Paris Agreement; and be it further

RESOLVED: That We respectfully urge and request that the President of the United States not issue an Executive Order withdrawing the United States from the Paris Agreement; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald John Trump, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

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

The Joint Resolution was **READ**.

On motion by Senator **DOW** of Lincoln, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

The following Joint Resolution:

H.P. 1104

**JOINT RESOLUTION
RECOGNIZING APRIL 2019 AS
AUTISM AWARENESS MONTH**

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, in the United States, one in 59 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that more than 3,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States over \$137,000,000,000 in annual health care costs, most of which are in adult services, and these costs are anticipated to increase; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in our deliberations to acknowledge that the month of April 2019 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 280

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

April 11, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003
Dear Mr. President:

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

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

YEAS Senators 1 Millett, R. of Cumberland

 Representatives 6 Kornfield, V. of Bangor,
 Drinkwater, G. of Milford,
 Farnsworth, D. of Portland,
 Fecteau, J. of Augusta,
 Ingwersen, H. of Arundel,
 Rudnicki, S. of Fairfield

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Morten Arntzen** of Norwalk for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

NAYS 0

ABSENT 6 Sen. Carson, B. of
 Cumberland, Sen. Pouliot, M.
 of Kennebec, Rep. Brennan,
 M. of Portland, Rep. Dodge,
 J. of Belfast, Rep. McCrea,
 D. of Fort Fairfield, Rep.
 Sampson, H. of Alfred

Off Record Remarks

The Following Communication: S.C. 281

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

April 11, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Arthur K. Watson, Jr. of New Canaan, for reappointment to the Maine Maritime Academy, Board of Trustees.

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

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Morten Arntzen of Norwalk, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca Millett
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#37)

YEAS: Senators: None

YEAS Senators 1 Millett, R. of Cumberland

NAYS: Senators: BELLOWS, BLACK, BREEN,
 CARPENTER, CARSON, CHENETTE, CHIPMAN,
 CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT,
 DIAMOND, DILL, DOW, FARRIN, FOLEY,
 GRATWICK, GUERIN, HAMPER, HERBIG, KEIM,
 LAWRENCE, LIBBY, LUCHINI, MILLETT,
 MIRAMANT, MOORE, POULIOT, ROSEN,
 SANBORN H, SANBORN L, TIMBERLAKE, VITELLI,
 WOODSOME, PRESIDENT JACKSON

Representatives 7 Kornfield, V. of Bangor,
 Drinkwater, G. of Milford,
 Farnsworth, D. of Portland,
 Fecteau, J. of Augusta,
 Ingwersen, H. of Arundel,
 Rudnicki, S. of Fairfield,
 Sampson, H. of Alfred

NAYS 0

ABSENT 5 Sen. Carson, B. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Brennan,
M. of Portland, Rep. Dodge,
J. of Belfast, Rep. McCrea,
D. of Fort Fairfield

Eight members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Arthur K. Watson, Jr. of New Canaan, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca Millett
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#38)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN,
CARPENTER, CARSON, CHENETTE, CHIPMAN,
CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT,
DIAMOND, DILL, DOW, FARRIN, FOLEY,
GRATWICK, GUERIN, HAMPER, HERBIG, KEIM,
LAWRENCE, LIBBY, LUCHINI, MILLETT,
MIRAMANT, MOORE, POULIOT, ROSEN,
SANBORN H, SANBORN L, TIMBERLAKE, VITELLI,
WOODSOME, PRESIDENT JACKSON

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Arthur K. Watson, Jr.** of New Canaan for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 282

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

April 11, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

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

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

YEAS Senators 1 Millett, R. of Cumberland

Representatives 6 Kornfield, V. of Bangor,
Drinkwater, G. of Milford,
Farnsworth, D. of Portland,
Fecteau, J. of Augusta,
Ingwersen, H. of Arundel,
Rudnicki, S. of Fairfield

NAYS 0

ABSENT 6 Sen. Carson, B. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Brennan,
M. of Portland, Rep. Dodge,
J. of Belfast, Rep. McCrea,
D. of Fort Fairfield, Rep.
Sampson, H. of Alfred

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Mary O. Shea of Brownfield, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca Millett
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#39)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Mary O. Shea** of Brownfield for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 283

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

April 11, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

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

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

YEAS Senators 1 Millett, R. of Cumberland

Representatives 6 Kornfield, V. of Bangor,
Drinkwater, G. of Milford,
Farnsworth, D. of Portland,
Fecteau, J. of Augusta,
Ingwersen, H. of Arundel,
Rudnicki, S. of Fairfield

NAYS 0

ABSENT 6 Sen. Carson, B. of
Cumberland, Sen. Pouliot, M.
of Kennebec, Rep. Brennan,
M. of Portland, Rep. Dodge,
J. of Belfast, Rep. McCrea,
D. of Fort Fairfield, Rep.
Sampson, H. of Alfred

Seven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Jason A. Oney of Falmouth, for reappointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Rebecca Millett
Senate Chair

S/Victoria P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#40)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jason A. Oney** of Falmouth for reappointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 277

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

April 10, 2019

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

RE: Reappointment of William A. Lee, III of Waterville to the Commission on Governmental Ethics and Election Practices

Dear President Jackson:

This is to inform you that I am today nominating Mr. William A. Lee, III of Waterville for reappointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 MRSA §1002, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 278

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

April 10, 2019

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

RE: Reappointment of Bradford A. Pattershall of Freeport to the Commission on Governmental Ethics and Election Practices

Dear President Jackson:

This is to inform you that I am today nominating Bradford A. Pattershall of Freeport for reappointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 MRSA §1002, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 279

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

April 10, 2019

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

RE: Reappointment of Meri Lowry of Portland to the Commission on Governmental Ethics and Election Practices

Dear President Jackson:

This is to inform you that I am today nominating Ms. Meri Lowry of Portland for reappointment to the Commission on Governmental Ethics and Election Practices.

Pursuant to Title 1 MRSA §1002, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 284

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

April 5, 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. 1143 An Act To Exclude Tractor Pulling from Certain Rules Governing Motor Vehicle Racing

This is notification of the Committee's action.

Sincerely,

S/Sen. Susan Deschambault S/Rep. Charlotte May Warren
Senate Chair House Chair

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

The Following Communication: S.C. 285

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

April 10, 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. 1072 An Act To Promote Workforce Education on Alzheimer's Disease and Dementia

This is notification of the Committee's action.

Sincerely,

S/Sen. Heather B. Sanborn
Senate Chair

S/Rep. Denise A. Tepler
House Chair

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

The Following Communication: S.C. 276

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

April 5, 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. 275 An Act To Change the Bag Limits on Wild Turkey

L.D. 313 An Act To Increase Access to Moose and Doe Permits for Combat-injured Veterans

L.D. 321 An Act To Ensure the Continuation of the Landowner Relations Program

L.D. 649 An Act To Enhance Collaboration among State Agencies To Improve Landowner Relations

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill
Senate Chair

S/Rep. Catherine M. Nadeau
House Chair

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

The Following Communication: S.C. 286

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

April 10, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- | | |
|-----------|---|
| L.D. 22 | An Act To Exempt from Taxation Sales to Small Nonprofit Organizations |
| L.D. 65 | An Act To Allow Municipalities To Impose a Seasonal or Year-round Local Option Sales Tax |
| L.D. 156 | An Act To Allow Regional Service Center Municipalities To Assess an Additional One Percent Sales Tax for Infrastructure Costs |
| L.D. 465 | An Act To Eliminate the Service Provider Tax on Services Covered by Medicaid |
| L.D. 1110 | An Act To Establish a Local Option for Sales Tax |

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman
Senate Chair

S/Rep. Ryan Tipping
House Chair

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

SENATE PAPERS

Bill "An Act To Amend the Maine Land Use Planning Commission Laws and Enhance the Economic Vitality of Neighboring Communities"

S.P. 496 L.D. 1561

Presented by Senator CARSON of Cumberland.
Cosponsored by Representative DUNPHY of Old Town and Senator: CARPENTER of Aroostook, Representatives: GROHOSKI of Ellsworth, MAREAN of Hollis, MARTIN of Eagle Lake, MAXMIN of Nobleboro, McCREA of Fort Fairfield, O'NEIL of Saco, PLUECKER of Warren.

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

Sent down for concurrence.

Bill "An Act To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care"
S.P. 500 L.D. 1566

Presented by Senator BLACK of Franklin.
Cosponsored by Representative STANLEY of Medway and Senators: DAVIS of Piscataquis, MOORE of Washington.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding Filing Fees in Transmission Line Proceedings"
S.P. 491 L.D. 1556

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representative: RILEY of Jay.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Bill "An Act To Authorize an Additional Position in the Office of the Public Advocate"

S.P. 492 L.D. 1557

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representatives: RILEY of Jay, RYKERSON of Kittery.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Bill "An Act To Change the Definition of 'Gas Utility' in the Laws Governing Public Utilities"

S.P. 493 L.D. 1558

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representative: RILEY of Jay.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Bill "An Act To Require the Public Utilities Commission To Open an Investigation Whenever It Initiates a Management Audit"
S.P. 494 L.D. 1559

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representative: RYKERSON of Kittery.
Submitted by the Office of the Public Advocate pursuant to Joint Rule 204.

Bill "An Act Regarding Utility Reorganizations" (EMERGENCY)
S.P. 495 L.D. 1560

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representative:
RILEY of Jay.
Submitted by the Office of the Public Advocate pursuant to Joint
Rule 204.

Bill "An Act To Encourage the Use of Renewable Energy"
S.P. 497 L.D. 1562

Presented by Senator LAWRENCE of York.
Cosponsored by Representatives: BLUME of York, HYMANSON
of York.

Bill "An Act To Encourage the Development of Broadband
Coverage in Rural Maine"
S.P. 498 L.D. 1563

Presented by Senator BELLOWS of Kennebec.
Cosponsored by Representative BERRY of Bowdoinham and
Senators: LAWRENCE of York, MIRAMANT of Knox,
Representatives: CAIAZZO of Scarborough, DOUDERA of
Camden, GROHOSKI of Ellsworth, KESSLER of South Portland,
RILEY of Jay, RYKERSON of Kittery.

Bill "An Act To Change the Deadline for Submission of the Annual
Report of the Public Advocate"
S.P. 502 L.D. 1567

Presented by Senator LAWRENCE of York.
Cosponsored by Senator: WOODSOME of York, Representative:
RYKERSON of Kittery.
Submitted by the Office of the Public Advocate pursuant to Joint
Rule 204.

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

Sent down for concurrence.

Resolve, Establishing a Commission To Reform Child Protective
Services
S.P. 489 L.D. 1554

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Senators: BELLOWS of Kennebec,
CARPENTER of Aroostook.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Authorize Project Labor Agreements for Public
Works Projects"
S.P. 499 L.D. 1564

Presented by President JACKSON of Aroostook.

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 Allow the City of Augusta To Adjust the Definition
of 'Original Assessed Value' for the City of Augusta's
Performance Food Group Municipal Tax Increment Financing
District and To Validate the Assessment, Commitment and
Collection of Property Taxes Dedicated for the District for the
Fiscal Years 2018-19 and 2019-20" (EMERGENCY)
S.P. 504 L.D. 1585

Presented by Senator POULIOT of Kennebec.
Cosponsored by Representative TIPPING of Orono.
Approved for introduction by a majority of the Legislative Council
pursuant to Joint Rule 205.

Bill "An Act To Promote Major Food Processing and
Manufacturing Facility Expansion and To Create Jobs in Maine"
S.P. 505 L.D. 1586

Presented by President JACKSON of Aroostook.
Cosponsored by Representative MARTIN of Eagle Lake and
Senators: CARPENTER of Aroostook, CHIPMAN of Cumberland,
DOW of Lincoln, HERBIG of Waldo, POULIOT of Kennebec,
Representatives: McCREA of Fort Fairfield, STEWART of
Presque Isle, WHITE of Washburn.

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

Sent down for concurrence.

Bill "An Act To Improve Highway Maintenance Safety"
S.P. 490 L.D. 1555

Presented by Senator DIAMOND of Cumberland.
Cosponsored by Representative McLEAN of Gorham and
Senator: FARRIN of Somerset, Representatives: AUSTIN of
Skowhegan, MARTIN of Greene, PERKINS of Oakland, SHEATS
of Auburn, WHITE of Waterville.
Submitted by the Maine Turnpike Authority pursuant to Joint Rule
204.

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

Sent down for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect Voter-approved Measures
S.P. 501 L.D. 1565

Presented by Senator CHENETTE of York.
Cosponsored by Representative: BAILEY of Saco.

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.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Kathleen and Alvin McDonald, of Wilton, for their many years of community service, including over 19 years managing the Wilton Food Cupboard. We extend our congratulations and best wishes;
SLS 421

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: HALL of Wilton.

The Joint Order was **READ**.

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

Senator **BLACK:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I am pleased that Kathleen "Kitty", and Alvin "Mac" McDonald of Wilton are able to join us here today. Kitty and Mac have spent thousands of hours volunteering in Wilton and surrounding communities over the years. They started back in the 1990s assisting with the operation of the local food pantry that eventually became managing the day-to-day operations for over the past 19 years. Their service to the pantry has touched more than 1,100 families annually. The food pantry is not the only entity that Kitty and Mac has assisted. They also have volunteered at the Franklin Memorial Hospital. It is estimated, combined, that over the years they have volunteered over 12,000 hours for the hospital. In addition to this, they both have been active members of the Wilton Methodist Church where they always have been found to be assisting with fundraising events and primary organizers for the church's blueberry festival activities. Also Mac has served the church for a number of years as treasurer. As active as they both are, I am sure I am missing other things that they both have been involved in. I want to personally thank them both for all they've done for the residents of Wilton and the surrounding communities over the years. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Kevin McDonald, Jane McDonald, Katherine McDonald, Kathleen McDonald, Alvin McDonald, Karen Bates, Patrick Bates, Jeannie Burnett, and Jack Bates. They are all the guests today of the Senator from Franklin County, Senator Black. Would they please rise and accept the greetings of the Maine State Senate.

Joint Resolution

On motion by Senator **BELLOWS** of Kennebec (Cosponsored by Representative HARNETT of Gardiner and Senators: CARPENTER of Aroostook, CARSON of Cumberland, DOW of Lincoln, HAMPER of Oxford, HERBIG of Waldo, LAWRENCE of York, ROSEN of Hancock, WOODSOME of York), the following Joint Resolution:

S.P. 503

JOINT RESOLUTION DECLARING APRIL 14, 2019 MAINE AMATEUR RADIO OPERATORS DAY

WHEREAS, there are more than 700,000 licensed amateur radio operators in the United States and approximately 3 million worldwide; and

WHEREAS, more than 4,500 Maine citizens hold amateur radio operators licenses; and

WHEREAS, Maine amateur radio operators provide communications locally and statewide in times of emergency; and

WHEREAS, Maine amateur radio operators provide these services at no cost to local and county governments, State Government and nonprofit organizations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize these dedicated individuals and their valued contributions and to declare April 14, 2019 as Maine Amateur Radio Operators Day.

The Joint Resolution was **READ**.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, before there was Facebook there was ham radio, a network of hundreds of thousands of men and women dedicated to communicating worldwide on emergency and non-emergency matters. When the power goes out and your phone runs out of battery, social media goes out, there is no Facebook but there is ham radio. When a disaster strikes ham radio is pivotal to survival. Operators become community lifelines with hams talking to each other and working with first responders to relay local conditions. Ham radio operators were so vital in keeping people safe during the worst of some of our storms and hurricanes and emergency disasters in our state. There's a group

that has breakfast once a week, every week, rain, snow, sun, at Dave's Diner in Gardiner and I'm thrilled that three of them, who also happen to be my constituents, are here today. I'm going to read their names and their call letters. Bill Crowley, K1NIT; Bill Mann, W1KX; and George Szadis, K1GDI. They are here today along with Eric Emery, KC1HJK, to celebrate this day with us and we thank them for their service.

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

Senator **CARSON:** Thank you, Mr. President. I, too, want to rise to salute our ham radio operators. Very brief story, if the Senate will indulge me. After I was wounded in Vietnam I was sent out to the hospital ship sanctuary for ten days and I was asked by staff of the hospital whether I'd be okay with their sending a Marine or a Naval officer to my parent's home to tell them that I'd been wounded but I was coming home. Fearing that my parents would think the worst, I said, 'No, is there any other way?' They said, 'Well, when you're ambulatory you can go up to the bridge, get on a ham radio. You can call home', and be patched through Hawaii and through someplace in the upper Mid-West of the United States, back to my parent's home in Virginia. That's what I did and I can't tell you how relieved my parents were to hear me through a ham radio call where I said, 'Over,' so they switched it back and then my parents would say something and they would say, 'Over.' But our ham radio operators are truly extraordinary and I salute them. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Bill Crowley, Eric Emery, Bill Mann, and George Szadis of Ham Radio Operators of Maine. Would they please rise and accept the greetings of the entire Maine Senate.

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish the Permanent Commission on the Status of Racial and Ethnic Populations"

H.P. 582 L.D. 777

Reported that the same be **REFERRED** to the Committee on **LABOR AND HOUSING**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR AND HOUSING**.

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

REFERRED to the Committee on **LABOR AND HOUSING**, in concurrence.

The Committee on **TRANSPORTATION** on Bill "An Act To Advance Children's Cancer Research in Maine"
H.P. 774 L.D. 1044

Reported that the same be **REFERRED** to the Committee on **TAXATION**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **TAXATION**.

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

REFERRED to the Committee on **TAXATION**, in concurrence.

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 206 L.D. 282

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission (EMERGENCY)

H.P. 25 L.D. 24

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-76)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-76)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-76) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Create the Water Resources Planning Committee"

H.P. 162 L.D. 199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-87)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-87)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-87) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Rabbit Production for Local Consumption"

H.P. 694 L.D. 939

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-88)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-88)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-88) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)

H.P. 159 L.D. 196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-75)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-75)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-75) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority (EMERGENCY)

H.P. 292 L.D. 383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-74)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-74)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-74) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Allow for Greater Flexibility in Addressing Energy Efficiency Needs in the State"

H.P. 307 L.D. 398

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-73)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-73)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-73) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 85 L.D. 99

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-63)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-63)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-63) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support the Northern New England Poison Center"

H.P. 550 L.D. 745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-67)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-67)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-67) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Thanksgiving Youth Turkey Hunting Season"

H.P. 34 L.D. 33

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-68)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-68)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-68) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Provide a Source of Funding for the ATV Recreational Management Fund"

H.P. 175 L.D. 212

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-86)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-86)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-86) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase the Number of Clubs in Penobscot County That May Be Issued a Special Dog Training Area License"

H.P. 385 L.D. 528

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-69)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-69)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-69) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR AND HOUSING** on Bill "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers"

H.P. 121 L.D. 139

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-82)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-82)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-82) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act To Establish a Temporary Terminal Condition Medical Allowance for Lobster and Crab Fishing License Holders"

H.P. 266 L.D. 340

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-70)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-70)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-70) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Charter of the City of Brewer High School District"

H.P. 451 L.D. 623

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-71)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-71)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-71) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Ensure the Availability of In-person Visitation in County Jails"

H.P. 572 L.D. 767

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

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
MORALES of South Portland
RECKITT of South Portland
SHARPE of Durham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-65)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

COREY of Windham
COSTAIN of Plymouth
JOHANSEN of Monticello
PICKETT of Dixfield

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

Reports **READ**.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. This is a divided report on An Act to Ensure the Availability of In-person Visitation in County Jails. I move Ought to Pass.

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

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

Senator **DESCHAMBAULT:** Well, things have been hitting the desks pretty hard here today. I'd like to advise the whole Senate on this. This is a bill that keeps coming up, I think, every session. Just about. But the way it is written this time it's obviously a very appropriate State policy that we should be working on. The bill's sponsor worked very diligently with the Sheriffs Association in writing this bill. I want to explain that before this bill was written, or as it was being written, I have here probably 20 pages of a Survey Monkey that was sent to every sheriff about how they proceed with their visitations. From that there were meetings to develop, again, this bill. The bill does require that every sheriff, or every department, provide in-person visitation for county jail prisoners. However it does allow for certain conditions and limitations. In-person visitations may be denied if the sheriff finds that the in-person between the prisoner and the visitor jeopardized the safety of the jail or if the jail is unable to provide a safe environment location or they're unable to allow any physical contact. So there is an out, but it does say. It's very important, once you are in jail, especially the county jails, you're there for 9 months sentence and we know what it means to have family contact and visitations. Many of those are for non-violent offenses, driving offenses, and to not provide in-person visitation is something that needs to be looked at. I want to also state that the Maine Sheriffs Association supported the bill, except for one sheriff who testified against it. I'd like to read a little about what the Sheriffs Association testified. They first stated they opposed the original version in the 128th. It died. 'However we supported the final amended language which is reflected in this bill. This language addresses the concerns expressed by the Maine Sheriffs Association about contraband coming into our jails. Additionally it allows the sheriff to determine if their facility is unable to provide a safe environment.' I conclude that they also said that this is an excellent example of Maine lawmakers working collaboratively with Maine sheriffs to construct a responsible bill that addresses the basic human needs of our inmates to spend time with their families. They unanimously supported this bill and this was read to us on behalf of the Maine Sheriffs Association by Sheriff Young of Piscataquis County. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is a dangerous bill. It represents visitation in the jails and, you know, I went to work for Kennebec County Jail as a Corrections Officer and got trained at the Academy as a Corrections Officer. Then I went as a Program

Coordinator. I set up all the programs for the inmates. I did that for two and a half years and I also was Assistant Jail Administrator for two and a half years. I've been a Deputy Sheriff for 25 years. This bill is look from the outside in, not from the inside out. We have to look at the safety for officers inside the jail and we have to look at the safety for the inmates inside the jail. If you allow visitations many times you've heard of maybe some inmate overdosing, or maybe getting stabbed, or maybe some incident that happens with shanks or items getting inside the jail. This is weakening our visitations so that more can get in. The language that they are proposing is to put in that you 'shall' instead of 'may' for the sheriffs to have this decision. The amendment authorizes, that I'd like to see, would change from what this bill is trying to do right now. Instead of requiring, as in the bill, the sheriffs of the county jail to provide for in-person visitation between a prisoner and a visitor of the prisoner subject to any conditions and limitations required for the safety and security of the jail as determined on a case-by-case basis by the sheriff. This would take that away, the current bill that's on the screen. So, you know, I've done a class at the Academy and I was chosen with another individual to go up front of the class and we hid four items on my person, and I went and did a roleplay for exchanging items in front of the class to see if they could pick it out if I did it. All four items I was able to get to the person without 30 some odd class members, that would be like this Senate right here, watching and could not see me exchange those four items, and they did not see one of them exchanged. That was from drugs to a paperclip to different items, one actually was a little jackknife, and they did not see it happen. I heard about driving offenses. That's not what this is about. This is about a sheriff being able to elect whether that person is a danger, or has drug background, where there may be a situation where he may feel that this is not idea for this individual to have that visitation. It's all nice if we could do visitations for everyone, but we have to look at what is safe for the people inside the jail. I don't think, you know, you would like it if you had a relative that got stabbed inside the jail and they say, 'How did they get this item?' or if you had somebody overdose that you knew was a drug addict and they were a member of your family and they said, 'How did they get drugs in the jail to overdose?' This is what this bill is doing. It's weakening and allowing that to happen. So I suggest, from my experience, to go with the amendment. Also the Sheriffs Association, I just spoke with Mary-Anne LaMarre, who is the person representing the Sheriffs Association, agrees with me this morning and said that they need Amendment "A" and not to go with this bill. There was only one sheriff out of the Sheriffs Association that was kind of on the fence for this bill as it is presented. So we need to support our sheriffs and there are 15 sheriffs that are for the Amendment "A". So follow my light please.

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

Senator **CARPENTER:** Thank you, Mr. President. I disagree with my good friend from Kennebec County where, by the way, they have in-person visitation both with and without physical contact today. Senator Deschambault talked about it, if any of you want to look and see what your sheriff does. I don't know whether the Sheriffs Association has changed their position or not. What I do know is after the last session of the Legislature they sat with the sponsor of this bill at length and worked this bill

out and they came in, in person, with written testimony and supported the bill. It sets up a default position. It says you've got to have in-person visitation except any case that is not safe, anyplace where it is not secure, you don't have to do it. It does make the jailor arguably, or the sheriff, work a little bit harder and say, 'You can have in-person but you can't because you're more dangerous.' If they can back that up that's fine. But they don't have to allow in-person visitation to everybody coming into the jail. That's just not accurate. All the amendment does is says - it's completely spurious because what it says is you can do what you're doing now. You may allow. Most of them are already allowing it. So I think this is a bit of an overblown situation. It leaves the authority to give contact visitation or not right in the hands of the sheriffs and they can make the determination if they wish. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, Senator Carpenter said many of the things I was going to say. I was sitting here reading the bill and it seemed to be exactly what Senator Cyrway was saying, that they need to have some flexibility. The part that I just remind everyone of is that these are jails. These are terms of less than a year. These are people who are just going to be - they made a mistake, they'll be out of the community for a very short period of time. We want to maintain their humanity so they come out and reconnect with everybody and don't stay on a path that will have them down in my constituency in Warren soon. I think without the amendment we're just fine in protecting the rights of the jailors, the protection of the jail, and the humanity of the prisoners. Thank you.

On motion by Senator **DOW** of Lincoln, 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'm just speaking from experience working inside the jail. I just heard one of our Senators say this is only a year's sentence. Well, it's not a sentence of a year. These people are just as harmful, if not worse, than when they go to a prison. Some of them are murderers. Some have sexual history of - I had one with over 38 courts and he was all over the United States. I've had some serious felons where they did armed robberies, where we had to have U.S. Marshals to take them to other states. We've had some that are very, very dangerous people. That is a temporary hold. It is not just a mere driving incident or something like this. These are situations that we are dealing with. When you talk about a visitation where it could mean a danger to a corrections officer, or to other inmates that may just be in there for driving, we have to look at their security and their safety. This is a very serious bill. I can't say it strongly enough, and when the Sheriffs Association, all except for one that was kind of on the fence, is saying to you that this is not a good bill the way it stands I would listen. They have the experience and I heard it this morning. This is not - and I've asked to table and it has been tabled. So I think this is really something to take

serious and I think if you can follow my light you will be saving, maybe, a corrections officer's life or another inmate's life. So thank you and follow my light.

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

Senator **DESCHAMBAULT:** Thank you. Well, from someone that has also worked inside, I know that this does work and should work in the county jails. In the State facilities there are contact visits but there are also non-contact visits. How that's decided is by classification and that's what the sheriffs, it's not really case-by-case, you can classify based on the crime, based on their behaviors. If anything it improves the inmate's behaviors. Rather than talk to Mom on a video, if they knew if they kept their nose clean that they could see their mother or their children or their wife face-to-face, sitting across from one another, it does promote good behavior. That's one thing. I've seen it, and the other thing is we're just talking a few months they're in the county jail. They're away from their families. They've lost their jobs. It just needs that contact. As far as the Sheriffs Association, all I can tell you is that since last summer, I believe, they've been meeting with the sponsor. I was told that the sponsor has met with each sheriff individually. Pros and cons on how best to this and it can be done. It's called classification; who can have it and who can't, who loses it, who wins it. That's the way it should be done. So I would urge you to - I just don't understand the change. I think what this bill really does is it tells every county jail that they should at least have a provision for face-to-face visitation and not rely on all these other video or what have you. So I would urge you to follow my light. I've been there. I know it works and I think we deserve to do it for the county jails also. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#41)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Regional School Leadership Academies"

H.P. 315 L.D. 406

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-84)**.

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-84)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-84) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Funding for the Naval Museum and Gardens in Brunswick"

H.P. 454 L.D. 626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-64)**.

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-64)**.

Reports **READ**.

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

On motion by Senator **DOW** of Lincoln, 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 Millett.

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this bill is a simple matter. It would simply request a whopping \$5,000 in seed money to aid in providing a historical commemoration and preservation of the history of Maine's maritime patrol aviation, highlighting role of the

Brunswick Naval Air Base. In 2015, with the help of the Mid-Coast Redevelopment Authority, the museum was able to purchase the former Navy Chapel to house the collection and create educational space. The Naval Museum and Memorial Garden is a 501C3 organization and has set an ambitious initial fundraising goal of \$770,000. These funds will bring the chapel up to code and help establish the educational spaces. I would ask you to support this effort. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#42)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-64) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Eating Establishments To Permit Smoking Tobacco in Designated Outdoor Eating Areas" H.P. 325 L.D. 416

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

Signed:

Senators:
GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-62)**.

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Strengthen Small Businesses in Rural Maine by Changing the Minimum Wage"

H.P. 334 L.D. 425

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

Signed:

Senators:

BELLOWS of Kennebec
GUERIN of Penobscot
LAWRENCE of York

Representatives:

SYLVESTER of Portland
AUSTIN of Gray
BRADSTREET of Vassalboro
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
MORRIS of Turner
PEOPLES of Westbrook
RYKERSON of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-85)**.

Signed:

Representative:
LOCKMAN of Bradley

Comes from the House with the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill
"An Act To Promote Youth Employment"
H.P. 440 L.D. 612

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

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:
SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by**
Committee Amendment "A" (H-80).

Signed:

Senator:
GUERIN of Penobscot

Representatives:
AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Comes from the House with the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill
"An Act To Help Small Businesses by Establishing an Alternate
Minimum Wage"

H.P. 544 L.D. 739

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

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:
SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

The Minority of the same Committee on the same subject
reported that the same **Ought To Pass as Amended by**
Committee Amendment "A" (H-81).

Signed:

Senator:
GUERIN of Penobscot

Representatives:
AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Comes from the House with the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill
"An Act To Balance Maine's Minimum Wage for Small and Large
Employers"

H.P. 604 L.D. 830

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

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-79).**

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Increase Accountability for Wage Violations" H.P. 631 L.D. 857

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-78).**

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-78).**

Reports **READ**.

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

On motion by Senator **DOW** of Lincoln, 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 Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. My objection to this bill is not that there are any penalties at all. My objection is it violates one of the rules that I use in figuring out what penalties to use and I must admit I go back to biblical rules. The phrase 'an eye for an eye and a tooth for a tooth' has always been thought of as revenge, but it isn't. What it amounts to is that the penalty must fit the crime and here we're asking to change the penalty by five times the amount of it used to be and that's my objection. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, most employers play by the rules and this bill does not apply to them. This bill applies to a small minority of businesses who don't play by the rules, who fail to pay their workers that final check or, worse, pay their workers less than the minimum wage, who are guilty of wage and hour violations. The Roman Catholic Diocese of Portland gave very compelling testimony in favor of this bill and I quote: 'The economy truly does exist for the person and not the other way around and if we truly believe that economic life should be shaped by moral principles then the economic choices we make must be judged by how well they protect the life and dignity of the person.' The testimony went on to say: 'This bill is needed to protect the dignity of workers.' What the bill does is increase the fines for wage theft from \$100 under the law today to \$500. It gives the Department flexibility for subsequent violations to be between \$500 and \$2,500. It increases by four the number of labor and safety inspectors at the Department of Labor. I urge you to vote Ought to Pass.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, we certainly all want employees to be paid fairly. I stand in opposition to the pending motion on the grounds that the increase in fines is too great, it adds four new positions for investigations and it removes the discretion of the Department of Labor. L.D. 857 increases the fine for a business wage violation from a straight \$100 to \$500 for the first violation and up to \$2,500 for each subsequent violation, even when in the case of a multiple employee violation that was unintentional, such as a computer error that caused many violations at the same time for different employees. The bill also has another provision that perhaps is even more concerning. L.D. 857 removes the discretion of the Department of Labor to waive or reduce the fine in extenuating circumstances, such as the clerical error or other non-intentional violations. Please join me in voting against the pending motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#43)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-78) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Restore the Former State of Maine Flag"

H.P. 508 L.D. 687

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-72)**.

Signed:

Senator:

CLAXTON of Androscoggin

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
HEAD of Bethel
PEBORTH of Blue Hill
RISEMAN of Harrison
VEROW of Brewer

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

KINNEY of Knox
REED of Carmel
TUELL of East Machias

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-72)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-72) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Improve Access to Property Tax Exemptions for New Homeowners"

H.P. 404 L.D. 560

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-77).**

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
CLOUTIER of Lewiston
DENK of Kennebunk
KRYZAK of Acton
MATLACK of St. George
TERRY of Gorham

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
MAREAN of Hollis
STANLEY of Medway
STEWART of Presque Isle

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-77).**

Reports **READ.**

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

Senate

Ought to Pass As Amended

Senator CLAXTON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Local Referendum Ballots"

S.P. 17 L.D. 53

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-41).**

Report **READ** and **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-41) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator LUCHINI for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Strengthen the Integrity of the Legislature by Extending the Waiting Period before Legislators May Engage in Any Amount of Compensated Lobbying"

S.P. 29 L.D. 76

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-43).**

Report **READ** and **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-43) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator LUCHINI for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Beano"

S.P. 45 L.D. 158

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-42).**

Report **READ** and **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-42) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the National Popular Vote for President of the United States"

S.P. 252 L.D. 816

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

Signed:

Senators:

CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
STROM of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-44)**.

Signed:

Senator:

LUCHINI of Hancock

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell

Reports **READ**.

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

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

ENACTORS

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

Emergency Measure

An Act To Increase Opportunities for Hunters, Anglers and Sporting Camps by Extending the Seasons on Upland Game
S.P. 77 L.D. 265
(C "A" S-26)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 38: Suicide Awareness and Prevention in Maine Public Schools, a Major Substantive Rule of the Department of Education

H.P. 83 L.D. 97
(C "A" H-45)

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

Acts

An Act To Increase the Amount of Time School Counselors and Social Workers Spend Providing Students Direct and Indirect Counseling

S.P. 59 L.D. 247
(C "A" S-29)

An Act To Clarify Liquor Label Approval and Registration Requirements

S.P. 66 L.D. 254
(C "A" S-27)

An Act To Protect Job Applicants from Identity Theft

H.P. 229 L.D. 305
(C "A" H-47)

An Act To Allow Flexible Business Hours for Certain Agency Liquor Stores

S.P. 106 L.D. 365
(C "A" S-22)

An Act To Amend the Archives and Records Management Law

H.P. 378 L.D. 521
(C "A" H-52)

An Act To Change Municipal Campaign Contribution Limits

S.P. 224 L.D. 780
(C "A" S-21)

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

An Act To Provide Funding to the Department of Health and Human Services To Support Free Health Clinics in the State

H.P. 144 L.D. 181
(C "A" H-11)

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

An Act To Raise Juror Pay to \$50 per Day
S.P. 91 L.D. 279
(C "A" S-24)

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

Bill "An Act To Create and Sustain Jobs through Development of Cooperatives and Employee-owned Businesses"
S.P. 469 L.D. 1520

Tabled - April 11, 2019 by Senator **HERBIG** of Waldo

Pending - **REFERENCE**

(Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** suggested and ordered printed.)

On motion by Senator **HERBIG** of Waldo, **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

Bill "An Act To Amend the Maine Uniform Building and Energy Code"
S.P. 480 L.D. 1543

Tabled - April 11, 2019 by Senator **BELLOWS** of Kennebec

Pending - **REFERENCE**

(Committee on **LABOR AND HOUSING** suggested and ordered printed.)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit the Use of Certain Disposable Food Service Containers"
H.P. 213 L.D. 289

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-49)** (6 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-50)** (5 members)

Tabled - April 11, 2019 by Senator **CARSON** of Cumberland

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)** Report, in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49) AS AMENDED BY HOUSE AMENDMENT "A" (H-55)** thereto.)

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

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

Senator **CARSON:** Thank you, Mr. President. Just very briefly, I think we all know the perils of polystyrene, how it stays in the environment, if not forever, for hundreds of years; how it can't be recycled; and the other problems that it has. I want to report that I had a brief conversation with the plant manager of Huhtamaki, the former Keyes Fiber plant, in Waterville yesterday. That plant has been in business putting Maine people to work since 1903. Huhtamaki makes recycled and recyclable paper products, including single use food containers. They buy newsprint on the open market, bring it to Maine, make pulp out of it, and make trays for multiple cups of coffee or other beverages. They make food trays that are both from recycled content material and compostable and, importantly, they make some, but not all, of the single use food containers such as paper plates. They are safe. They are from recyclable material. They are recyclable themselves and Huhtamaki in Waterville, Maine puts 500 men and women to work with good paying jobs. I urge you please to follow my light and vote Ought to Pass.

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

Senator **TIMBERLAKE**: Thank you, Mr. President. I think I was in error. Not that you've ever made one, but I have. I wasn't supposed to request a roll call. Can I withdraw the roll call on that one?

Senator **TIMBERLAKE** of Androscoggin requested and received leave of the Senate to withdraw his request for a roll call.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)** Report, in concurrence

Bill **READ ONCE**.

Committee Amendment "A" (H-49) **READ**.

House Amendment "A" (H-55) to Committee Amendment "A" (H-49) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-49) as Amended by House Amendment "A" (H-55) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49) AS AMENDED BY HOUSE AMENDMENT "A" (H-55)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Law Governing MaineCare Coverage of Chiropractic Treatment"
S.P. 41 L.D. 154

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-37)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - April 11, 2019 by Senator **GRATWICK** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

Senator **GRATWICK** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-37) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

SENATE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act To Create a Youth Wage"
S.P. 244 L.D. 808

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass** (5 members)

Tabled - April 11, 2019 by Senator **BELLOWS** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

On motion by Senator **DOW** of Lincoln, 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 Timberlake.

Senator **TIMBERLAKE**: Thank you, Mr. President. Ladies and gentlemen of the Senate, some people would think that maybe this bill was put in to save businesses money and the reason this bill was put in was not to save a business one penny. This was to, hopefully, let younger adults actually get a job because with what's happening in today's world of minimum wage and so forth going up so fast and they not being able to do an awful lot of jobs in a lot of businesses, whether it be mowing the lawn or sharpening chainsaw chains or blades or pumping propane, which they can't do. None of those things they can do or drive. There're a lot of reasons now that business aren't hiring younger kids like they used to. This is a very simple thing. It just rolls back minimum wage to kids under 18 years of age that are in school to 75% of ever the minimum wage is. If we want to protect our youth and to help our youth grow and learn the value of the dollar and to learn responsibility it's been a great experience for them. There are a lot of businesses that I talked to within my district that are not hiring as many youth as they used to because if they're going to pay that amount of money they'd rather hire an adult. I just look at this as way to help our kids. I get an awful lot of youth that come up to me and ask me, you know, what we can do. Our family hires youth and we're paying the wages and we're doing things, but there's a lot more that could be done and more that could be hired. In one business strip in Turner alone there is about five less youth working than what there used to be. When you go to talk to the businesses that are hiring them, most of them have to do with the raising of the minimum wage and having to pay that much. I ask you to oppose the pending motion and follow my light and I just thank you for the time. Thank you.

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

Senator **BELLOWS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I urge you to follow my lead and accept the pending motion of Ought Not to Pass for three reasons. First and foremost, we should not be placing into the law discrimination of any sort, including discrimination based on age. Our U.S. Constitution guarantees equal protection under the laws and that includes everyone. But it's not just a civil right issue. There's a real pragmatic aspect of this as well. Should we codify sub-minimum wage for youth we would, inadvertently, create discrimination against older adults because we'd create a preference for hiring young people over seniors who might need that part-time work. Third, this bill fails to recognize that there are young people who are working not for pocket change but because they have to. All people should be treated fairly, should earn equal pay for equal work. Let's not codify discrimination into the law. I urge you to join me in voting Ought Not to Pass.

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

Senator **GUERIN**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I would like to ask your indulgence and have you look back in your memory for a moment to your first job. My first job was a lot more fun than it was work. I really enjoyed it. I had almost total flexibility of when I would come to work or when I would not come to work. If my family went on vacation I was allowed to go. I really had a lot of fun at that job. Now I'd like to have you look forward to a job you had as a young adult, maybe a college student or someone who went to work after high school. Those jobs, for me, were a lot more serious in their commitment. My family went to Niagara Falls, I remained back at my job and sorely missed the freedom of those flexible first jobs. I ask you to look at those two scenarios in your life and think about if you were an employer if that training type job worth the same amount as someone who is a more seasoned worker. In this time of near full employment, I would urge you to vote against the pending motion and support the idea of a youth wage that would encourage employers to hire our young people for their first, hopefully, fun job. 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, I think back when I was young and I started when I was like 10 or 11 years working, and I don't think I'd measure up to somebody at 20 or 21 or 18 at that age. But I enjoyed working and I learned quite a few things. In fact, when I was like 13 I think I learned how to back up a ton and a half truck before I could even go forward with it out in the cornfield. I learned a lot of different measures and how to plant and how to do a lot of different things. Also I went to work on other farms, a chicken farm. I went to work on delivering newspapers and doing different sort of works. Also, you know, when you think of sometimes piecemeal type stuff that you work. This is kind of mandating you're going to be at the same level as everyone and I think that this bill would have really helped young people to get a chance to get a work ethic and a work environment. So I'd like to just try to get these children a chance. Thank you and follow my light.

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

Senator **MILLETT**: Thank you, Mr. President. A good number of us in this Chamber are getting on in our years and I would say that the world today for our kids is not the world that we knew when we were younger. One of the major topics that we've dealt with over the last number of years in the Education Committee is affordability of higher education and for many kids these jobs aren't just to go out and experience or have fun driving around a tractor. It is a way to make their way forward in their life and in their future and I hope we will respect their efforts of putting their own skin in the game and making their way forward. Thank you, Mr. President.

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 (#44)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/11/19) matter:

SENATE REPORTS - from the Committee on **LABOR AND HOUSING** on Bill "An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas" S.P. 330 L.D. 1098

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-40)** (5 members)

Tabled - April 11, 2019 by Senator **BELLOWS** of Kennebec

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

On motion by Senator **KEIM** of Oxford, 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 Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I thank you for the indulgence to take a few minutes of your time to speak on the issue of minimum wage. I absolutely must share with you the realities that this arbitrary increase in cost has had on my area of Maine. L.D. 1098, an Act to Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas, is legislation that's similar to that what was enacted in Oregon and New York who implemented a different minimum wage based on rural versus urban areas. This is a sensible approach that recognizes Maine's different economic realities while preserving the current wage structure approach for the Portland area. There is a dramatic different economic reality in rural Maine than in the Greater Portland area. The landscape of Western Maine, the part of Maine that I am most passionate about, is being gutted of local corner stores, grocers, ice cream shops, the small Mom and Pops that are community hubs where you can grab a pizza, a whoopie pie, catch up on town gossip, and feel connected. That kind of store and business is disappearing and they will not be back. To make up for the increase costs the Mom and Pops are working 80 plus hours a week, they're cutting back employee hours and they're on a path to burn-out because they are willingly trading their very lives for the future success of their family business. Only big business that can find other ways to cut costs, like McDonald's and Burger King and Walmart, are the ones that are going to be surviving and that is a really sad picture for my area of Maine. Additionally, I'm very concerned about the most vulnerable population. The rising costs are hurting them. The elderly, the handicapped, the veterans, anyone living on a fixed income and rural Maine has a higher percentage of this population. Seniors have approached me and said their social excursions, their time to get out and be together, is being hampered by rising costs. They simply can't afford to go out for breakfast and coffee as often, which is easy to understand when you consider that average Social Security income in Maine is \$16,256 a year, and this does not increase because of our increase in minimum wage. This is a matter of fundamental economics. This bill would slow down the increase so that we would reach, in rural Maine, \$12 an hour in 2022. The current structure is simply too much too fast and we need a little extra time to let it filter through the system. I thank you for your time.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion, Ought Not to Pass, on this legislation. I'd like to share with you the consequences of the voter approved increase in the minimum wage in 2016. More than 100,000 workers saw a pay increase. It was for the first time in eight years. According to data from the U.S. Census Bureau, in that same year, at the start of the

minimum wage increase, 10,000 Maine children were lifted out of poverty, a greater number than any prior year in the previous decade. According to state and federal labor data from January to June 2017, employment actually grew in the state; 8,000 jobs were added statewide. Maine's unemployment rate remained under the national average. In fact, it has not exceeded 3.5%. It reached its lowest point a year ago at 2.6%. That unemployment underscores one of the greatest challenges in our state, and that is workforce shortages. My concern is if we create a differentiated minimum wage, lowering the minimum wage in rural parts of the state and having it remain high in more urban parts of the state, that is only going to exacerbate the flow of workers from more rural areas to more urban areas because if you are a young person in rural Maine and you know that you can get more money down in the Portland area and that the law, indeed, mandates that, it's basic economics that is going to contribute to the workforce shortages in our rural areas. I'd just finally like to say that not only have the number of jobs increased, not only has unemployment remained low, but, indeed, the number of hours has changed. Instead of losing hours 2018 data from Occupational Employment Statistics showed that on average Maine workers slightly expanded their schedules from 36.9 hours per week in 2016 on average to 37.1 hours per week in 2017. Indeed, similarly we did not see a huge increase in price inflation, rather grocery prices in Maine have fallen, according to the statewide data. So that's some of the statistics. I urge you to consider following my light and voting in favor of the Ought Not to Pass report. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am opposed to the Majority Ought Not to Pass report. Representing one of the poorest counties in the state of Maine, we can talk about data, facts. I offer anyone to take a ride up 201 through Bingham, Jackman, Moscow, and see the effects that this minimum wage has had on businesses and people are leaving. We talk about setting up the difference between rural and urban areas and non-urban areas. They are leaving because businesses, the opportunities, aren't there. I have very many constituents that would love to stay in rural Maine, in Somerset County. Because the businesses and the opportunities are going they are moving for other opportunities outside to the urban areas. We need to slow down. It is hurting us. We can look at facts and studies and reports. Come spend a weekend with me. I'll take you through Somerset County and show you what the effects this is having and it's devastating. Thank you, Mr. President.

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 (#45)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Continue Authorization of Seaplane Landings on Katahdin Lake"

H.P. 1136 L.D. 1574

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 Untraceable and Undetectable Firearms"

H.P. 1131 L.D. 1569

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 Assist Nursing Homes in the Management of Facility Beds"

H.P. 1139 L.D. 1577

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 Relating to Surgical Technologists and the Practice of Surgical Technology"

H.P. 1144 L.D. 1582

Comes 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 To Allow Municipalities To Stock Ponds in Their Areas with Fish"

H.P. 1141 L.D. 1579

Comes 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 Clarify Provisions of the Maine Juvenile Code Regarding Inspection, Disclosure and Dissemination of Juvenile Case Records and To Change Gender-specific Terms"

H.P. 1135 L.D. 1573

Bill "An Act To Improve the Freedom of Access Laws of Maine"

H.P. 1137 L.D. 1575

Bill "An Act To Protect Licensing Information of Medical Professionals"

H.P. 1142 L.D. 1580

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 To Enact the Maine Fair Chance Housing Act"

H.P. 1134 L.D. 1572

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

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

Bill "An Act Authorizing the Deorganization of Magalloway Plantation"

H.P. 1130 L.D. 1568

Bill "An Act To Restore County Tax Appropriation Integrity"

H.P. 1143 L.D. 1581

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 Improve the Department of Corrections' Response to Emergency Situations by Including Vehicles Operated by Certain Department Employees in the Definition of Authorized Emergency Vehicles"

H.P. 1138 L.D. 1576

Bill "An Act To Improve Administration of the Maine Aeronautical Advisory Board and the Public Transit Advisory Council" (EMERGENCY)

H.P. 1140 L.D. 1578

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.

Bill "An Act To Allow Residents To Register Online To Vote"

H.P. 1132 L.D. 1570

Bill "An Act To Establish the Exclusive Right of the Federally Recognized Indian Tribes in the State To Conduct All Sports Betting in Maine"

H.P. 1133 L.D. 1571

Bill "An Act To Enact the Maine Citizens' Initiatives Clean Election Act"

H.P. 1145 L.D. 1583

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.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1128

JOINT RESOLUTION RECOGNIZING THE BOY SCOUTS OF AMERICA FOR ITS PUBLIC SERVICE AND ITS CONTRIBUTIONS TO THE LIVES OF THE NATION'S YOUTH

WHEREAS, scouting is the largest voluntary youth movement in the world, with a membership totaling more than 38 million; and

WHEREAS, the Boy Scouts of America is an organization that was incorporated on February 8, 1910 and recognized by federal charter on June 15, 1916 to provide an educational program for boys and young men to build strong moral character, learn the responsibilities of participatory citizenship and develop personal fitness; and

WHEREAS, the Boy Scouts of America teaches the core values of duty to God and country, personal honor, respect for the beliefs of others, volunteerism and interdependence with the environment, values that are conducive to good character, citizenship and health; and

WHEREAS, since 1910, more than 111 million people have been members of the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has enhanced the lives of millions of children and young persons from every ethnic, religious and economic background, including those with disabilities and special needs, who participate in scouting programs across the United States; and

WHEREAS, each local Boy Scout Council charges each scout with performing 12 hours of community service yearly, for a total of 14 million community service hours worth over \$344 million in 2018; and

WHEREAS, more than one million adult volunteer leaders selflessly serve young people in their communities through organizations chartered by the Boy Scouts of America; and

WHEREAS, the Boy Scouts of America has always affirmed faith in God as foundational and essential to its purpose and mission, animated by Lord Baden-Powell's insight that "God has given us...the great Book of Nature to read"; and

WHEREAS, last year 141 young men earned the Eagle Scout rank in Maine, and since 1916 more than 7,000 young men have earned the Eagle Scout rank in the Pine Tree Council; and

WHEREAS, the Boy Scouts of America enjoys a sustained record of proven success in producing leaders for our nation who are trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the Boy Scouts of America and express our appreciation for the public service it performs through its contributions to the lives of the nation's youth.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1129

JOINT RESOLUTION RECOGNIZING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON APRIL 16, 2019

WHEREAS, for over a century, the Girl Scouts of the United States of America organization has inspired millions of girls to lead with courage, confidence and character; and

WHEREAS, Girl Scouts is the preeminent leadership development organization for girls, offering every girl a chance to practice for a lifetime of leadership, adventure and success; and

WHEREAS, through the Girl Scout Leadership Experience, girls develop skills and learn lessons that will serve them throughout their lives, assisting them to contribute to their communities and make the world a better place; and

WHEREAS, Girl Scouts drive positive change in their communities, contributing tens of thousands of service hours each year and earning Girl Scouts' highest awards, the Bronze, Silver and Gold Awards; and

WHEREAS, since 1916, the Gold Award, Girl Scouts' highest honor, has inspired the best and brightest Girl Scouts to find the greatness inside themselves and share their ideas and passions with their communities through sustainable Take Action Projects; and

WHEREAS, the Girl Scout Leadership Experience helps girls develop a solid foundation in leadership through core programs in science, technology, engineering and math and programs in environmental stewardship, healthy living, financial literacy and global citizenship; and

WHEREAS, Girl Scouts' outdoor experiences are an integral part of the Girl Scout Leadership Experience, with outdoor activities woven into the core leadership development program in such a way that girls feel comfortable trying new things and

testing their limits in order to gain confidence and acquire new skills in a safe and supportive all-girl environment; and

WHEREAS, Girl Scouts connects girls to a world of possibilities in a positive and inclusive all-girl, girl-led and girl-friendly environment, where girls are inspired to discover their passions and empowered to reach their full potential, guaranteeing future generations of independent female leaders; and

WHEREAS, with more than 2.5 million current members nationwide and nearly 60 million alumnae, and with 71% of female Senators, 59% of female members of Congress and 53% of women business owners being former Girl Scouts, Girl Scouts has ample living proof of the success of this amazing movement; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to commend the commitment Girl Scouts has made to support the continued advancement of girls in their roles as leaders here in our State and to send our appreciation by urging the citizens of the State to recognize the Girl Scouts of the United States of America on April 16, 2019.

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

READ and **ADOPTED**, in 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:

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Prevent Food Shaming in Maine's Public Schools" H.P. 130 L.D. 167

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-91)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-91)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-91) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED** until Thursday, April 18, 2019 at 10:00 in the morning in memory of and lasting tribute to Gabriel E. Stocco of Belgrade.

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Exempt Fraternal and Veterans' Organizations from Cribbage Tournament Licensing Requirements"
H.P. 35 L.D. 34

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-92)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-92)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-92) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Number of Agency Liquor Store Licenses Permitted in a Municipality"
H.P. 801 L.D. 1078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-96)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-96)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-96) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks
