

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

In Senate Chamber
Thursday
February 6, 2020

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

Prayer by Senator Lisa M. Keim of Oxford County.

SENATOR KEIM: Good morning. I hope it's not a bad sign that the pastor canceled on us yesterday. So let us pray. Lord, I thank You that we can come to You in this building and I come to You today with a thankful spirit. I'm thankful, Lord, of the beauty of the snow that's falling so softly. I thank You also for the economic boon that it brings to so many people here in Maine. I'm also thankful, Lord, for our institution of government, which is established to ensure liberty and justice for all of us, and for the men and the women here who are serving, who give up their personal time, and to do the work of government. I thank You for their willingness and their engagement. I pray, Lord, for us Your guidance and wisdom, that we are quick to listen, slow to speak, with razor sharp minds and soft spoken words. Lord, I pray that You would bless the business that's conducted in this house today. In Your name. Amen.

Pledge of Allegiance led by Senator Everett B. Carson of Cumberland County.

Reading of the Journal of Tuesday, February 4, 2020.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **LIBBY** of Androscoggin, the following Joint Order:
S.P. 748

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 11, 2020 at 10:00 in the Morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

H.P. 937 L.D. 1294

In Senate, June 11, 2019, **FINALLY PASSED** in concurrence.

RECALLED from the Governor's Desk, pursuant to Joint Order (H.P. 1424), in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666)**, in **NON-CONCURRENCE**.

On motion by Senator **LIBBY** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Save Lives by Capping the Out-of-pocket Cost of Certain Medications"

H.P. 1493 L.D. 2096

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

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

Joint Resolution

The following Joint Resolution:

H.P. 1491

**JOINT RESOLUTION
DESIGNATING JUNE 27, 2020 AS
POST-TRAUMATIC STRESS INJURY AWARENESS DAY**

WHEREAS, all veterans of the United States Armed Forces possess the basic human right to the preservation of personal dignity and deserve the investment of every possible resource to ensure their lasting physical, mental and emotional well-being; and

WHEREAS, the diagnosis known as post-traumatic stress disorder, or PTSD, was initially formulated in 1980 by the American Psychiatric Association to more accurately assess and assist veterans who had endured severe combat stress in Vietnam; and

WHEREAS, combat stress is an invisible wound that has historically been unjustly portrayed as a mental illness caused by a preexisting flaw of character or ability, and the word "disorder" carries a stigma that perpetuates this misconception; and

WHEREAS, it has been shown through electromagnetic imaging that these invisible wounds can cause physical changes to the brain that more accurately indicate an injury than a disorder; and

WHEREAS, referring to invisible wounds as a disorder may discourage the injured from seeking proper and timely medical treatment; and

WHEREAS, referring to invisible wounds as post-traumatic stress injury, or PTSD, is less stigmatizing and viewed as more honorable, and this designation can favorably influence those affected and encourage them to seek treatment without fear of retribution or shame; and

WHEREAS, post-traumatic stress injury can occur following exposure to extremely traumatic events other than combat such as, but not exclusive to, interpersonal violence, life-threatening accidents and natural disasters; and

WHEREAS, post-traumatic stress injury satisfying the criteria for a diagnosis of post-traumatic stress disorder in the Diagnostic and Statistical Manual of Mental Disorders deserves disability compensation equal to that allowed for PTSD under the law; and

WHEREAS, while all citizens suffering post-traumatic stress injuries deserve our compassion and consideration, those brave men and women of the United States Armed Forces who have received these wounds in operational action against an enemy of the United States further deserve our clear and obvious recognition; and

WHEREAS, timely and appropriate treatment of post-traumatic stress injury can diminish complications and avert suicides; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to designate June 27, 2020 as Post-Traumatic Stress Injury Awareness Day and respectfully urge the Department of Health and Human Services and the Department of Defense, Veterans and Emergency Management to continue working to educate victims of interpersonal violence, combat, life-threatening accidents or natural disasters and their families, as well as the general public, about the causes, symptoms and treatment of post-traumatic stress injury.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 899

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

February 4, 2020

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 Innovation, Development, Economic Advancement and Business has had under consideration the nomination of Omar Andrews of Portland, for appointment to the Finance Authority of Maine.

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

YEAS	Senators	1	Herbig, E. of Waldo
	Representatives	9	Daughtry, M. of Brunswick, Austin, S. of Gray, Babine, S. of Scarborough, Crockett, E. of Portland, Handy, J. of Lewiston, Harrington, M. of Sanford, Moriarty, S. of Cumberland, Newell, R. of Passamaquoddy Tribe, Perry, J. of Bangor
NAYS	Senators	1	Guerin, S. of Penobscot
	Representatives	2	Higgins, N. of Dover-Foxcroft, Stetkis, J. of Canaan
ABSENT		1	Sen. Millett, R. of Cumberland

Ten members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Omar Andrews of Portland, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Erin Herbig
Senate Chair

S/Matthea Elisabeth Larsen Daughtry
House Chair

READ and **ORDERED PLACED ON FILE**.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, on the confirmation before us, and the two that will be following, I will be voting no in an effort to draw attention to the fact that this same board is not being properly represented in a geographical nature with the Northern

part of the state having much less representation on the board.
Thank you.

THE PRESIDENT: The Chair recognizes the Senator from
Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Women and men
of the Senate, Omar Andrews, the nominee before us, is a
veteran. He has served our country for many years, as did his
brother and his father. Omar is living in Portland now but
continues to help veterans in our state, both at the State and
federal level, come back into civilian life, contribute to our
economy, and be able to raise their families right here in Maine.
He has already made a valuable contribution to this country and
to the state and I am confident that he will continue to do so in his
position on the FAME board and I am happy to support his
nomination and I am thankful that he has stepped up to serve our
state and country yet again. Thank you.

The Chair noted the absence of the Senator from York, Senator
WOODSOME, the Senator from York, Senator **CHENETTE**, the
Senator from Penobscot, Senator **GRATWICK**, the Senator from
Cumberland, Senator **DIAMOND**, and the Senator from Hancock,
Senator **ROSEN**, and further excused the same Senators from
today's Roll Call votes.

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

Senator **CARSON:** Thank you, Mr. President. I rise to speak in
support of this nomination. I confess I am not familiar with the
geographical issue raised by my good friend, the Senator from
Penobscot, but I do know Omar. He's a Marine Corps veteran.
He's African-American. He's absolutely dedicated to this state.
He works very hard. He's very bright and I, personally, believe he
would make a terrific addition and great contribution to the
Finance Authority of Maine. Thank you, Mr. President.

The President laid before the Senate the following: "Shall the
recommendation of the Committee on **INNOVATION,
DEVELOPMENT, ECONOMIC ADVANCEMENT AND
BUSINESS** 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 (#389)

YEAS: Senators: CYRWAY, GUERIN, HAMPER,
TIMBERLAKE

NAYS: Senators: BELLOWS, BLACK, BREEN,
CARPENTER, CARSON, CHIPMAN, CLAXTON,
DAVIS, DESCHAMBAULT, DILL, DOW, FARRIN,
FOLEY, HERBIG, KEIM, LAWRENCE, LIBBY,
LUCHINI, MILLETT, MIRAMANT, MOORE,
POULIOT, SANBORN H, SANBORN L, VITELLI,
PRESIDENT JACKSON

EXCUSED: Senators: CHENETTE, DIAMOND, GRATWICK,
ROSEN, WOODSOME

4 Senators having voted in the affirmative and 26 Senators
having voted in the negative, with 5 Senators being excused, and
4 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 **Omar
Andrews** of Portland for appointment to the Finance Authority of
Maine was **CONFIRMED**.

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

THE PRESIDENT: The Chair would like to recognize in the rear
of the Chamber Omar Andrews of Portland. Would he please rise
and accept the congratulations of the Senate.

The Following Communication: S.C. 900

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

February 4, 2020

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
Innovation, Development, Economic Advancement and Business
has had under consideration the nomination of Rebecca Asen of
Falmouth, for appointment to the Finance Authority of Maine.

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	0	
	Representatives	9	Daughtry, M. of Brunswick, Austin, S. of Gray, Babine, S. of Scarborough, Crockett, E. of Portland, Handy, J. of Lewiston, Harrington, M. of Sanford, Moriarty, S. of Cumberland, Newell, R. of Passamaquoddy Tribe, Perry, J. of Bangor
NAYS	Senators	1	Guerin, S. of Penobscot
	Representatives	2	Higgins, N. of Dover-Foxcroft, Stetkis, J. of Canaan
ABSENT		2	Sen. Herbig, E. of Waldo, Sen. Millett, R. of Cumberland

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Rebecca Asen of Falmouth, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Erin Herbig
Senate Chair

S/Matthea Elisabeth Larsen Daughtry
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Women and men of the Senate, Rebecca Asen is such a talented woman. She's a lawyer at IDEXX, has a very successful career in law to this point, and is also a mother whose daughter is with us today, as well as her husband who moved to Maine to raise their family here and are contributing to our state and our economy in a number of ways. Rebecca is uniquely qualified to fill this position and is exactly the type of Maine resident that we want to be attracting to our state. We want to have your daughter here and we're so delighted that you stepped up to take this position and thank you so much in advance for your service.

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

Senator **BREEN:** Thank you, Mr. President. Mr. President, I also rise today in support of this nomination. Ms. Asen is eminently qualified. A Barnard College graduate. George Town Law School graduate. Has served as Associate Counsel at IDEXX for many years. Has shown a commitment to public service in her work with Preble Street over the years and, as we all know, finance is one of those places in our economy where women are generally under represented so it's doubly satisfying to me to

have someone so qualified and someone who will add to the diversity of FAME's operations and I thank you, Mr. President, for the opportunity to speak in support.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** 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 (#390)

YEAS: Senators: CYRWAY, FARRIN, GUERIN, HAMPER, TIMBERLAKE

NAYS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHIPMAN, CLAXTON, DAVIS, DESCHAMBAULT, DILL, DOW, FOLEY, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: CHENETTE, DIAMOND, GRATWICK, ROSEN, WOODSOME

5 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 5 Senators being excused, and 5 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 **Rebecca Asen** of Falmouth for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber Rebecca Asen. Would she please rise and accept the congratulations of the Maine Senate.

The Following Communication: S.C. 901

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

February 4, 2020

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 Innovation, Development, Economic Advancement and Business has had under consideration the nomination of Dustin D. Brooks of Portland, for appointment to the Finance Authority of Maine.

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	0	
	Representatives	9	Daughtry, M. of Brunswick, Austin, S. of Gray, Babine, S. of Scarborough, Crockett, E. of Portland, Handy, J. of Lewiston, Harrington, M. of Sanford, Moriarty, S. of Cumberland, Newell, R. of Passamaquoddy Tribe, Perry, J. of Bangor
NAYS	Senators	1	Guerin, S. of Penobscot
	Representatives	2	Higgins, N. of Dover-Foxcroft, Stetkis, J. of Canaan
ABSENT		2	Sen. Herbig, E. of Waldo, Sen. Millett, R. of Cumberland

Nine members of the Committee having voted in the affirmative and three in the negative, it was the vote of the Committee that the nomination of Dustin D. Brooks of Portland, for appointment to the Finance Authority of Maine be confirmed.

Signed,

S/Erin Herbig
Senate Chair

S/Matthea Elisabeth Larsen Daughtry
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT: The Chair recognizes the Senator from Waldo, Senator Herbig.

Senator **HERBIG:** Thank you, Mr. President. Women and men of the Senate, Dustin Brooks is from the County. That's where he grew up. Mr. President, I'm sure that you are happy to hear this, as well as Senator Carpenter. Dustin Brooks, in his interview

before our committee, we heard so much about his commitment to rural economic development, the passion he has for the state that raised him, particularly his region of the state. While Mr. Brooks might reside in Portland now, that is definitely not a reflection of where his heart lies. He has unique qualifications for this position. We heard from many of his former colleagues who talked about his dedication to everything that he has done in his life up to this point and I, for one, am thankful that we'll have that voice from Aroostook County on the FAME board. Thank you, Dustin.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** 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 (#391)

YEAS: Senators: CYRWAY, FARRIN, GUERIN, HAMPER, TIMBERLAKE

NAYS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHIPMAN, CLAXTON, DAVIS, DESCHAMBAULT, DILL, DOW, FOLEY, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

EXCUSED: Senators: CHENETTE, DIAMOND, GRATWICK, ROSEN, WOODSOME

5 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 5 Senators being excused, and 5 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 **Dustin D. Brooks** of Portland for appointment to the Finance Authority of Maine was **CONFIRMED**.

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

The Following Communication: S.C. 896

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

February 4, 2020

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

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

Dear President Jackson:

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

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

Thank you.

Very truly yours,

S/Janet T. Mills,
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 897

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

February 4, 2020

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

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

Dear President Jackson:

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

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

Thank you.

Very truly yours,

S/Janet T. Mills,
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 898

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

February 4, 2020

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

RE: Reappointment of John Jemison of Orono to the Board of Pesticides Control

Dear President Jackson:

This is to inform you that I am today nominating John Jemison of Orono for reappointment to the Board of Pesticides Control.

Pursuant to Title 22, M.R.S.A § 1471-B, this reappointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Thank you.

Very truly yours,

S/Janet T. Mills
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 902

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

January 31, 2020

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. 700 An Act To Prevent Internet Theft

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 903

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

February 03, 2020

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. 1521 An Act To Expand Skill Development Opportunities for Maine Youth
- L.D. 1607 An Act To Create the Department of Early Care and Learning
- L.D. 1715 An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 904

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

January 22, 2020

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. 790 An Act To Eliminate the Cap on the Number of Accounts or Meters Designated for Net Energy Billing
- L.D. 1127 An Act To Expand Community-based Solar Energy in Maine

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 905

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

January 30, 2020

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. 231 An Act To Improve Public Health by Maximizing Federal Funding Opportunities

- L.D. 508 Resolve, To Study the Protection of Youth and Young Adults from Addiction and Premature Death by Restricting Marketing of Tobacco Products
- L.D. 653 Resolve, To Establish the Task Force To Study Opportunities for Improving Home and Community-based Services
- L.D. 1146 An Act To Ensure the Provision of Housing Navigation Services to Older Adults and Persons with Disabilities
- L.D. 1429 An Act To Fund Opioid Use Disorder Prevention and Treatment
- L.D. 1630 Resolve, To Ensure Access to Opiate Addiction Treatment

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

The Following Communication: S.C. 891

MAINE MUNICIPAL AND RURAL ELECTRIFICATION COOPERATIVE AGENCY

January 31, 2020

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

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal and Rural Electrification Cooperative Agency due by February 1, 2020.

Please contact me if you have any questions or need additional information.

Thank you.

Sincerely,

S/Scott M. Hallowell
MMRECA

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

The Following Communication: S.C. 892

WASHINGTON COUNTY DEVELOPMENT AUTHORITY

January 27, 2020

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

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, ME 04333

Dear Senator Jackson and Speaker Gideon:

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. 906

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

January 31, 2020

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

Dear President Jackson and Speaker Gideon:

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

- L.D. 1117 An Act To Encourage Turkey Hunting

This is notification of the Committee's action.

Sincerely,

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

Pursuant to MRSA Title 5, section 12023, the Sunrise County Economic Council (SCEC) is pleased to submit the 2019-2020 Quasi-Independent State Entities Report to the Legislature on behalf of the Washington County Development Authority (WCDA).

SCEC is a private, nonprofit, federally recognized economic development organization which works to create jobs and wealth in Washington County. We provide staff support for the WCDA and are partnering with the Authority in its effort to redevelop the former U.S. Navy base in Cutler.

As indicated in the enclosed report, the WCDA did not make any significant procurements, contributions or changes to policies and procedures in the past year. In March 2015, the Authority was given the commercial side of the former base by Cutler North, LLC, a private developer that had failed in its redevelopment effort. The WCDA now owns roughly 20 acres and five commercial buildings comprising 75,000 square feet. The Authority is working to bring these facilities back into productive use.

Please contact me with any questions or concerns. Thank you.

Sincerely,

S/ Charles J. Rudelitch, Esq.
Executive Director

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

The Following Communication: S.C. 893

**CONNECTME AUTHORITY
AUGUSTA, MAINE**

January 2, 2020

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, ME 04333

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

Dear Speaker Gideon and President Jackson,

Please find attached the required report pursuant to 5 M.R.S. Section 12023 from the ConnectME Authority.

Feel free to contact me if you have any questions or need additional information.

Regards,

S/Peggy Schaffer
Executive Director, ConnectME Authority

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

The Following Communication: S.C. 894

**WORKERS' COMPENSATION BOARD
AUGUSTA, MAINE**

January 30, 2020

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

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

RE: Annual Report of the Workers' Compensation Board
Pursuant to 5 M.R.S.A. §12023(2)

Dear Speaker Gideon and President Jackson:

Pursuant to 5 M.R.S.A., §12023, please consider this the transmittal letter for the required report from the Workers' Compensation Board due by February 1, 2020.

Please contact me if you have any questions or need additional information.

Sincerely,

S/John C. Rohde
Executive Director

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

The Following Communication: S.C. 895

**MAINE PORT AUTHORITY
AUGUSTA, MAINE**

January 31, 2020

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

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

In Re: Maine Port Authority Legislative Report

Dear Senator Jackson and Representative Gideon:

Pursuant to 5 M.R.S.A., Section 12023, the Maine Port Authority is pleased to submit the following report to the Legislature, due by February 1, 2020.

Please contact me directly at (207) 557-0923 if you have any questions or need additional information.

Sincerely,

S/Jonathan Nass, CEO

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

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

SENATE PAPERS

Bill "An Act To Amend Provisions of the Maine Medical Use of Marijuana Act"

S.P. 747 L.D. 2099

Presented by Senator GRATWICK of Penobscot. Submitted by the Department of Administrative and Financial Services pursuant to Joint Rule 203.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Bail Code Regarding the Financial Capacity of a Defendant To Post Bond"

H.P. 145 L.D. 182

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

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

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

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

Pursuant to Joint Order

The Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act"

H.P. 1492 L.D. 2094

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to Joint Order, H.P. 1307.

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

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

Bill and accompanying papers **REFERRED** to the Committee on **JUDICIARY**, in concurrence.

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding the Recommendations of the Federal Traumatic Brain Injury State Partnership Program Concerning the Membership of the Acquired Brain Injury Advisory Council"

H.P. 1349 L.D. 1883

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

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **TRANSPORTATION** on Bill "An Act Regarding the Naming of Bridges and Designating Bridge 5818 as the Specialist Wade A. Slack Memorial Bridge"

H.P. 1341 L.D. 1875

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

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Repeal and Replace the Canton Water District Charter"

H.P. 1346 L.D. 1880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-670)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-670) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Maine's Public Health Infrastructure"

H.P. 190 L.D. 227

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-667)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-667)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-667) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify the Use of Burying Grounds and Family Burying Grounds"

H.P. 777 L.D. 1054

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-669) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Establish First Responders Day as a State Holiday on September 11th"

H.P. 1362 L.D. 1908

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-668)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-668)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-668) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass

Senator BELLOWS for the Committee on **LABOR AND HOUSING** on Bill "An Act To Clarify the Law Protecting Job Applicants from Identity Theft"

S.P. 688 L.D. 1986

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

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

Bill **READ ONCE**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

SECOND READERS

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

Senate As Amended

Bill "An Act To Clarify the Financial Reporting Responsibilities of Political Action Committees and Ballot Question Committees"
S.P. 641 L.D. 1869
(C "A" S-377)

Bill "An Act To Modify the Financial Disclosure Requirements for a Governor-elect"
S.P. 643 L.D. 1871
(C "A" S-376)

Bill "An Act To Increase Access to and Reduce the Cost of Epinephrine Autoinjectors by Amending the Definition of 'Epinephrine Autoinjector'"
S.P. 674 L.D. 1972
(C "A" S-379)

Bill "An Act To Make March Maine Childhood Cancer Awareness Month"
S.P. 719 L.D. 2029
(C "A" S-378)

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

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Address Student Hunger with a "Breakfast after the Bell" Program
S.P. 99 L.D. 359
(S "B" S-373 to C "A" S-78)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senators having voted in the negative, and 30 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.

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 (1/14/20) matter:

Bill "An Act To Ensure Proper Oversight of Sports Betting in the State"
S.P. 175 L.D. 553
(C "A" S-318)

Tabled - January 14, 2020 by Senator **LIBBY** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, June 19, 2019, **PASSED TO BE ENACTED** in concurrence.)

(In Senate, Veto Communication (S.C. 806) **READ and PLACED ON FILE.**)

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Luchini.

Senator **LUCHINI:** Thank you, Mr. President. Mr. President, men and women of the Senate, I rise to urge you to override the veto of L.D. 553. Just for a quick bit of background. The reason that this bill came forward, along with six other bills from Legislators here, was because the Supreme Court in 2018 struck down a federal law and they said the states are now allowed to regulate sports betting within their borders. Since that time we've seen 20 states legalize and set up regulated systems within their states, most recently our neighbor New Hampshire who, in the first month alone, brought in over \$17 million in wagers. The rationale for these bills is largely because the illegal market in the U.S. is massive, as most of us know. It's been estimated by the American Gaming Association around \$150 billion bet annually, 97% of that through the illegal market. Just here in Maine, a couple of months ago, the U.S. Attorney's Office had a big illegal gambling bust where they seized \$13 million in assets and had the biggest year in seized assets from illegal gambling operations. Of course any time you book through a bookie or an illegal on-line website you run the risk that you don't get paid because they don't have anybody to account to. Our committee sought to create a regulatory structure that creates a safe, regulated system with consumer protections while generating revenues for the State. As I said, it's the product of seven bills that were submitted. We pieced them together, started from scratch. We had two days of public hearings, four days of work sessions, two line reviews.

We spent a lot of time trying to come up with this bill, which was inclusive to all of Maine's gambling sorts. So this bill would allow physical sports books at Maine's two casinos, the commercial harness tracks, each of Maine's tribes, and in the off-track betting facilities. This bill would also legalize mobile sports betting and it would allow those facilities that I just mentioned to

have a mobile license, as well as any qualified gaming operators from across the country. Those applicants would have to go through a rigorous process with our Gambling Control Board, undergoing financial credibility, sustainability checks, criminal background checks, the whole works. The same thing we apply to casinos in the state. I think it's worth noting that all of the Maine-based gaming entities, the commercial track at Scarborough, each of the Maine tribes, and off-track betting facilities support overriding this veto. The opposition today is completely from Maine's two casinos, who we know have a pretty strong monopoly hold on the gaming market here in the state.

So what this bill does is establish a tiered tax rate so we apply a lower tax rate to the physical locations at 10% and we assess a 16% tax to those mobile applications. We do so in recognition that those physical locations here in the state of Maine have employees. They have physical investments in that they pay property taxes. We've made dedicated tax revenues going to problem gambling and we require all the locations, whether it's physical or mobile, to comply with our strong player protections. We require blocking those players that are on the self-exclusion lists. We've mandated child support intercept for old child support and we require posting displays of responsible gambling, problem gambling numbers, and we give our gambling control unit the broad authority to regulate marketing and advertising.

As more data is becoming available from other states, we can see that many of the fears suggested by the brick and mortar casinos and their lobby, like cannibalization or job loss, just do not come to fruition. In fact, the exact opposite is true. Retail sports clubs have actually helped the casinos with their physical locations. We can actually see this in Penn National Gaming's own words, who is the corporate owner of the Bangor casino, in a recent investor release where they announced their acquisition of Bar Stool Sports. You may have seen just last week they said, 'Retail sports betting has already significantly benefited casino revenues at Penn properties, particularly at table game clubs.' So that's a direct quote from them and it directly contradicts what they're telling Maine legislators. They're telling their investors something completely different than they're telling those of us who sit in here. We can also look to New Jersey. Their Director of Gaming Enforcement said in the past year at a gambling conference, he said, 'Our experience with cannibalization is that it doesn't exist. Our casinos are doing as well as they did before sports wagering and before mobile wagering. They have not seen a decrease in revenue from the traditional games they offer.' He also noted that, 'You will have stakeholders who are fearing competition. There are certain technology companies that are new to the market, that are providing competition to traditional, old school operators who deal in casinos. That competition is good,' is how he concludes. We've also heard in the halls, I'm sure everybody's been lobbied extensively on this bill, from the casinos that this bill would allow for an unlimited amount of mobile apps for sports wagering and that is somehow dangerous. I would simply point out that, simultaneously, both casinos are advocating for a bill that allows unlimited on-line and mobile applications for horse racing. So, you can bet on horse racing but for some reason there is a stark difference when it comes to sports betting.

The other concept that's come up a lot is tethering. I think that's a topic that's frequently cited and that casinos are pushing. If you look at the Majority and Minority Reports of the bill, obviously those aren't before us, there are only three lines or four

lines difference between the two bills in a 25 page bill. It comes down to the concept of tethering. Tethering is a way in which the mobile applicants would have to tether their licenses to the physical locations here in Maine. They wouldn't be allowed to enter the market unless they tethered. Under those agreements, they pay a market access fee, it's what it's called, to the existing casinos just for the privilege of having a license. So the majority of our committee rejected this. This bill does not require tethering. We did so for three primary reasons. First, it's completely anti-competitive. We're allowing the casinos to decide who they get to compete against. The casinos seek to have mobile apps themselves. Secondly, this really amounts to a subsidy for the casinos. A lot of the early states who have adopted sports gaming have gone to a tethering model but there are states that have over built and over saturated their casino industries. Atlantic City's a prime example. They've used tethering as a way to prop up their failing, or struggling I should say, casinos. Here in Maine our casinos are doing great. There have been increasing profits and they do so because our state law gives them a monopoly. There are only two casinos allowed in the state of Maine. They have that monopoly. They do everything to protect it. To look outside the country, there are around 20 jurisdictions outside this country who allow for sports wagering and only one that I can find tethers, which is Belgium. Lastly, the reason why our committee rejected tethering is that it really is a method for the casinos to use the app to drive people into a casino. We know the demographic for sports betting is typically young men who are educated and have jobs. These are people who very rarely go to the casinos. It's a very valuable demographic that the casinos are trying to seek. So they want to use tethering as a way to give incentives for people to walk into the casino. Our committee didn't think that was appropriate for us to move forward with doing that, to either subsidize them or to encourage people to go play slot machines, which we all know are about the most addictive form of gaming that there is.

So I think to conclude, a lot of the fears that have been generated by the casinos and their lobby are really overstated. Sports betting, from the states we've seen, does not result in job loss or cannibalization. There's absolutely no evidence to support that. In fact, the evidence runs counter to that. So, again, I think this bill offers a safe, regulated system for Mainers who wish to bet on sports. It helps our retail locations who will now be able to offer it. Again, that's why all of the Maine-based retailers who would be eligible here are fully supportive of overriding this veto and I stand by the work that our committee did and urge you to override this veto. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to speak in support of sustaining the veto. As a member of the Veterans and Legal Affairs Committee, I have heard at length why this bill should or should not become law. For me, it comes down to the impact it will have on our state is the biggest part of this, as how it weighs on our state. Simply put, when there is a brick and mortar there is an investment. If you do not live in Maine you are not going to be as invested in the state as if you didn't have it. The same can be said about businesses. If a business is not physically present it is not going to offer the same investment. Currently, our casinos provide jobs, a safe place for gaming, and revenue generated not

just for gaming but from the monies spent on food, drinks, and lodging when people game here. Our casino has invested more than \$1 billion and collectively employ more than 1,000 people from every county in the state. I would also note that the casinos in Maine are heavily regulated by the Department of Public Safety and the Gambling Control Board. There are measures in place to provide a safe and responsible gaming environment, legal compliance, and good corporate citizenship here. Most states do tether with brick and mortar. There's like one or two that don't. There's a reason behind it. Mobile sports wagering will eventually come to Maine, we've no doubt in that, and the rest of the country but the legalization before us is bad for Maine. It is the wild wild west of sports betting. Under this legislation no investment in Maine is required. There's no limit on licenses and there is no requirement that the mobile licenses be tied to an existing facility, such as casinos, off-track betting, tracks, and tribes. As far as support, the sports betting, Maine does support that I believe, but when it comes to tethering I think that we have to look at what is best for Maine. I urge you to sustain this veto so that we can put this behind us and get to work on creating a responsible mobile sports betting law for the people of Maine. I've heard that from the Governor, that we do things for Maine, and that's what I think that she meant by vetoing this bill and I believe that that's a good decision. Thank you, Mr. President.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I stand today in an effort to protect the spouses and partners and children who will be adversely effected by gambling expansion in Maine. Like substance abuse, gambling addiction is a real problem for Maine families. One of my favorite quotes regarding the State being involved in gaming is from Taylor Branch, the Pulitzer Prize winning biographer of Martin Luther King, and, by the way, Martin Luther King absolutely detested government being involved in gaming of any kind. Here is Branch's quote: 'State sponsored predatory gambling is essentially a corruption of democracy because it violates the most basic premises that make democracy unique: that you can be self-governing, you can be honest and open about your disagreements as well as your agreements, and that you trust other people that you are in this together. That's what a compact of citizens is and the first step away from it is playing each other for suckers. We're going to trick them into thinking they're going to get rich but in reality they're going to pay my taxes.' Please join me in sustaining Governor Mills' veto.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I was going to go on-line and bet this morning. You know I do it many days and I'm not doing great with it but airline pilots should just throw their money away when they start investing in the stock market. So I go on to buy Tesla because Monday was such a good day. Well, down they go. We can bet on-line now. A lot of our people bet on-line on sports. Some don't know that it's illegal. We're losing tax revenue. I wish we weren't in the gambling business, starting right at our own lottery, but we lost that battle. I wish it didn't cost so much to come in and lobby this Body to get a license for a casino that

excludes our indigenous people who live in economically depressed areas and really would like to have that option but can't afford the up-front money to get one against the onslaught of the out-of-state companies that have managed to get a foothold in and want to keep it all for themselves. So, this is a way to open it up to everybody. It's already partly opened up to the folks who have a few hundred dollars to put in the stock market and throw that away every day. I think we can do better than just restricting it to a couple of organizations that take a lot of the money out-of-state. Thank you.

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

Senator **POULIOT:** Thank you, Mr. President. Upon the release of the statement that the Governor was going to veto this bill, I read what was probably one of the most pithy statements from a Chief Executive ever. This was the Chief Executive of the State of New Hampshire, our neighboring state, who made his statement in just six words. It said: 'New Hampshire is open for business.' Hopefully Maine is still open for business as well. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. I'm not a gambler. I don't gamble but I'm looking for the benefit of Maine and I believe that this is going to happen anyways, sports betting. I do believe that. I think that what we have to look at is there is a cascade that goes to tribes and we developed different cascades that go to the veterans and there's a lot of good things that comes out of the Gambling Control Board and I think that if we take the time and do it right we're going to be actually benefiting Maine rather than benefiting outside entities in other states. That's what I'm trying to say. Why not put this money where it belongs, in our state of Maine? Thank you, Mr. President.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#392)

YEAS: Senators: BELLOWS, CARPENTER, CARSON, CHIPMAN, CLAXTON, DESCHAMBAULT, DILL, FARRIN, FOLEY, HERBIG, KEIM, LIBBY, LUCHINI, MIRAMANT, MOORE, POULIOT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, BREEN, CYRWAY, DAVIS, DOW, GUERIN, HAMPER, LAWRENCE, MILLETT, TIMBERLAKE

EXCUSED: Senators: CHENETTE, DIAMOND, GRATWICK, ROSEN, WOODSOME

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 5 Senators being excused, and 20 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN**.

Ordered sent down forthwith for concurrence.

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

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **LIBBY**, to the rostrum where he assumed the duties as President Pro Tem.

The President took a seat on the Floor.

The Senate was called to order by President Pro Tem **NATHAN L. LIBBY** of Androscoggin County.

The Chair laid before the Senate the following Tabled and Later Assigned (1/14/20) matter:

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

S.P. 80 L.D. 268
(C "A" S-218; S "A" S-277
to C "A" S-218)

Tabled - January 14, 2020 by Senator **LIBBY** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, June 18, 2019, **PASSED TO BE ENACTED** in concurrence.)

(In Senate, Veto Communication (S.C. 807) **READ** and **PLACED ON FILE**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to get up and kind of explain the genesis of this bill. I think this is at least the second version of this and what it is is pretty clear to me. When we talk about small business owners in Maine, and trying to make sure that they're doing as best they can, one of the things that has come up consistently, and I've passed out or had sent around a form, a 2016 Maine Revenue Services taxpayer evaluation, if you look on that form I think there's 50 companies on there that operate here in Maine as logging contractors or trucking

contractors and they are actually in Canada. Throughout that 50 members that are on that form you consistently see people that are not paying any personal property tax on their trucks or their logging equipment. You go down through there. It's pretty striking that this is happening. On the second page, Bison. That was a company that actually got caught for violating DOL H2A workers. Paying zero. It's just one right after another paying zero on personal property taxes. One of the ones that's in my area and has such large, significant amount of work, Transport Reggie. They too, I think they had 15 trucks, unlicensed, not paying any personal property tax in Maine. Clearly, the idea that Maine-based companies that are here in the state, they can't hide their equipment. They can't shelter it. They have to pay that personal property tax through their towns and this has been an on-going problem for the towns and for the counties that they operate in. So, this session, early on, I worked with the Professional Logging Contractors to go forward with a bill that incentivized. In the past I had tried to take away Tree Growth for people that violated this provision of Maine personal property tax. This time we tried to actually give an incentive for large landowners to hire people that was actually paying their unemployment taxes, their workers' comp, all the payroll taxes, and their personal property taxes. Very simple thing that, you know, could be done just to show when you come to this country that you've paid your current property taxes and all other taxes. We're not even, in this legislation we're not even asking for all of them. We're just saying that 75% should be paying this, still giving a break to some of these companies that are hiring Canadian loggers. I really don't know, you know, how we would not want to support something like this. You know, the Governor chose to veto it. In her veto letter she talks about there could be problems with residency requirements. We do residency for homestead in Maine. We do residency for marijuana growers in Maine, that they have to be residents. I mean, again here we're saying that these companies have to provide 75% of the workforce be Maine residents to get an incentive, not a penalty. An incentive. So they can still hire 25% Canadian companies that don't pay their taxes and all that. Get the unfair advantage. But, you know, something has to be done. When you look at this list of how many people that are actually getting away without paying taxes, it's a joke. You know, when we had the hearing no one testified as far as from Maine Revenue Services in opposition to this but afterwards we talked to them alone about the issue of trying to come to some language that would satisfy and we thought that we had worked the language so that it was constitutional, would work, wasn't, like I said, a penalty. It was an incentive for people to do the right thing. I mean, to treat Maine small business owners right is what we're asking for here today. Not to take away or give a penalty or anything like that. But one of the things that I found so striking about this when we talked to Maine Revenue Services, they were really up front, I felt, and one of the things they said that this list, after five years, if one of these companies hasn't come forward to pay their personal property taxes they just assume they're not here. Just drop them. They got a free run for everything. As you go down through this list, every one of these companies is working in Maine. We're going to hear a bill in Taxation today where I'm going to show where some of these companies have actually violated other laws and it's not me that's showing it. It's the Maine Forrest Service that actually did the inspections. But they're on this list of not paying their taxes today and if they don't come forward on their own they're going to get a free ride for the rest of their lives. They're just not here because they haven't

seen them, which I find striking that that's the way that we're going to let Maine small business owners, logging industry, trying to compete against Canadian businesses. The other thing that they told us that I also found incredible was that if one of these companies that has millions and millions of dollars of equipment brought a fuel tank across and paid personal property taxes on that fuel tank in say early June, and then brought all their millions of dollars of equipment in after, they would let them go at that point too because they paid the personal property tax on the very low cost fuel tank at the beginning. Basically a Trojan Horse coming in, opening the door for all the rest of the equipment that would come in. So, here we are with an opportunity to actually at least set the record straight. Let some of these landowners that hire Americans actually get a benefit by doing the right thing and we have a veto here that, by the looks of the people in the room, we're probably not going to override. That's okay but when you go home, you know, certainly look yourself in the mirror, that you're definitely not doing everything you can for small business owners here in Maine because the proof is right there. People are getting away with a wicked unfair advantage and I think it's time that we, as Legislators, represent them, not the foreign corporations.

The President Pro Tem laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#393)

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

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

EXCUSED: Senators: CHENETTE, DIAMOND, GRATWICK, ROSEN, WOODSOME

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 5 Senators being excused, and 19 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Ordered sent down forthwith.

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Establish Requirements for the Construction of Elective Transmission Lines by Transmission and Distribution Utilities"

H.P. 1494 L.D. 2097

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

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

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

REPORTS OF COMMITTEES

House

Change of Committee

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Maine Bail Code"

H.P. 1034 L.D. 1421

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

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

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

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

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

ENACTORS

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

Act

An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing

H.P. 1180 L.D. 1645 (S "A" S-374)

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

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

Off Record Remarks

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 11, 2020 at 10:00 in the morning.