

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
Friday
June 7, 2019

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

Prayer by Pastor Clint Compton, Kennebec Valley Assembly of God in Chelsea.

PASTOR COMPTON: Good morning. I was asked when I pray not to get political and to be respectful of other people's religious beliefs, so that's what I'm going to endeavor to do, except I might just say this, that politics, as you all are much more aware than I am, involves morality. You make laws, don't you? Laws that you expect to be obeyed. Laws that are obeyed have moral implications to them. In the request, it's a non-sectarian prayer which, I assume, means that a religious prayer of some sort. I've got to say, I became a Christian at 29 years of age. I've lived a rough life and one God that I know of changed my life. Took me out of drugs. Took me out of alcohol. Took me out of a dysfunctional relationships and completely transformed my life, in a long process and not an overnight situation. So I just want to say that I'm thankful to be here. It's awkward for me to be here. It's the third time I've been here but it's still very awkward to be in this place. You guys are going to have a busy year this year and there's been a lot of significant legislation that's been passed and you still have more to go from what I understand. So my prayer is for you. My prayer is that the will of God be done in this place, and that's what I'm going to pray in just a moment and not going to get radical and weird on you, so don't worry about that. But I do pray to just one God and I acknowledge that God, and Him only, and his son, Jesus Christ, as well as the power of the Holy Spirit. So let me pray, and I will be, I really want to be sensitive to the differences in this room, but I also want to be sensitive to the reality that there is a God and the decisions that we make effect people and you effect the people that you represent, that you effect also the children of this state. You affect the finances of this state. You play a very significant part of what goes on in this state. I just want us all to realize there is a God who is aware of the things that you're doing. It's to Him that we give account and give account we will. So issues like abortion, suicide; those are huge, heavy decisions and I suggest to you that God, Himself, has an opinion on that. It would be a good thing to find out what God's ideas are in regards to that is. I'm going to pray a prayer out of Matthew chapter 6, starting with verse 9. I would imagine, looking around this room, that all of you are familiar with this particular prayer because it's called the Lord's Prayer and I remember as a little boy praying this prayer and we mastered it in about 10 seconds. I don't think that that was the foundation that Jesus had, in that moment of giving this prayer when he was asked to teach us to pray. I really think what he was doing was giving the foundation, not just something to be replicated and repeated as fast as possible. But as little boys we didn't know any better. As adults we come to a deeper understanding. So I

just trust at this moment that God in His sovereignty, God in His mercy, as well as in His love and forgiveness, that He would just move in this moment in each of our lives and that maybe this prayer would have an effect. The prayer starts out like this: 'Our Father, in Heaven, hallowed be your name.' I just want to say, God, that You're in heaven, that doesn't mean You're not here. There's a scripture that says wherever two or three are gathered in my name there am I in the midst. So You're right here. We haven't forgotten, Jesus. So when you've given this word, we hallow Your name and You've given some places in the word of God about Your name. You said, 'My name is righteous.' You said, 'My name is holy.' You said, 'My name is provider,' and that's what you do, God. You do provide. We live in America. We've been given some of the greatest provisions in all the world that we could imagine. We thank You for that. You said that You are peace, that You are the God of peace. Lord, thank You that through Jesus there is peace that reigns in our heart through the many, many struggles and many, many difficult decisions and many things that are met with representing adversity in our life. It's a part of defining who you are. We thank You for Your power, Lord. So we say, 'Hallowed be thy name,' and we pray, God, to You that Your kingdom would come and that Your will would be done on earth as it is in heaven, just as things are in heaven, Lord. Some day the kingdom comes on its fullness and, Lord, we pray that even now, in this room at this moment, a part of that fullness would be released at this time, that there would be order, that there would be love, there would be forgiveness, there would be deliverance, there would be freedom, there would be healing as You promised there would be. So, Lord, we ask that Your kingdom come, the dominion of God, not the dominion just of the state of Maine or anyone else, Lord, but the dominion of the Creator, himself, eternal. That He would visit this room in this moment and every single life, because that's what Your desire is, God, and that Your will would be done, God, in this moment. It's a good will. It's a holy will. There's even a place that You say that You're not willing that any should perish but that all would come to eternal life. So, Lord, we pray the will of You be done on earth as it is in heaven. That You would give us this day our daily bread. Father, we need sustenance. We need provision. These folks are a part, right here in this room right now, of providing those things to us. Lord, may it come and may it be recognized that it comes from Your hand and Your abundance. The blessings that You place upon our life. Lord, provision the bread. Ultimately, Lord, the understanding of bread is sustenance, it's provision. The great sustenance I know to man is Jesus Christ who declared himself, 'I am the bread of life. Anyone who would eat of me would have eternal life.' So, Lord, we look to You. Forgive us our sins, Lord, as we forgive those who have sinned against us. Boy, there's a lot of controversy, God, about sin today. There's a lot of controversy about political opinions and a lot of war that goes on and a lot of animosities develop. Lord, what we pray is that right now an explosion of Your presence and Your power and Your goodness and Your mercy, Your love, Your peace would visit every one of our lives in a special and powerful, unique way. That it would reveal to us, Lord, the true author, the protector of our lives. Forgive us our sins, Lord. We make decisions many times out of greed, out of pride, out of arrogance, out of self-serving, out of a desire for our own personal comfort, and we're so thankful that Jesus didn't come to make himself comfortable. He came to give us life and give it to us more abundantly. So, Lord, we thank You. We learn to forgive others, God, because we've perpetrated enough against You, as well as

others. God, we forgive others. We let them go right now. Lead us not into temptation, Lord, but deliver us from evil. There is a temptation, God, to do things my way. There's a temptation just to trust in my own knowledge when You've got a bible there, Lord, that can explain to us all the ways of life. So, Lord, the temptation to trust me or to trust You, I pray that there would be something of Your spirit that would move this place, that would say I know what You would have to say about things, God, and I don't want to be led by evil. I want to be led by truth. I want to be led by righteousness. So I ask all that. Bless these folks today, God. May they make laws and may they search out things on committees and may they make decisions based on the will of You, God. In Jesus' mighty name. Amen.

Pledge of Allegiance led by Senator Paul T. Davis, Sr. of Piscataquis County.

Reading of the Journal of Thursday, June 6, 2019.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor

S.P. 202 L.D. 640

In Senate, June 5, 2019, **FINALLY PASSED** in **NON-CONCURRENCE**.

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

On motion by Senator **VITELLI** of Sagadahoc, the Senate **INSISTED**.

Non-Concurrent Matter

Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions"

S.P. 18 L.D. 54

In Senate, June 5, 2019, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) AS AMENDED BY SENATE AMENDMENT "B" (S-196)** thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132)**.

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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.

COMMUNICATIONS

The Following Communication: S.C. 566

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE

June 5, 2019

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

RE: Appointment of Jefferson T. Ashby of Presque Isle to the Maine Human Rights Commission

Dear President Jackson:

This is to inform you that I am today nominating Jefferson T. Ashby of Presque Isle for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA §4561, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Judiciary.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 567

STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA, MAINE

June 6, 2019

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

RE: Reappointment of Michael Wiers of St. Albans to the Maine Milk Commission

Dear President Jackson:

This is to inform you that I am today nominating Michael Wiers of St. Albans for reappointment to the Maine Milk Commission.

Pursuant to Title 7, M.R.S.A § 2952, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 568

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

June 6, 2019

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

RE: Reappointment of Colon Durrell of Farmington to the Maine Milk Commission

Dear President Jackson:

This is to inform you that I am today nominating Colon Durrell of Farmington for reappointment to the Maine Milk Commission.

Pursuant to Title 7, M.R.S.A § 2952, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Bonnie Holding, of Coplin Plantation, a Registered Maine Guide, who has received the Wiggie Robinson Legendary Maine Guide Award from the Department of Inland Fisheries and Wildlife. Ms. Holding is the first woman to receive this honor, which is given to a person who has been an active Registered Maine Guide for 10 years, with 20 years as a registered guide overall, and who is active in the local or outdoor community or serves on boards or committees that enhance and promote the importance of Maine's outdoor resources. We extend our congratulations and best wishes;

SLS 647

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: HEAD of Bethel.

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 and honored that Bonnie Holding of Coplin Plantation is able to join us this morning. Bonnie has been a Master Guide for over 30 years and has guided every year for each of those for the last 30. In 2008, Bonnie was honored with the Outdoor Life Magazine as one of the top four women Guides in the nation. Along with guiding, Bonnie has been a pioneer in Casting for Recovery, a national program that uses fly fishing and its related skills to help women recovering from breast cancer. Maine has the longest running Casting for Recovery program in the country thanks to her hard work and her dedication. Her leadership in this program has helped hundreds of women to cope with the exacerbating disease. Her tireless work has made Maine's Chapter of Casting for Recovery one that other states are in envy of. She has spent countless hours teaching many women the appreciation of fly fishing and gives them a moment to forget about their illness. In closing, I would like to thank her for everything she does and congratulate her on being presented with this most deserving award. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Bonnie Holding, Blaine Holding, Commissioner Judy Camuso, Christi Theriault, Bill Swain, Emily MacCabe, Warden David Chabot, Deputy Commissioner William Peabody, and Bruce Wilson. They are the guests today of the Senator from Franklin County, Senator Black. Would they all please rise and accept the greetings and congratulations of the Maine Senate.

Senate at Ease.

The Senate was called to order by the President.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, To Continue until August 3, 2019 Limited-period Positions Expiring in June 2019 (EMERGENCY)
H.P. 1310 L.D. 1840

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

Comes from the House, under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, without reference to a Committee, in concurrence.

Ordered sent forthwith to the Engrossing Division.

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

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd just like to take a moment this morning to recognize some folks in the back of the Chamber that, due to a tragedy that struck our community a while back, I got to know the family very well. Tom and Linda Cole, Tom's brother was Corporal Eugene Cole, and nephew Scott, who sang the National Anthem down in the House this morning, are here with us in the back of the Chamber. I just wanted to give a shout out and thank you for coming to Augusta and for all that you folks have done for our community. Thank you, Mr. President.

THE PRESIDENT: The Chair would very much like to recognize in the rear of the Chamber Tom, Scott, and Linda Cole, all of the town of Skowhegan. They're constituents and guests of the Senator from Somerset, Senator Farrin, and the entire Maine Senate. Would they please rise and accept the condolences of the Maine Senate.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator DESCHAMBAULT for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify Requirements for Assisted Living Programs Regarding Fire Safety Inspections"

S.P. 608 L.D. 1795

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator H. SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

S.P. 285 L.D. 995

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-225)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-225) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME**.

On motion by Senator **VITELLI** of Sagadahoc, 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 Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. I want to speak in strong support of L.D. 995, An Act to Establish a Student Loan Bill of Rights to License and Regulate Student Loan Services. This is an issue that I've been working on for several years. You have a fact sheet on your desk that I would point out to you for further information. I would say that student loan borrowers across Maine and the country who are actively trying to pay-down their

school debt are being blocked, mislead, and manipulated, or flat out lied to, by their loan servicers and that this is unacceptable. These companies are engaging in practices we would never tolerate from mortgage lenders, credit card companies, or banks. College graduates in Maine owe more than \$6 billion in loans. That's "B" with billion. One in five Mainers carry student debt. This student debt burden has led to fewer young people buying homes, starting a family, and saving for retirement. This crisis affects seniors too. In 2017, an estimated 21,000 Maine seniors, those are people my age, had student loan debt, an increase of 46% from 2012. Older adults still paying off loans they took out for themselves or their children are eating into the retirement savings and jeopardizing their future. Unlike other debt, student loans cannot be discharged. Social Security payments can be garnered to pay for these debts. The predatory practices of student loan services exacerbate the economic crisis this causes. Federal and private student loan borrowers of all ages report difficulty getting the information they need in an accurate, timely, and honest way to enable them to responsibly repay their loans and satisfy their obligations. Student loan services are largely unregulated. That means they get away with a wide variety of shocking, unethical practices, including lying about what programs public service workers qualify for, selling or buying other loans without telling borrowers how to access their accounts or even make payments, and steering borrowers towards forbearance when they're seeking income-based repayment options. It is clear to me that Maine needs to make sure that these companies have proper oversight to help protect our borrowers. L.D. 995 provides that oversight. It gives Mainers a place to get help when they need it and provides a mechanism to hold loan servicers accountable. I hope my colleagues will all see fit to provide overdue oversight to student loan servicers. Please follow my light in voting to pass L.D. 995. Thank you.

The Chair noted the absence of the Senator from Androscoggin, Senator **LIBBY**, the Senator from Aroostook, Senator **CARPENTER**, the Senator from York, Senator **LAWRENCE**, and the Senator from Cumberland, Senator **BREEN**, and further excused the same Senators from today's Roll Call votes.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#219)

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

NAYS: Senators: None

EXCUSED: Senators: BREEN, CARPENTER, LAWRENCE, LIBBY

31 Senators having voted in the affirmative and no Senators having voted in the negative, with 4 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED.**

Sent down for concurrence.

Senator H. SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Create the Drug Donation and Redispensing Program" S.P. 538 L.D. 1661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-227).**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-227) **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

Senator H. SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Mental Health Insurance Coverage Laws" S.P. 559 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-226).**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-226) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Reduce Property Taxes for Maine Residents" S.P. 51 L.D. 164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-231)**.

Report **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#220)

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

NAYS: Senators: HAMPER

EXCUSED: Senators: BREEN, CARPENTER, LAWRENCE, LIBBY

30 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 4 Senator being excused, the **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Eliminate the Double Taxation of Out-of-state Pensions" S.P. 298 L.D. 1019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-230)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-230) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Improve the Educational Opportunity Tax Credit" S.P. 352 L.D. 1164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-229)**.

Report **READ**.

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

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Promote Major Food Processing and Manufacturing Facility Expansion and To Create Jobs in Maine" S.P. 505 L.D. 1586

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-228)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-228) **READ** and **ADOPTED**.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools" H.P. 991 L.D. 1369

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

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 To Pass as Amended by Committee Amendment "A" (H-473)**.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

Reports **READ**.

Senator **MILLETT** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment"

H.P. 1071 L.D. 1464

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-477)**.

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

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

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

Signed:

Senator:

WOODSOME of York

Representatives:

FOSTER of Dexter
HANLEY of Pittston

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-477)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas" (EMERGENCY)

H.P. 16 L.D. 15

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-463)**.

Signed:

Senator:

HERBIG of Waldo

Representatives:

AUSTIN of Gray
CROCKETT of Portland
HARRINGTON of Sanford
HIGGINS of Dover-Foxcroft
PERRY of Bangor
STETKIS of Canaan

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

Signed:

Senators:

GUERIN of Penobscot
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
FECTEAU of Biddeford
HANDY of Lewiston

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-463)**.

Reports **READ**.

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

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'm sure there is not a person in this Chamber that does not realize the pressure that all Maine families are facing in our modern world. We are all pulled in different directions and family time is in short supply. My family business has seen this and opted not only to be closed on major holidays but we are also closed on Black Friday, which would obviously be a very busy retail day for our kitchen store. We've done this so our employees can travel to be with their families on Thanksgiving weekend and, importantly related to this bill, we have not seen any decrease in sales for the month as people shop before the holiday and after the holiday. Today we can protect special family time on Christmas, Thanksgiving, and Easter. These three days a year to strengthen Maine families is surely a worthy goal for all of us.

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 Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Women and men of the Senate, this piece of legislation is incredibly narrow. Currently, right now, grocery stores that are under 5,000 feet in Maine are allowed to be open on these holidays. I think it is a small amount of business but to some small Mom and Pops, particularly in rural areas, this is a great source of income for those businesses. With this particular law a grocery store that is between the size of 5,000 and 10,000 feet would actually have to go to their local town to ask for permission to be open on these days. I see this bill as having local control. I see this as affecting a small number of businesses but could have a huge economic impact. There are two very small grocers under 10,000 feet in Waldo County that would see a very positive impact if this bill were to pass. I would ask for your support.

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 (#221)

YEAS: Senators: BREEN, CARSON, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LUCHINI, MIRAMANT, POULIOT, SANBORN H, SANBORN L, PRESIDENT JACKSON

NAYS: Senators: BELLOWS, BLACK, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MILLETT, MOORE, ROSEN, TIMBERLAKE, VITELLI, WOODSOME

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

14 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **HERBIG** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines"
H.P. 38 L.D. 37

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-466)**.

Signed:

Senators:

HERBIG of Waldo
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft
PERRY of Bangor

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
STETKIS of Canaan

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-466)**.

Reports **READ**.

Senator **HERBIG** of Waldo 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#222)

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

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

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **HERBIG** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-466) **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 **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Increase the Minimum Grant Amount under the Maine State Grant Program"

H.P. 366 L.D. 509

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468)**.

Signed:

Senator:

HERBIG of Waldo

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft

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

Signed:

Senator:

GUERIN of Penobscot

Representative:

STETKIS of Canaan

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-468)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-468) **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 **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators

H.P. 668 L.D. 904

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Senators:

HERBIG of Waldo
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft
PERRY of Bangor

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
HARRINGTON of Sanford
STETKIS of Canaan

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-465)**.

Reports **READ**.

Senator **HERBIG** of Waldo 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#223)

YEAS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, 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

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **HERBIG** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Resolve **READ ONCE**.

Committee Amendment "A" (H-465) **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 **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute" H.P. 970 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Signed:

Senators:

HERBIG of Waldo
GUERIN of Penobscot
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
AUSTIN of Gray
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft
PERRY of Bangor

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

Signed:

Representative:

STETKIS of Canaan

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-467)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-467) **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 **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Attract, Build and Retain an Early Childhood Education Workforce through Increased Training, Education and Career Pathways"

H.P. 1146 L.D. 1584

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464)**.

Signed:

Senators:

HERBIG of Waldo
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston

PERRY of Bangor

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
HIGGINS of Dover-Foxcroft
STETKIS of Canaan

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-464)**.

Reports **READ**.

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

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#224)

YEAS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, 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

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **HERBIG** of Waldo to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-464) **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 Exempt Overtime Pay from Individual Income Tax"
H.P. 718 L.D. 963

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

Signed:

Senators:
CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:
TIPPING of Orono
BICKFORD of Auburn
CLOUTIER of Lewiston
DENK of Kennebunk
MAREAN of Hollis
MATLACK of St. George
STANLEY of Medway
TERRY of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-259)**.

Signed:

Senator:
POULIOT of Kennebec

Representatives:
KRYZAK of Acton
STEWART of Presque Isle

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

Reports **READ**.

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

Divided Report

Eight members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Energy Transmission Corridors" (EMERGENCY)

H.P. 985 L.D. 1363

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-437)**.

Signed:

Senators:
LAWRENCE of York
MIRAMANT of Knox

Representatives:
BERRY of Bowdoinham
DOUDERA of Camden
GRIGNON of Athens
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass**.

Signed:

Senator:
WOODSOME of York

Representatives:
CAIAZZO of Scarborough
FOSTER of Dexter
HANLEY of Pittston

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-438)**.

Signed:

Representative:
RYKERSON of Kittery

Comes from the House with Report "A", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437) AS AMENDED BY HOUSE AMENDMENT "A" (H-504)** thereto.

Report **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Divided Report

Eight members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities"

H.P. 1004 L.D. 1383

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-435)**.

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

BERRY of Bowdoinham
DOUDERA of Camden
GRIGNON of Athens
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay

Three members of the same Committee on the same subject reported in Report "**B**" that the same **Ought Not to Pass**.

Signed:

Senator:

WOODSOME of York

Representatives:

FOSTER of Dexter
HANLEY of Pittston

Two members of the same Committee on the same subject reported in Report "**C**" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-436)**.

Signed:

Representatives:

CAIAZZO of Scarborough
RYKERSON of Kittery

Comes from the House with Report "**A**", **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**.

Reports **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Senate

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands"
S.P. 411 L.D. 1323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-222)**.

Signed:

Senators:

DILL of Penobscot
BLACK of Franklin

Representatives:

HICKMAN of Winthrop
HALL of Wilton
KRYZAK of Acton
MAXMIN of Nobleboro
McCREA of Fort Fairfield
O'NEIL of Saco
PLUECKER of Warren
ROBERTS-LOVELL of South Berwick
SKOLFIELD of Weld

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

Signed:

Representative:

KINNEY of Knox

Reports **READ**.

Senator **DILL** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **BELLOWS** of Kennebec, 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 York, Senator Foley.

Senator **FOLEY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This original bill was a solution to a problem that was created by the Maine Supreme Court decision that rock seaweed attached to rocks on private property is the right of the property owner. Initially, I would not say that it's the purview of the Legislature to override a Supreme Court decision but the bill went a lot further than work session and it extended rights up and down the Maine coastline in the tidal zone. I was a Selectman in the town of Wells when the first case on intertidal land ownership was decided in Bell vs. Wells, the Moody Beach case, where the Supreme Judicial Court ruled that the property owners, through the Colonial ordinances, own their land to the low tide mark. While I was opposing that decision, I respected the law court's decision that they made and have since accepted that. That decision has been made in several cases up and down the Maine coastline, including the ones with the rockweed, including goose rocks, and including several others that say that the property owners have the right to their property. The biggest problem with this issue is if we pass this bill this will open up an enormous legal battle that will initially shut down the coastline of Southern Maine as property owners will take offense to this and will put up the no trespassing signs at the height of our tourist season. The town of Wells and many coastal towns in Southern Maine with coastal properties where sandcastles, walking, and sunbathing can be

done is because property owners and the towns work well together, cooperatively. To take a legislative Body to force them, to make them do that, will simply create a legal battle for which I don't think we or the State want to engage in. This is a takings of private property and the Constitution does clearly state that if we're going to take it by legislative fiat we need to pay for it.

We all received an email from a gentleman in Kittery who writes five very eloquent reasons why we shouldn't pass this, but one I will read for the record. His third one is from the legal perspective, 'L.D. 1323 raises Constitutional questions on Article 1, section 21, of the Maine Constitution, the act would amount to taking of private owned lands without compensating the private property owners. The law states private property shall not be taken for public uses without just compensation nor unless the public egress require it. L.D. 1323 may be in direct violation of the Maine Common Law which holds that coastal property owners own land out to the mean low tideline with a public easement restricted to only fishing, fowling, and navigation.' That was a decision of the Maine Supreme Court and it has held that in several cases that declared coastal intertidal zone belonging to the property owner. I would urge this Body not to pass this law. There was a simple solution to the problem with the rockweed. They could have entered into lease agreements with the property owners to harvest the rockweed under restricted conveyance so that they could control how much was being harvested and that would have solved this problem. But instead they went to the courts. The courts, from the lower courts all the way up to the Supreme Court, ruled for the property owner and I don't think that, as the third Body of government, we should be interfering with the Judicial decisions. Thank you, Mr. President.

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

Senator **DOW:** Thank you, Mr. President. I listened to the testimony. This bill is not about taking the land. This is regarding the public trust of the intertidal zone. The courts already agree that the property owners own the land but the public trust has to do with the rights of people to fish, fowl, and to navigate. When these rules were come across, invented, many centuries ago the taking of seaweed was not an industry back then. The public trust regards, we have a public trust because of the clamming industry, the worming industry, and other industries that hold the rights to those products because the land is held in a public trust. This bill originally was asking that we put seaweed as part of this public trust. The Committee Amendment added other things that had to do with recreation. But you can already clam in the intertidal zone. You need licenses from the town to do so. You already can do worming in the intertidal zone and there are other activities. You can hunt from the intertidal zone. You can fish from the intertidal zone. You can scuba dive because that's considered navigation. But under our antiquated rules you're not allowed to take seaweed.

I don't know if any of you, I'm not a gardener. I don't have a green thumb but I did have a person teach me the proper way to prune a bush and he said, 'If you get inside the bush and cut out all the dead material and open it up for the sunlight it will really grow.' Well, that's what happens when we cut part of the seaweed off. It opens up the bottom to sunlight and seaweed grows back even more and provides an even better area for all creatures that grow up in there also. So this bill originally was about asking for the right for people to get the seaweed and so I

would ask that you would follow my light and vote for this Committee Amendment "A".

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 opposition to the pending motion. I grew up in Hancock County, a couple of miles from the shore, and I spent my childhood on the coast. There are some misconceptions about what rockweed is and what role it serves in the ecosystem. Rockweed is the seaweed, the long strips that have the bubbles. It is fundamental to the ecosystem of our coast and it might not be a surprise to you that I was so passionate about marine biology that I worked for several years at the Mount Desert Island Biological Laboratory as a research assistant. So what I will say to you is that properly harvested rockweed is not a problem in the least bit, but some of what is happening is machine harvesting, stripping entire sections of rockweed, or repeated cutting of this resource. It takes 15 years for regeneration and will only regenerate if harvested appropriately. It could have catastrophic impact on our intertidal zones. Remember, in those tidal pools, rockweed creates and supports an ecosystem for our small crabs, for crustaceans, for the snails, and things that create and support our larger marine resources and some of our most important industries.

Now the most recent court case came about because a Canadian company was harvesting rockweed in Washington County and a landowner asked them to stop because of the techniques that they were engaging in and the harvester refused to do so. Now this is a company that employs only five people in Washington County and was seeking to strip this rockweed from this precious ecosystem. So that's where the court case started. I would just say that I know this is an important industry and responsible harvesters can get permission from landowners and work in collaboration with landowners to do this in responsible and ecologically sustainable ways. I would further say that in the absence of the law court decision, and should we move forward with this bill, there will not be sufficient checks and balances. In the '90s, growing up in Hancock County, the sea urchin industry was hot. It was a huge boom. There were a lot of jobs. People made a lot of money with sea urchins. Now there are no sea urchins. That industry has completely decimated. I would hate for our passage of this bill to result in a similar boom and bust cycle of the rockweed industry in our state. When the Maine Farm Bureau, the Maine Realtor's Association, the Nature Conservancy, and the Natural Resources Council of Maine joined together to ask us to support legislation because the Committee Amendment has become so complex and so objectionable to so many parties I think we should be very cautious about moving forward and overturning a law court precedent in this large and complicated way. I urge you to vote Ought Not to Pass.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to read to you a letter from the Attorney who represented Ross, the brothers, in the Acadia Sea Plant. In his opinion letter that he wrote to Christopher Nolan, the Director of the Office of Fiscal and Program Review, concerning the fiscal consequences of L.D. 1323. As I quote, he

says, 'I am writing regarding L.D. 1323, An Act to Revise the Laws Regarding the Public Trust in Intertidal Lands. L.D. 1323 was passed out of committee without any analysis of its fiscal impact, which would be substantial. Specifically, L.D. 1323 would result in multiple takings of private intertidal property rights that would require the State to pay just compensation to landowners along the entirety of Maine's coast. On its face, L.D. 1323 would grant to the public the right to conduct nearly any recreational or commercial use on private intertidal property. L.D. 1323 sets forth a number of uses of private intertidal land as examples of rights that it would grant to the public. However, the majority of the activities that L.D. 1323 would permit have been held by the Maine Supreme Judicial Court to be beyond the scope of the public's right to use private intertidal property. Most blatantly, L.D. 1323 states that the public is permitted to engage in seaweed harvesting on all intertidal land in the state. Just two months ago, the law court unanimously held the opposite. Rockweed attached to and growing in the intertidal zone is the private property of the adjacent upland landowner. Harvesting rockweed from the intertidal land is therefore not within the collection of rights held in trust by the State and members of the public are not entitled to engage in that activity as a matter of right. The Office of the Attorney General submitted written comments on L.D. 1323 stating the majority of the commercial uses set forth in L.D. 1323, which include the harvesting of seaweed, are not, or may not, be within the public's trust right. Accordingly, the OAG recommended deleting the entirety of L.D. 1323's provision purporting to grant the public the right to conduct commercial uses, including rockweed harvesting, on private intertidal land. The OAG's comments are attached to this particular letter. Thus, under common law, the public unequivocally does not have the right to harvest rockweed on private intertidal property. While it is true that the legislation has the authority to codify, alter, or advocate the common law, legislation that results in a taking of private property rights requires the State to pay just compensation. L.D. 1323 would cause a taking of, among other property rights, privately owned intertidal rockweed up and down the Maine coast. In order to accomplish that taking, the State would need to compensate every intertidal landowner whose land contains rockweed. Although rockweed is not a high value resource, it sells for about 4¢ a pound at the dock, a 2001 University of Maine study estimated that there are approximately one million metric tons of wet intertidal rockweed in Maine. That works out to be a very rough estimated dock value of \$88,184,000. That estimate does not appear to account for the rockweed growing on the significant coastline of Maine's islands. In addition to the compensation specific to the State taking of rockweed, L.D. 1323 would result in multiple other takings. If enacted, the statute would allow commercial uses, including but not limited to infrastructure related to aquaculture, fish, shellfish, and other marine organisms; installation of utility cables and pipelines; and the storage, rental, and sale of paddleboats and surfboards, kayaks, small boats, and related marine equipment on private intertidal property. Finally, the recreation use provision in L.D. 1323 is functionally the same as the 1986 intertidal recreational use statute that was invalidated as an unconstitutional taking in *Bell vs. Town of Wells*. L.D. 1323 would simply replace the invalidated recreational use in statute with new recreational use that suffers from the same constitutional defect, mainly the taking of property rights without just compensation. As discussed above, the majority of L.D. 1323 will require substantial State payment of just compensation

to landowners and will result in unconstitutional, non-compensated takings.' I encourage you to vote against L.D. 1323, the motion that's on the Floor. Thank you.

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, harvesting the bounty of the sea is a Maine tradition in the intertidal zone. Passing this bill will protect the jobs of 4,900 license holders of marine organisms that are regulated by the Department of Marine Resources. My son and his wife were seaweed harvesters before ocean harvesting was shut down. This was not something that was environmentally dangerous. I went out with them one hot summer day and thought I would try my hand at harvesting, and I can tell you it is very hard work. They use a rake that is a long-handled rake which is kind of thrown out into the water. They let me have a try at it and I could barely lift the rake into the boat. I was like, 'I don't know how you guys do this.' But they are like many Mainers, Downeast in Washington County, kind of free spirits that want to live life on their terms. They had entered into an agreement to buy a house from an owner down there and planned to live in Washington County. Washington County certainly needs more young families. But when the zone was shut down for their raking, this week they were forced to move to Rhode Island where my son, Peter, will be fishing offshore five days a week on a boat out of Rhode Island. So I would support the passing of this bill to bring my family home.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, this was one of those bills that I thought would start its way through the Agricultural Committee based on the submerged lands portion that was argued, that would find its way to the Marine Resources Committee where it should have had a consideration as well. We deal with these issues. We have presentations from the harvesters. We have regularly scheduled meetings with the different folks that fish, that harvest, that process. We have a body of knowledge to work. So I saw no way that this would stop in Agriculture, but it did and here's the recommendation. This recommendation falls short of all the areas that should have been considered. I want to encourage the landowners to work with the harvesters and get permission and make sure that best practices are followed. I don't want to see a law pass just so we can give the Supreme Court something to argue about. They'll find plenty of things to argue about. Let's get a good bill that works on the things we need and fix the things that need to be fixed and find ways to work together to do the best stewardship of our resources. As my colleague pointed out, we don't have a great track record with this. We need to very finely tune any fishery, any harvesting, anything that has to do with our oceans because we have decimated so many things in our oceans and we're not going to get a lot of second chances. Thank you.

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to make a couple of quick points. First is that the Attorney General does not see this as a takings bill and also I think it's been mentioned that there was a fiscal note. There is no fiscal note on this bill either. Just a couple of points of clarification. 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, this bill contradicts what we did with fiddleheads. It's attached to the ground. It grows. Same thing with the seaweed, the rockweed. It's attached to the rocks. It grows. What we're doing here, we should just have the land leased. If you're going to do a crop you lease the land. It would be very simple. This bill takes away that and we should not. I'm against this bill because of that reason. Thank you, Mr. President.

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 (#225)

YEAS: Senators: CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, DOW, GUERIN, PRESIDENT JACKSON

NAYS: Senators: BELLOWS, BLACK, BREEN, CARSON, CLAXTON, CYRWAY, DAVIS, DIAMOND, FARRIN, FOLEY, GRATWICK, HAMPER, HERBIG, KEIM, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

7 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **DILL** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Resolve

Resolve, To Continue until August 3, 2019 Limited-period Positions Expiring in June 2019

H.P. 1310 L.D. 1840

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

Senator **BREEN**: Thank you, Mr. President. I would like to draw your attention to Supplement 11, item 7-1. This is something we do every year around this time, as the end of the fiscal year nears. We have limited-period State employees who might be lay-off notices, so we are pushing out the date when those notices and those things might happen as we finish up the budget. So it's pretty simple. We just exempted it from the table, so we're good to go.

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Ordered sent down forthwith.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require Law Enforcement Officers To Wear Body Cameras"

S.P. 198 L.D. 636

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236)**.

Signed:

Senators:
DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Representatives:
WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
COSTAIN of Plymouth
MORALES of South Portland
PICKETT of Dixfield
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:
JOHANSEN of Monticello

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-236) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Provide Ready Access to Defibrillators in Businesses and Pharmacies"
S.P. 355 L.D. 1169

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-233)**.

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 Not To Pass**.

Signed:

Senator:
ROSEN of Hancock

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Uniform Building and Energy Code"

S.P. 480 L.D. 1543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-235)**.

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 Not To Pass**.

Signed:

Senator:
ROSEN of Hancock

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

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#226)

YEAS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, 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

EXCUSED: Senators: CARPENTER, LAWRENCE, LIBBY

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-235) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions" S.P. 573 L.D. 1724

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

Signed:

Senators:
DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Representatives:
WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
COSTAIN of Plymouth
MORALES of South Portland
PICKETT of Dixfield
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:
JOHANSEN of Monticello

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-234) **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 Prohibit Payment per Signature on Petitions for Direct Initiatives and People's Veto Referendums" S.P. 164 L.D. 499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

Signed:

Senators:
LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

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

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

Signed:

Representative:
ANDREWS of Paris

Reports **READ**.

On motion by Senator **LUCHINI** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-232) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act Regarding Utility Reorganizations

S.P. 495 L.D. 1560
(C "A" S-192)

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 10 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency Measure

An Act To Increase Funding for Career and Technical Education for Fiscal Year 2019-20

S.P. 98 L.D. 358
(C "A" S-190)

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

On motion by Senator **L. SANBORN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT**, in **NON-CONCURRENCE**.

Emergency Resolve

Resolve, To Improve Access to Bariatric Care

H.P. 140 L.D. 177
(C "A" H-472)

On motion by Senator **L. SANBORN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in concurrence.

Emergency Resolve

Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals

H.P. 890 L.D. 1229
(C "A" H-452)

On motion by Senator **VITELLI** of Sagadahoc, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

Emergency Mandate

An Act To Change the Name of Township 17, Range 3 to Van Buren Cove

H.P. 1067 L.D. 1455
(C "A" H-338; S "A" S-197)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, and having received the affirmative vote of 32 Members of the Senate, with no Senators having voted in the negative, and 32 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.

Mandate

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials

H.P. 1029 L.D. 1416
(C "A" H-451)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 25 Members of the Senate, with 7 Senators having voted in the negative, and 25 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.

Acts

An Act To Establish the Wood Energy Investment Program

S.P. 266 L.D. 912
(C "A" S-193)

An Act To Enact the Maine Uniform Directed Trust Act

H.P. 1075 L.D. 1468

An Act Regarding Persons Who Are Found Not Criminally Responsible and Are Sent out of State for Treatment
H.P. 1105 L.D. 1512
(C "A" H-469)

An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees
H.P. 1138 L.D. 1576
(C "A" H-455)

An Act To Allow the Dissolution of Regional School Units Composed of a Single Municipality
H.P. 1151 L.D. 1592
(C "A" H-474)

An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings
H.P. 1161 L.D. 1609

An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission
S.P. 527 L.D. 1638
(C "A" S-171)

An Act To Clarify Ranked-choice Voting Laws
S.P. 540 L.D. 1663
(C "A" S-194)

An Act To Ensure Public Notification of Air Quality Violations
S.P. 562 L.D. 1706
(C "A" S-189)

An Act To Amend the So-called Dig Safe Law
S.P. 569 L.D. 1720

An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act
S.P. 570 L.D. 1721
(C "A" S-195)

An Act To Create a Carrier License for Pelagic and Anadromous Fish
H.P. 1231 L.D. 1729
(C "A" H-457)

An Act Regarding the Tagging and Sale of Shellfish
H.P. 1244 L.D. 1745
(C "A" H-456)

An Act Regarding Prostitution
H.P. 1305 L.D. 1834

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

An Act To Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage
H.P. 308 L.D. 399
(C "A" H-412)

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

An Act To Promote Social and Emotional Learning and Development for Young Children
S.P. 287 L.D. 997
(C "A" S-191)

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

An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs
H.P. 919 L.D. 1258
(C "A" H-453)

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

An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws
H.P. 1171 L.D. 1628
(C "A" H-461)

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

Resolves

Resolve, To Require the Department of Health and Human Services To Develop a Plan for Neurobehavioral Beds
H.P. 317 L.D. 408
(C "B" H-471)

Resolve, Directing the Department of Transportation To Incorporate Transportation Demand Management Strategies in Its Rules Pertaining to Traffic Movement Permits
H.P. 884 L.D. 1223
(C "A" H-454)

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

Resolve, Regarding the Impact of Minimum Wage Increases and Paid Time Off Requirements on MaineCare Reimbursement Rates

H.P. 654 L.D. 880
(C "A" H-470)

On motion by Senator **L. SANBORN** of Cumberland, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE**, in concurrence.

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

ENACTORS

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

Acts

An Act To Update the Laws Governing Child Safety Seats and Seat Belts

S.P. 389 L.D. 1269
(C "A" S-217)

An Act To Transform Maine's Heat Pump Market To Advance Economic Security and Climate Objectives

S.P. 597 L.D. 1766
(C "A" S-220)

An Act To Reduce the Membership of the Clean-up and Response Fund Review Board

S.P. 600 L.D. 1776
(C "A" S-210)

An Act To Restore the Authority of the Board of Environmental Protection

S.P. 605 L.D. 1789

Senate at Ease.

The Senate was called to order by the President.

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

Ordered sent down forthwith.

An Act To Provide an Income Tax Deduction for Certain Student Loan Payments Made Directly to a Lender on Behalf of a Taxpayer

S.P. 26 L.D. 73
(C "A" S-219)

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

An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States

S.P. 80 L.D. 268
(C "A" S-218)

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

An Act To Provide Lung Cancer Counseling and Screening for MaineCare Recipients

S.P. 158 L.D. 493
(C "A" S-223)

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

Resolve

Resolve, To Designate a Bridge in Indian Purchase Township the Detective Benjamin Campbell Bridge

S.P. 617 L.D. 1827

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. I just want to tell the Senate that I went to Millinocket and I visited with the widow and her mother and father and told them about the naming of this bridge and they were thrilled. He lived just a short distance from there, I believe that's where he met his wife, and they are very pleased that this bridge would be named after him. Mr. President, I'd like a roll call, please.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#227)

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

NAYS: Senators: None

EXCUSED: Senators: BREEN, CARPENTER, LAWRENCE, LIBBY

31 Senators having voted in the affirmative and no Senators having voted in the negative, with 4 Senators being excused, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for approval.

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Joint Rule

Senator GRATWICK for the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Provide Sustainable Funding for Assisted Living Facilities (EMERGENCY)
S.P. 623 L.D. 1839

Reported that the same **Ought to Pass**, pursuant to Joint Rule 353.

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

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

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Update the Laws Regarding Death and Marriage Records"
H.P. 1284 L.D. 1803

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

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

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

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure"
H.P. 1293 L.D. 1816

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

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

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

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend Certain Laws Related to Members of the Military and the Maine National Guard"
H.P. 1287 L.D. 1807

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

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

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

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, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley
H.P. 1162 L.D. 1610

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-434)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-434) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence"

H.P. 1200 L.D. 1676

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-512)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-512)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-512) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

Senator **CYRWAY** of Kennebec moved the Senate **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

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

The Chair noted the absence of the Senator from Cumberland, Senator **CARSON**, and the Senator from Piscataquis, Senator **DAVIS**, and further excused the same Senators from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#228)

YEAS: Senators: **BLACK, CHIPMAN, CYRWAY, DIAMOND, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, LUCHINI, MIRAMANT, MOORE, POULIOT, SANBORN H, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON**

NAYS: Senators: **BELLOWS, CHENETTE, CLAXTON, DESCHAMBAULT, DILL, GRATWICK, HERBIG, MILLETT, ROSEN, SANBORN L**

EXCUSED: Senators: **BREEN, CARPENTER, CARSON, DAVIS, LAWRENCE, LIBBY**

19 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 6 Senators being excused, the motion by Senator **CYRWAY** of Kennebec to **RECONSIDER** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence, **PREVAILED**.

On motion by Senator **CYRWAY** of Kennebec, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System To Support Workforce Development (EMERGENCY)

H.P. 766 L.D. 1036

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-506)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-506) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Clarify Bonding Authority for School Management and Leadership Centers"

H.P. 1260 L.D. 1773

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-505)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-505) **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 Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws" (EMERGENCY)

H.P. 1097 L.D. 1505

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-513)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-513)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-513) **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 COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Align the Laws Governing Dental Therapy with Standards Established by the American Dental Association Commission on Dental Accreditation"

H.P. 1053 L.D. 1441

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-503)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-503) **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 **TAXATION** on Bill "An Act To Create Tax Equity among Renewable Energy Investments"

H.P. 1040 L.D. 1430

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-507)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-507)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-507) **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 **TAXATION** on Bill "An Act Regarding the Collection of the Sales and Use Tax by Marketplace Facilitators"

H.P. 1064 L.D. 1452

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-508) **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 **TAXATION** on Bill "An Act To Establish the Maine Work Tax Credit"

H.P. 1093 L.D. 1491

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-509)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-509)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-509) **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 **TRANSPORTATION** on Bill "An Act Regarding Electric Bicycles"

H.P. 882 L.D. 1222

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-511) **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 **TRANSPORTATION** on Bill "An Act To Make Various Changes to the Motor Vehicle Laws"

H.P. 1256 L.D. 1769

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-515)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-515) **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 **TRANSPORTATION** on Bill "An Act To Amend the Motorcycle Rider Education and Driver Education Laws"

H.P. 1267 L.D. 1782

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-510)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-510)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-510) **READ** and **ADOPTED**, in concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

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

JOINT RESOLUTION - to Support the Development of Mutually Beneficial Solutions to the Conflicts Arising from the Interpretation of An Act To Implement The Maine Indian Claims Settlement And The Federal Maine Indian Claims Settlement Act Of 1980
S.P. 622

Tabled - June 6, 2019 by Senator **VITELLI** of Sagadahoc

Pending - **ADOPTION**

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

Off Record Remarks

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