

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

In Senate Chamber
Tuesday
April 23, 2019

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

Prayer by Reverend Dr. Jodi Cohen Hayashida, First Universalist Church of Auburn.

REVEREND HAYASHIDA: Would you join me in the spirit of prayer? Holiness that is and was and ever shall be, great love that invites us towards one another and into beloved community, help us to be open to Your presence now. We offer thanks for this day. This work can be challenging and sometimes wearying, but it is all meaningful and sometimes lifesaving. Here we have another day to serve the people of this state who have placed their trust in us. We offer gratitude for that trust as well. May we prove ourselves worthy of that gift today. May we meet this work with courage instead of being driven by fear. May we allow ourselves to be moved by compassion instead of brought up short by judgment. If we find ourselves confused about how to move forward, help us to orient ourselves towards those who are most vulnerable among us, those who have been left behind and are in need of the strength of this gathered Body. Help us to trust that if we serve well those who need us most we will be serving everyone well. Today, when the State House is so full of children doing their own work to serve the cause of justice and their fellow humans, help us to remember that we do this work not only in service of this moment and these people but in service to the generations that will follow and the earth itself. May we find strength and clarity in our coming together. Amen.

National Anthem Performed by Nathanael Batson of Fairfield.

Pledge of Allegiance led by Senator Bradlee T. Farrin of Somerset County.

Reading of the Journal of Thursday, April 18, 2019.

Doctor of the day, Michael McCarten, D.O. of Kittery Point.

Off Record Remarks

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's an honor to rise and recognize Nathanael Batson of Fairfield who is a senior at Lawrence High School. Nathanael, who is legally blind and has had health struggles throughout his life, has done so much in just 18 years. Nathanael plays the trumpet at Lawrence. He has also played with the Kennebec Valley Music Educators Association Band and the All State Band. Most recently Nathanael was awarded the National Federation of State High School Association's Heart of the Arts Award for New England, New York, and New Jersey and by winning this award he is eligible to be the national winner, which will be announced in June. In addition to his tremendous musical talent and success, he achieved the rank of Eagle Scout as a young teenager by organizing a free Pops Band concert at the Maine Veterans Home in Augusta. As well as traveling to West Virginia in 2017 to participate in the National Scout Jamboree Band, which performed in front of more than 40,000 people, he also climbed a mountain. Pretty impressive. Again, it really is an honor to recognize such a talented young man and a great role model for Lawrence High School and I wish him the best as he pursues a degree in music at the University of Maine next fall. Congratulations and thank you, Mr. President.

THE PRESIDENT: Would the Senate please join me one more time in congratulating Nathanael for his great rendition and all the work he's done throughout his life.

Off Record Remarks

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Amend the Laws Governing the Educators for Maine Program"

H.P. 1160 L.D. 1601

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

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

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

Bill "An Act To Amend the Laws Relating to Harness Racing"
H.P. 1149 L.D. 1590

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

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

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

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Dr. Jack L. Waterman of Waldoboro, for reappointment to the Board of Pesticides Control be confirmed.

Signed,

S/Jim Dill
Senate Chair

S/Craig V. Hickman
House Chair

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: S.C. 307

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 18, 2019

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Dr. Jack L. Waterman of Waldoboro, for reappointment to the Board of Pesticides Control.

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

YEAS	Senators	2	Dill, J. of Penobscot, Black, R. of Franklin
	Representatives	8	Hickman, C. of Winthrop, Hall, R. of Wilton, Kinney, M. of Knox, Maxmin, C. of Nobleboro, O'Neil, M. of Saco, Pluecker, B. of Warren, Roberts-Lovell, T. of South Berwick, Skolfield, T. of Weld
NAYS		0	
ABSENT		3	Sen. Diamond, B. of Cumberland, Rep. Kryzak, T. of Acton, Rep. McCrea, D. of Fort Fairfield

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

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#50)

YEAS: Senators: None

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

EXCUSED: Senators: LAWRENCE, WOODSOME

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Dr. **Jack L. Waterman** of Waldoboro for reappointment to the Board of Pesticides Control was **CONFIRMED**.

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

The Following Communication: S.C. 308

**STATE OF MAINE
129TH LEGISLATURE
OFFICE OF THE PRESIDENT
AUGUSTA, MAINE**

April 19, 2019

Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant:

Pursuant to my authority under Title 29-A MRSA, Chapter 11, §1402-B, I am pleased to appoint Peter Bragdon of New Gloucester to seat number 7 on the Organ Donation Advisory Council representing a recipient of a donated organ or tissue. His appointment is effective the date of this letter.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Troy D. Jackson
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 294

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON AGRICULTURE CONSERVATION AND
FORESTRY**

March 29, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 445 An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain All-terrain Vehicle Trails

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

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill
Senate Chair

S/Rep. Craig V. Hickman
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 295

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

April 16, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 1040 An Act To Waive the Variance Process for Harvesting Timber in a Shoreland Zone

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill
Senate Chair

S/Rep. Craig V. Hickman
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 296

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

April 11, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 1188 An Act To Provide Preventive Counseling to Firefighters and Emergency Medical Services' Persons as Part of Their Training

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 297

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

April 17, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 605 An Act To Improve Antihunger Programs in Maine Schools
L.D. 711 Resolve, To Establish a Commission To Study and Recommend a Minimum Age for Participation in Tackle Football (EMERGENCY)
L.D. 736 An Act To Protect Students during Elections Held at Their Schools
L.D. 1174 An Act To Facilitate Remote Learning during School Cancellations

This is notification of the Committee's action.

Sincerely,

S/Sen. Rebecca Millett Senate Chair
S/Rep. Victoria P. Kornfield House Chair

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

The Following Communication: S.C. 298

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENERGY UTILITIES AND TECHNOLOGY**

March 29, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 950 An Act To Develop a State Energy Plan To Provide a Pathway to an Energy Portfolio Free of Fossil Fuels

This is notification of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence Senate Chair
S/Rep. Seth A. Berry House Chair

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

The Following Communication: S.C. 299

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

April 8, 2019

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

Dear President Jackson and Speaker Gideon:

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

- L.D. 224 An Act To Fund the Municipal Gigabit Broadband Network Access Fund
- L.D. 1139 An Act To Eliminate Restrictions on Capacity and the Number of Accounts for Net Energy Billing

This is notification of the Committee's action.

Sincerely,

S/Sen. Mark W. Lawrence Senate Chair S/Rep. Seth A. Berry House Chair

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

The Following Communication: S.C. 301

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 4, 2019

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

Dear President Jackson and Speaker Gideon:

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

- L.D. 142 An Act To Increase Funding for the Fund for a Healthy Maine To Reduce Smoking
- L.D. 447 An Act Regarding the Substance Use Disorder Continuum of Care
- L.D. 463 An Act To Reduce Obesity Rates in Maine

- L.D. 578 Resolve, To Create a Pilot Program To Assist the Transition to Recovery of Persons Suffering from Opioid Use Disorder
- L.D. 646 An Act To Improve Trust with Regard to Home Visitation by the Department of Health and Human Services by Requiring That Certain Visits Be Videotaped
- L.D. 1225 An Act To Increase Funding for Home Visiting Programs

This is notification of the Committee's action.

Sincerely,

S/Sen. Geoff Gratwick Senate Chair S/Rep. Patty Hymanson House Chair

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

The Following Communication: S.C. 302

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 5, 2019

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

Dear President Jackson and Speaker Gideon:

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

- L.D. 500 An Act To Extend the Limitation on Prescribing Opioids for Certain Individuals with Chronic Pain
- L.D. 683 An Act To Provide Social Workers to Persons with Mental Illness to Help Them Avoid Incarceration
- L.D. 993 An Act To Expand Recovery Support Services Offered in Penobscot and Piscataquis Counties and the Greater Bangor Region To Improve Access, Treatment and Recovery for Those Affected by Substance Use Disorder by Designating a Regional Peer-supported Recovery Center

This is notification of the Committee's action.

Sincerely,

S/Sen. Geoff Gratwick
Senate Chair

S/Rep. Patty Hymanson
House Chair

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

The Following Communication: S.C. 300

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

April 17, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 1409 An Act To Improve Price Transparency of Prescription Drugs Sold in Maine

This is notification of the Committee's action.

Sincerely,

S/Sen. Heather B. Sanborn
Senate Chair

S/Rep. Denise A. Tepler
House Chair

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

The Following Communication: S.C. 303

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON INNOVATION, DEVELOPMENT,
ECONOMIC ADVANCEMENT AND BUSINESS**

April 16, 2019

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

Dear President Jackson and Speaker Gideon:

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

- L.D. 348 An Act To Prohibit the Providing of Misleading or Inaccurate Information via Caller Identification Services during Telemarketing Calls
- L.D. 486 An Act To Improve Efficiencies in Cosmetology Licensing
- L.D. 742 Resolve, To Examine How To Retain Reservation Booking Commissions in the State
- L.D. 813 Resolve, To Encourage Relocation of Working Professionals
- L.D. 896 Resolve, Directing the Department of Professional and Financial Regulation To Study a Voluntary Licensing System for General Contractors for Home Improvement and Construction
- L.D. 902 Resolve, Directing the Department of Professional and Financial Regulation To Conduct a Sunrise Review of the Proposal To License Certain Mechanical Trades
- L.D. 909 Resolve, Directing the Commissioner of Economic and Community Development To Establish a Blockchain Technology Working Group
- L.D. 1087 An Act To Keep Maine Businesses Competitive

This is notification of the Committee's action.

Sincerely,

S/Sen. Erin Herbig
Senate Chair

S/Rep. Matthea Elisabeth Larsen Daughtry
House Chair

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

The Following Communication: S.C. 304

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

April 12, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 781 An Act To Increase Judicial Compensation

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael E. Carpenter S/Rep. Donna Bailey
Senate Chair House Chair

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

The Following Communication: S.C. 305

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

April 12, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 529 An Act To Provide Property Tax Deferral for Senior Citizens and People with Physical Disabilities

L.D. 1145 An Act To Improve the Law Authorizing Municipalities To Allow Low-income Seniors To Defer Payment of Municipal Property Taxes

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman S/Rep. Ryan Tipping
Senate Chair House Chair

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

The Following Communication: S.C. 306

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

April 11, 2019

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

Dear President Jackson and Speaker Gideon:

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

L.D. 293 An Act Regarding Early Voting in Person

L.D. 753 An Act To Allow Voters To Choose Ongoing Absentee Voter Status

L.D. 1456 An Act To Amend the Laws Governing Raffles

This is notification of the Committee's action.

Sincerely,

S/Sen. Louis J. Luchini S/Rep. John C. Schneck
Senate Chair House Chair

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

SENATE PAPERS

Bill "An Act To Provide Fair Contracts in the Logging Industry"
S.P. 511 L.D. 1605

Presented by Senator CARPENTER of Aroostook.
Cosponsored by Senator: President JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

On motion by Senator **DILL** of Penobscot, **REFERRED** to the Committee on **LABOR AND HOUSING**.

Sent down for concurrence.

Bill "An Act To Increase Funding for Career and Technical Education Programs"

S.P. 512 L.D. 1606

Presented by Senator DILL of Penobscot.
Cosponsored by Representative STANLEY of Medway and Senators: DIAMOND of Cumberland, GRATWICK of Penobscot. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Create the Department of Early Care and Learning"

S.P. 513 L.D. 1607

Presented by Senator MILLETT of Cumberland.
Cosponsored by Representative KORNFIELD of Bangor and Senators: President JACKSON of Aroostook, LIBBY of Androscoggin, MOORE of Washington, ROSEN of Hancock, Representative: FARNSWORTH of Portland.

Bill "An Act To Authorize Career and Technical Education Regions To Enter into Energy Conservation Performance Contracts for School Facilities"

S.P. 515 L.D. 1618

Presented by Senator CARSON of Cumberland.
Cosponsored by Speaker GIDEON of Freeport and Senator: MILLETT of Cumberland, Representative: KORNFIELD of Bangor.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Promote the Use of Wood Pellet Central Heating Systems"

S.P. 519 L.D. 1622

Presented by President JACKSON of Aroostook.
Cosponsored by Representative FECTEAU of Biddeford and Senators: DAVIS of Piscataquis, DILL of Penobscot, WOODSOME of York, Representatives: BERRY of Bowdoinham, DILLINGHAM of Oxford, DUNPHY of Old Town, STANLEY of Medway.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes"

S.P. 517 L.D. 1620

Presented by President JACKSON of Aroostook.

Bill "An Act To Improve Employee Representation under the Maine Workers' Compensation Act of 1992 by Amending the Laws Governing Attorney's Fees"

S.P. 520 L.D. 1623

Presented by President JACKSON of Aroostook.

Bill "An Act To Prevent Discrimination under the Maine Workers' Compensation Act of 1992"

S.P. 521 L.D. 1624

Presented by President JACKSON of Aroostook.

Bill "An Act To Eliminate the Durational Cap on Partial Benefits under the Workers' Compensation Laws"

S.P. 522 L.D. 1625

Presented by President JACKSON of Aroostook.

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

Sent down for concurrence.

Bill "An Act To Exempt Trailers Sold to Out-of-state Entities from Sales and Use Tax" (EMERGENCY)

S.P. 514 L.D. 1608

Presented by Senator MIRAMANT of Knox.
Cosponsored by Representative NADEAU of Winslow and Senators: DAVIS of Piscataquis, GRATWICK of Penobscot, Representatives: BEEBE-CENTER of Rockland, CARDONE of Bangor, EVANGELOS of Friendship, McCREA of Fort Fairfield, VEROW of Brewer.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act Regarding Licenses for the Sale of Liquor for On-premises Consumption" (EMERGENCY)

S.P. 516 L.D. 1619

Presented by Senator LUCHINI of Hancock.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Bill "An Act To Allow Delivery of Adult Use Marijuana and Adult Use Marijuana Products by an Approved Marijuana Store" (EMERGENCY)

S.P. 518 L.D. 1621

Presented by President JACKSON of Aroostook. Cosponsored by Representative HANDY of Lewiston and Senator: MIRAMANT of Knox, Representatives: ANDREWS of Paris, CEBRA of Naples, CUDDY of Winterport, FECTEAU of Augusta, HICKMAN of Winthrop, O'CONNOR of Berwick, STROM of Pittsfield.

Bill "An Act To Implement a Presidential Primary System in Maine"

S.P. 523 L.D. 1626

Presented by Senator LUCHINI of Hancock. Cosponsored by Representative HICKMAN of Winthrop and Senators: President JACKSON of Aroostook, KEIM of Oxford, MIRAMANT of Knox, Representatives: ALLEY of Beals, DUNPHY of Old Town, EVANGELOS of Friendship, HEPLER of Woolwich, KINNEY of Knox. Submitted by the Secretary of State pursuant to Joint Rule 204.

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

Sent down for concurrence.

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

The Honorable Richard M. Morton, of Farmington, who retired as Judge of Probate for Franklin County after 35 years of service, the longest term of service in the 180-year history of the county. We extend our congratulations and best wishes; SLS 440

Sponsored by Senator BLACK of Franklin. Cosponsored by Representative: LANDRY of Farmington.

The Joint Order was **READ**.

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

Senator **BLACK:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I am pleased that the Honorable Richard Morton of Farmington is able to join us this morning. Judge Morton was first elected to the position of Judge

of Probate for Franklin County in 1983 and has served until his term ended this past December, retiring after 35 years. During his time on the bench he handled more than 9,000 cases. He is well respected around the state and has a reputation of being at the forefront of his field. During his time in office he was asked to fill in in six other counties on a temporary basis. He has served on a number of commissions and task forces relating to the court system. Judge Morton is also a retired Major in the United States Army, having served as an Army Judge Advocate in Korea and Germany from 1973 to 1978, and was a Staff Judge Advocate for the Maine Army National Guard from 1980 to 1994. In closing, I would like to thank him for his service to Franklin County, our state, and our nation. I hope he is enjoying his retirement and finding a little time to relax. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber the Honorable Richard Morton, Joyce Morton, Jennifer Cassidy, Patricia Larson, Edward Larson, Marilyn Hylan, and Andrew Robinson. They're all from Farmington. They're all the guests today of the Senator from Franklin, Senator Black. Would they please rise and accept the greetings of the Maine State Senate.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Investigation and Prosecution of Sexual Assault Cases"

H.P. 829 L.D. 1140

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 **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve the E-9-1-1 System"
H.P. 495 L.D. 674

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-100)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-100)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-100) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Ensure Accurate Explanations of Electric Bills"
H.P. 745 L.D. 1003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-101)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-101) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Increase Funding for the Maine Lakes Society 'LakeSmart' Program and the Lake Stewards of Maine Volunteer Lake Monitoring Program"
H.P. 714 L.D. 959

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-102)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-102)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-102) **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 Expedite the Issuance of Alcohol and Drug Counseling Licenses"
H.P. 191 L.D. 228

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-103)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-103)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-103) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow Local Flexibility in Teacher Assignment To Enhance Student Achievement"
H.P. 493 L.D. 672

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**.

Signed:

ROLL CALL (#51)

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

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

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

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

Reports **READ**.

EXCUSED: Senators: BELLOWS, LAWRENCE, WOODSOME

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

19 Senators having voted in the affirmative and 13 Senators
having voted in the negative, with 3 Senators being excused, the
motion by Senator **MILLETT** of Cumberland to **ACCEPT** the
Majority **OUGHT NOT TO PASS** Report, in concurrence,
PREVAILED.

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

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

Divided Report

Senator **MILLETT:** Thank you, Mr. President. Mr. President,
ladies and gentlemen of the Senate, briefly, this bill could result in
asking teachers to teach subjects or grade levels that they may
not be qualified to teach, including special education students. I
can't, for the life of me, imagine why we would want our special
education students to be educated by those who are not certified
to handle that population. In addition, at least at the minimum, an
explanation and justification should be made prior to approval of
an assignment outside of certification. Notification is not enough.
Finally, I would add there already is in place a waiver system by
which the district may apply to the Department of Education, and
within 19 of our school years 75 waivers have already been
approved. This bill is unnecessary, Mr. President. Thank you.

The Majority of the Committee on **EDUCATION AND CULTURAL
AFFAIRS** on Bill "An Act To Restrict Cell Phone Use by Students
While in School"

H.P. 720 L.D. 965

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

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

Signed:

Senators:
MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Senator **POULIOT:** Thank you, Mr. President. This bill really just
allows for more local control. In some districts there's a need to
have a teacher go in to a different subject area for a short period
of time. This bill only allows for them to do that up to 20% of their
time outside of what it is they're credentialed in. So I really don't
see this as an affront to any particular special education
community or anything like that. It just gives a little bit more
autonomy and flexibility to the local district to make that decision
without having to go through the process with the Commissioner.
So, again, I view this as an effort to help with local control and
help provide a little bit of flexibility when there might be a gap in a
local district for the Superintendent to make that decision. Thank
you.

Representatives:
KORNFELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
FECTEAU of Augusta
INGWERSEN of Arundel
McCREA of Fort Fairfield
RUDNICKI of Fairfield

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

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

Signed:

Representatives:
DRINKWATER of Milford
SAMPSON of Alfred

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Authorize Consumers Located Adjacent to Electric Power Generators To Obtain Power Directly" H.P. 783 L.D. 1060

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

Signed:

Senators:

- LAWRENCE of York
- MIRAMANT of Knox
- WOODSOME of York

Representatives:

- BERRY of Bowdoinham
- CAIAZZO of Scarborough
- DOUDERA of Camden
- FOSTER of Dexter
- GROHOSKI of Ellsworth
- HANLEY of Pittston
- 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 To Pass**.

Signed:

Representative:

- GRIGNON of Athens

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow and Recognize a Legal Name Change upon Marriage" H.P. 9 L.D. 8

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-97)**.

Signed:

Senators:

- CARPENTER of Aroostook
- BELLOWS of Kennebec

Representatives:

- BAILEY of Saco
- BABBIDGE of Kennebunk
- CARDONE of Bangor
- CURTIS of Madison
- DeVEAU of Caribou
- EVANGELOS of Friendship
- HAGGAN of Hampden
- HARNETT of Gardiner
- RECKITT of South Portland
- TALBOT ROSS of Portland

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

Signed:

Senator:

- KEIM of Oxford

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-97)**.

Reports **READ**.

Senator **CARPENTER** of Aroostook 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 PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 8 is a pretty simple bill to change a name upon marriage. Currently there's no statutory directive, but it is common practice to be able to change your last name when you marry. This bill, however, would open up that practice so that couples marrying could choose to change any part of their name to anything, not just the typical last names. So they could change their first and last names to anything they choose. I believe in this day and age when we do have considerations of identity theft, I think that the broadness of this bill doesn't serve the public well. I think if a couple is going to change their name to something really outside of the general and normal scope, I would say the traditional scope, that they should still go through a Probate Judge and that Judge could do a criminal background check if they felt that was necessary and would also be able to give public notice. So I think the idea is a good one and I think the broadness of it, however, is not in the best interest of the public. Thank you.

Divided Report

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

Senator **CARPENTER:** Thank you, Mr. President. As the Senate will note, when they look at the report, it was a pretty broad based unanimous bi-partisan report, the Majority Ought to Pass Report. It does what Senator Keim says it does. It now, for the first time, puts into Maine law the legal authority to change your name upon marriage. She mentioned identity theft. Identity theft is a concern. With Real I.D. we need to have a statute in place that gives authority upon marriage to change your name. Otherwise you have pay a fee and go to the Probate Court and go through that process where, again, the Judge is left with very little discretion. I'm not aware if a Judge has the authority to turn down a name change. I've seen some pretty strange name changes come through the Probate Court system. So, there is a system there but why make people go through that when they can do this, if they wish or if they don't, when they get married. It's simply a form on the marriage license. Becomes effective when it's filed. I ask you to follow my light.

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 (#52)

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

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

EXCUSED: Senators: BELLOWS, LAWRENCE, WOODSOME

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **CARPENTER** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-97) **READ** and **ADOPTED**, in concurrence.

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

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Qualifications for District Attorneys" H.P. 397 L.D. 540

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-98)**.

Signed:

Senators:
CARPENTER of Aroostook
BELLOWS of Kennebec
KEIM of Oxford

Representatives:
BAILEY of Saco
BABBIDGE of Kennebec
CARDONE of Bangor
EVANGELOS of Friendship
HAGGAN of Hampden
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-99)**.

Signed:

Representatives:
CURTIS of Madison
DeVEAU of Caribou

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

Reports **READ**.

On motion by Senator **CARPENTER** of Aroostook, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-98) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**, in concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner"
H.P. 494 L.D. 673

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

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
CURTIS of Madison
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

DeVEAU of Caribou
HAGGAN of Hampden

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

Reports **READ**.

On motion by Senator **CARPENTER** of Aroostook, the Majority **OUGHT TO PASS** Report **ACCEPTED**, in concurrence.

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

Off Record Remarks

Senate

Ought to Pass As Amended

Senator DILL for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain Snowmobile Trails"
S.P. 124 L.D. 446

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-53)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-53) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DILL for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Sale of Dogs with Health Problems"
S.P. 309 L.D. 1049

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-52)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-52) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DESCHAMBAULT for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Definition of 'Strangulation' in the Aggravated Assault Laws"
S.P. 223 L.D. 779

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-47)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-47) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DESCHAMBAULT for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Critical Incident Stress Management Teams" S.P. 324 L.D. 1092

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-54)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-54) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CARSON for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing Funding for Landfill Closure Costs" S.P. 190 L.D. 603

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-55)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-55) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **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 Redefine Geographic Association for Multiple-employer Welfare Arrangements" S.P. 109 L.D. 368

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-49)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-49) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CARPENTER for the Committee on **JUDICIARY** on Bill "An Act To Allow Discovery in the Event of a Lawsuit against a State Agency" S.P. 332 L.D. 1100

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-50)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-50) **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 Prohibit a Person under 18 Years of Age from Being Charged with the Crime of Engaging in Prostitution" S.P. 170 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-48)**.

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**.

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

Signed:

On motion by Senator **DOW** of Lincoln, **TABLED** until Later in Today's Session, pending the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

Senators:
DESCHAMBAULT of York
CARPENTER of Aroostook

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Use of Handheld Narcotics Analyzers"

S.P. 232 L.D. 788

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

Representatives:
WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
JOHANSEN of Monticello
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 To Pass**.

Signed:

Signed:

Senators:
DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Senator:
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

Representative:
COSTAIN of Plymouth

Reports **READ**.

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

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

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

Signed:

Representative:
JOHANSEN of Monticello

ENACTORS

Reports **READ**.

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

On motion by Senator **DESCHAMBAULT** of York, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Emergency Measure

Sent down for concurrence.

An Act To Increase the Number of Clubs That May Be Issued a Special Dog Training Area License

H.P. 385 L.D. 528
(C "A" H-69)

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding the Maine Law Enforcement Memorial"

S.P. 320 L.D. 1088

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senators having voted in the negative, and 31 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.

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

Emergency Measure

An Act To Amend the Charter of the City of Brewer High School District

H.P. 451 L.D. 623
(C "A" H-71)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Chapter 26: Producer Margins, a Major Substantive Rule of the Maine Milk Commission

H.P. 25 L.D. 24
(C "A" H-76)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29: Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

H.P. 85 L.D. 99
(C "A" H-63)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 320: Electric Transmission and Distribution Utility Service Standards, a Major Substantive Rule of the Public Utilities Commission

H.P. 159 L.D. 196
(C "A" H-75)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21: Allowances for Home and Community Benefits for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services

H.P. 206 L.D. 282

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: ConnectME Authority, a Major Substantive Rule of the ConnectME Authority

H.P. 292 L.D. 383
(C "A" H-74)

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.

Mandate

An Act To Prevent Food Shaming in Maine's Public Schools
H.P. 130 L.D. 167
(C "A" H-91)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, 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**.

Senator **LIBBY** of Androscoggin moved the Senate **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **RECONSIDER** whereby the Bill **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Senate at Ease.

The Senate was called to order by the President.

Acts

An Act To Clarify Game of Chance Licensing Requirements
H.P. 35 L.D. 34
(C "A" H-92)

An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers
H.P. 121 L.D. 139
(C "A" H-82)

An Act To Prohibit the Possession and Use of Electronic Smoking Devices on School Grounds
S.P. 39 L.D. 152
(C "A" S-32)

An Act To Create the Water Resources Planning Committee
H.P. 162 L.D. 199
(C "A" H-87)

An Act To Clarify the Temporary Medical Allowance Relating to Lobster and Crab Fishing Licenses
H.P. 266 L.D. 340
(C "A" H-70)

An Act To Allow for Greater Flexibility in Addressing Energy Efficiency Needs in the State
H.P. 307 L.D. 398
(C "A" H-73)

An Act To Establish Regional School Leadership Academies
H.P. 315 L.D. 406
(C "A" H-84)

An Act Regarding the Duties of the Public Advocate
S.P. 243 L.D. 807
(C "A" S-38)

An Act To Advance the Restoration of the Penobscot River
S.P. 253 L.D. 817
(C "A" S-34)

An Act Regarding the Regulation of Rabbit Production for Local Consumption
H.P. 694 L.D. 939
(C "A" H-88)

An Act Regarding the Number of Agency Liquor Store Licenses Permitted in a Municipality
H.P. 801 L.D. 1078
(C "A" H-96)

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

An Act To Prohibit the Use of Certain Disposable Food Service Containers
H.P. 213 L.D. 289
(H "A" H-55 to C "A" H-49)

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

An Act To Provide Funding for the Naval Museum and Gardens in Brunswick
H.P. 454 L.D. 626
(C "A" H-64)

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

An Act To Reduce the Incidence of Obesity and Chronic Disease in the State
S.P. 219 L.D. 706
(C "A" S-33)

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

An Act To Support the Northern New England Poison Center
H.P. 550 L.D. 745
(C "A" H-67)

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

An Act To Increase Accountability for Wage Violations
H.P. 631 L.D. 857
(C "A" H-78)

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

An Act To Ensure the Availability of In-person Visitation in County Jails

H.P. 572 L.D. 767

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

Senator **LIBBY:** Thank you. Men and women of the Senate, I just want to clarify for the record on this bill. We had a spirited debate in the last session. There was some confusion over whether the Maine Sheriffs Association had worked with the sponsor of the bill and agreed upon the amended language. We've confirmed that the Maine Sheriffs Association had worked on the bill, does support the amended language, and, Mr. President, I just thought it was important that the record reflect that. Thank you.

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

Resolves

Resolve, To Encourage the Commissioner of Inland Fisheries and Wildlife To Establish a Youth Turkey Hunting Day during the Fall Season

H.P. 34 L.D. 33
(C "A" H-68)

Resolve, To Create a Flag To Recognize the Bicentennial of the State

H.P. 508 L.D. 687
(C "A" H-72)

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

Resolve, To Establish a Medically Tailored Food Pilot Project

S.P. 138 L.D. 474
(C "A" S-36)

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (2/28/19) matter:

Bill "An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce"

H.P. 468 L.D. 647

Tabled - February 28, 2019 by Senator **LIBBY** of Androscoggin

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In House, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS.**)

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/7/19) matter:

Bill "An Act To Improve the Educational Opportunity Tax Credit"

S.P. 352 L.D. 1164

Tabled - March 7, 2019 by Senator **LIBBY** of Androscoggin

Pending - **REFERENCE**

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

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **TAXATION**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/16/19) matter:

Bill "An Act To Expand Incentives To Live and Work in Maine through a Tax Credit for Certain Student Loans"

H.P. 1113 L.D. 1530

Tabled - April 16, 2019 by Senator **CHIPMAN** of Cumberland

Pending - **REFERENCE**

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

(In House, **REFERRED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS.**)

On motion by Senator **LIBBY** of Androscoggin, **REFERRED** to the Committee on **TAXATION** and ordered printed, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/16/19) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Improve Access to Property Tax Exemptions for New Homeowners"

H.P. 404 L.D. 560

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-77)** (8 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - April 16, 2019 by Senator **CHIPMAN** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

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

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

Senator **CHIPMAN:** Thank you, Mr. President. As we all are familiar with the Homestead Exemption, this is a very important form of property tax relief used widely across the state. Under current law when a home is purchased the homeowner has to wait for up to a year before they can start receiving the benefits of the Homestead Exemption. This would simply allow them to apply at the time they purchase the home and start receiving those benefits right off the bat. We know that housing is expensive. We know property taxes are through the roof in some communities. So I urge you to follow my light and please vote in favor of this motion. 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, just a question through the President. What would the fiscal note be on this? Does anybody know?

THE PRESIDENT: The Senator has a question through the Chair for anyone that would know. The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Mr. President and ladies and gentlemen of the Senate, I do not have an answer to that question. I just wanted to share the reason that I cannot vote for this. I think the problem will be that small towns, in particular, are going to be faced with unexpected obligations and, although I agree with what Senator Chipman from Cumberland has said, and he makes a good point, my concern is the unintended consequence of putting small towns in jeopardy only because they can't plan for it. This includes first time homebuyers, the first time they buy a home even though they may have already bought five before that. This really includes the home buy and not having to wait a year, as has been explained. So I just put that out before you and explain why I cannot support the motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#53)

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

NAYS: Senators: BLACK, BREEN, CARPENTER, CYRWAY, DAVIS, DIAMOND, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, LIBBY, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

EXCUSED: Senators: BELLOWS, LAWRENCE

14 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **CHIPMAN** of Cumberland 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.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/19) matter:

An Act To Prohibit the Sale of Motor Fuel Containing More than 10% Ethanol

H.P. 596 L.D. 822

Tabled - April 18, 2019 by Senator **LIBBY** of Androscoggin

Pending - **ENACTMENT**, in concurrence

(In House, **PASSED TO BE ENACTED**.)

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/19) matter:

Bill "An Act To Create a Registration Process and Permits for Vacation Rentals"

H.P. 1147 L.D. 1588

Tabled - April 18, 2019 by Senator **BELLOWS** of Kennebec

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.)

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

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

PAPERS FROM THE HOUSE

House Papers

Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley

H.P. 1162 L.D. 1610

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

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

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry

H.P. 1166 L.D. 1614

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

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

Bill "An Act To Establish the Vaccine Consumer Protection Program"

H.P. 1168 L.D. 1616

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

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

Bill "An Act To Support Universal Health Care"

H.P. 1163 L.D. 1611

Bill "An Act To Create a Single-payer Health Care Program in Maine"

H.P. 1169 L.D. 1617

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

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

Bill "An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings"

H.P. 1161 L.D. 1609

Bill "An Act Regarding the Presumption of Abandonment of Gift Obligations"

H.P. 1164 L.D. 1612

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

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

Bill "An Act To Authorize the Use of Autocycles"
H.P. 1170 L.D. 1627

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

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

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

Off Record Remarks

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED** until Thursday, April 25, 2019 at 10:00 in the morning.