

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

In Senate Chamber
Tuesday
April 10, 2018

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

Prayer by Pastor Rob Richards, Fellowship Baptist Church in
Augusta.

PASTOR RICHARDS: Let us pray. Father, God in Heaven, we
are so grateful for this opportunity to come and bring this Body,
this governing Body, before You for Your word tells us that we will
pray for them. Lord, God, I ask for Your wisdom for them this
morning. Lord, it is Your wisdom that is higher than our wisdom.
Lord, we are limited in our minds but, Father, You are unlimited.
Father, we are grateful for that. I pray that You would give them
the wisdom that they need as they make decisions to govern our
state here today. God, I pray that You will give them unity of
heart and spirit, Father, that there would be no contention
amongst them, Father, but that they would be able to come
together, Lord, and do what is best for our state, Lord, and what is
according to Your will. Lord, I ask for Your hand of protection
upon them. Lord, I pray that You would keep each one of their
minds and their bodies safe. We ask You to guide them
throughout this day. Lord, You are our great God. We love You
and are so grateful for all that You have done for us. We ask
these things in the name of Jesus Christ, Our Lord and Savior.
Amen.

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

Reading of the Journal of Monday, April 9, 2018.

Doctor of the day, Stephen Sears, M.D., of Belgrade.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **ENERGY,
UTILITIES AND TECHNOLOGY** on Bill "An Act To Authorize the
Public Utilities Commission To Determine the Amount of the E-9-
1-1 Surcharge"

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

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (S-436)** (6 members)

In Senate, April 5, 2018, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-436).**

Comes from the House, the Majority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

On motion by Senator **WOODSOME** of York, the Senate
INSISTED.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 978

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

April 5, 2018

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

L.D. 934 An Act To Establish an Expedited Temporary
Guardianship Process

L.D. 969 An Act Regarding Nonprobate Transfers on
Death

This is notification of the Committee's action.

Sincerely,

S/Sen. Lisa Keim
Senate Chair

S/Rep. Matthew W. Moonen
House Chair

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

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Increase Access to Evidence-based Psychosocial Treatment for Children in the MaineCare Program
H.P. 630 L.D. 902

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-726)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-726)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-726) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Child Protective Services Statutes"
H.P. 824 L.D. 1187

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-724)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-724)**.

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

Bill READ ONCE.

Committee Amendment "A" (H-724) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Resolve, To Provide Funding for a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans
H.P. 1318 L.D. 1886

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-725)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-725)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-725) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Alternative Pathways to the Completion of Secondary School Mathematics Requirements"
H.P. 1177 L.D. 1697

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-731)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle

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

Signed:

Representative:
TURNER of Burlington

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-731)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-731) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Enable Municipalities Working with Utilities To Establish Microgrids"

H.P. 190 L.D. 257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-720)**.

Signed:

Senators:
WOODSOME of York
DION of Cumberland

Representatives:
BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

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

Signed:

Senator:
CUSHING of Penobscot

Representatives:
HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

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-720)**.

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **DION:** Good morning, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion and I would like to request a roll call and speak to that motion.

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

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

Senator **DION:** Thank you, Mr. President. Ladies and gentlemen, I rise in opposition to this motion. This has to do with microgrid development and I do so from two points of view. One, in terms of economic development, we often talk about energy costs and that we should do what we can do to lower that. One of the strategies that might be applicable in this instance is the development of microgrids by the private sector. This would allow them to island generation and consumption to specific zones within the State, primarily in business parks or, in a particular instance, this could be helpful to the forest products industry where they could engage in heat and power generation, and one of the problems they had is, under our current rules in the utility law, you can't have a power line cross a highway. This would give them legal authorization to do that. From a public safety perspective, our grid is no longer a state-based platform. In olden days CMP and Emera generated and delivered electricity within State of Maine so it was definitely a local issue for us. Now we are a member of a regional inter-connected grid. It's vulnerable to penetration in terms of cyber issues. It's vulnerable to weather in terms of physical damage. Our capacity to have islands of generation that can disconnect from that grid and continue to provide power to key assets, whether they be public safety, hospitals, key manufacturing sites, is critical to our economy and our collective safety, and that's why I rise in opposition to this particular report negating the possibility of our development of these resources for energy in this state. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. A roll call has been ordered. 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 (#605)

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-720) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children (EMERGENCY)

H.P. 1304 L.D. 1868

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-729)**.

Signed:

Senators:
BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-730)**.

Signed:

Senator:
HAMPER of Oxford

Representatives:
HEAD of Bethel
SANDERSON of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-729) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-729)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Concerning Remote Participation in Public Proceedings"
H.P. 1273 L.D. 1831

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

Signed:

Senators:
KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Representatives:

GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation"

H.P. 1274 L.D. 1832

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

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-735)**.

Signed:

Representatives:

BABBIDGE of Kennebunk
BAILEY of Saco
SHERMAN of Hodgdon

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities"

H.P. 1275 L.D. 1833

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

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-723)**.

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Reports **READ**.

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

Divided Report

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Support Home Health Services
H.P. 591 L.D. 842

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-727)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
SANDERSON of Chelsea

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-728)**.

Signed:

Representative:
MALABY of Hancock

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727) READ and ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-727)**.

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728) ACCEPTED**, in **NON-CONCURRENCE**.

Resolve **READ ONCE**.

Committee Amendment "B" (H-728) **READ and ADOPTED**.

Under suspension of the Rules, Resolve **READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-728)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups"
S.P. 721 L.D. 1888

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

Signed:

Senators:
WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:
LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

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

Signed:

Representative:
MELARAGNO of Auburn

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

Divided Report

Eight members of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"

S.P. 698 L.D. 1844

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-447)**.

Signed:

Senators:

- DAVIS of Piscataquis
- DILL of Penobscot
- SAVIELLO of Franklin

Representatives:

- DUNPHY of Old Town
- HIGGINS of Dover-Foxcroft
- MARTIN of Sinclair
- McELWEE of Caribou
- O'NEIL of Saco

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

Signed:

Representatives:

- BLACK of Wilton
- CHAPMAN of Brooksville
- KINNEY of Knox
- SKOLFIELD of Weld

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" (S-448)**.

Signed:

Representative:

- ACKLEY of Monmouth

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

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

ENACTORS

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

Emergency Measure

An Act To Develop a Statewide Resource and Referral Center and Develop Hub-and-spoke Models To Improve Access, Treatment and Recovery for Those with Substance Use Disorder
H.P. 984 L.D. 1430
(C "A" H-715)

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

Mandate

An Act Regarding Persons with Mental Illness and Substance Use Disorders in Jails and Correctional Facilities
H.P. 679 L.D. 966
(S "A" S-441 to C "A" H-700)

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

Acts

An Act To Amend the Maine Tax Laws
S.P. 676 L.D. 1805
(C "A" S-439)

An Act To Expand and Clarify the Areas Subject to Municipal Residency Restrictions for Sex Offenders
H.P. 1309 L.D. 1877
(C "A" H-709)

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

Ordered sent down forthwith.

Off Record Remarks

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 (4/9/18) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Requirements for Water Testing for Schools" (EMERGENCY)

S.P. 20 L.D. 40

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-406)** (9 members)

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

Tabled - April 9, 2018 by Senator **VOLK** of Cumberland

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-406) **READ**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-429) to Committee Amendment "A" (S-406) **READ** and **ADOPTED**.

Committee Amendment "A" (S-406) as Amended by Senate Amendment "A" (S-429) thereto **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406) AS AMENDED BY SENATE AMENDMENT "A" (S-429)** thereto.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, April 11, 2018 at 10:00 in the morning.