



**One Hundred and Twenty-Eighth Legislature
First Regular Session**

Advance Journal and Calendar

11th Legislative Day

In Senate Chamber, Thursday, February 2, 2017.

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

Prayer by Pastor John Kelly, Providence Baptist Church in Fort Kent.

Pledge of Allegiance led by Senator Susan A. Deschambault of York County.

Reading of the Journal of Tuesday, January 31, 2017.

Doctor of the day, Marguerite Pennoyer, M.D., of Scarborough .

Michael D. Thibodeau
Senate President

Heather J.R. Priest
Secretary of the Senate

<http://legislature.maine.gov/senate>

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 131

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, February 7, 2017 at 10:00 in the morning.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

(1-1) Bill "An Act Regarding Transportation of Methadone Patients"

H.P. 111 L.D. 153

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

In Senate, January 26, 2017, **REFERRED** to the Committee on **TRANSPORTATION** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

House Paper

(1-2) Resolve, To Authorize the Transfer of State-owned Property to the Town of St. Agatha

H.P. 109 L.D. 151

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-3) Jim McKenney, of Presque Isle, who has received the President's Award from the Central Aroostook Chamber of Commerce for his dedication to the chamber and The Aroostook Medical Center. We congratulate Mr. McKenney on his receiving this award;

HLS 39

(1-4) Darcie McCarthy, of Littleton, who received the Outstanding Youth Award at the State of Maine Agricultural Trades Show, sponsored by the Maine Department of Agriculture, Conservation and Forestry. We extend to Darcie our congratulations and best wishes;

HLS 40

(1-5) Michael Lynds, of Monticello, who was named Fireman of the Year for the Monticello Fire Department. Mr. Lynds is a tanker operator and first responder who has been with the department since 2006. We congratulate him on his receiving this award;

HLS 41

(1-6) Dick Mynahan, of Lewiston, who is retiring after coaching varsity football at Lisbon High School for 30 years. Mr. Mynahan also coached junior varsity and freshman teams for 16 years. We extend to Mr. Mynahan our appreciation for his service to the youth of the State and offer him our congratulations on his retirement;

HLS 44

(1-7) Ann Shusta Labin, of Madison, who celebrated her 100th Birthday on January 16, 2017. We extend to Mrs. Labin our congratulations and best wishes;

HLS 45

Come from the House, **READ** and **PASSED**.

Joint Resolutions

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

(1-8) Robert Arthur Burns, Sr., of Auburn. Mr. Burns was born in Lewiston and graduated from Edward Little High School. He served 3 years in the United States Marine Corps before working for 34 years at Central Maine Power Company. He was an active member of International Brotherhood of Electric Workers Local 1837 and was also very involved in his community, acting as a Boy Scout leader and a Little League coach and organizing fund-raisers and events for the Auburn Democratic Committee, for which he also served as vice-chair. Mr. Burns will be sadly missed by his loving family and many friends;

HLS 43

WHEREAS, the Legislature has learned with deep regret of the death of:

(1-9) Gary Wentzell, of Mexico, Chief of the Mexico Fire Department. Chief Wentzell was born in Rumford and graduated from Stephens High School. He served as fire chief for 25 years and was a member of the Maine State Federation of Firefighters. In addition to his firefighter duties, he owned and operated Wentzell's Auto Body Shop in Mexico. He was a member of and Trail Master for the Mexico Trailblazers Snowmobile Club, a member of the DownEast Street Rod Club and a member of the Rumford Falls Aerie #1248, Fraternal Order of Eagles. Chief Wentzell will be long remembered and sadly missed by his family, friends and colleagues;

HLS 46

WHEREAS, the Legislature has learned with deep regret of the death of:

(1-10) Charles Ellsworth Huntington, of Harpswell. After earning a bachelor's degree in biology and a Ph.D. in ornithology at Yale University and serving in the United States Navy during World War II, Dr. Huntington spent his entire career teaching evolutionary biology, ecology and ornithology at Bowdoin College, retiring in 1986. He served as director of Kent Island, Bowdoin College's ornithological research station in the Bay of Fundy, where he conducted decades of research into the habits of Leach's Storm Petrel. He also helped to found the Natural Resources Council of Maine and for many years was a board member of the Merrymeeting Audubon Society. Dr. Huntington will be sadly missed by his loving family and many friends;

HLS 47

WHEREAS, the Legislature has learned with deep regret of the death of:

(1-11) the Honorable Roland B. Samson, of Jay. Mr. Samson served his country in the United States Army. He worked at International Paper Company, and he worked as a union organizer for PACE International Union and the United Steelworkers. He represented District 76 in the Maine House of Representatives from 1995 to 2000, served on the Jay Planning Board and as chair of the Jay Democratic Committee and participated in many clubs and organizations. Mr. Samson will be long remembered and sadly missed by his wife of 49 years, Bonnie, and his family, friends and colleagues;

HLS 48

Come from the House **READ** and **ADOPTED**.

COMMUNICATIONS

(2-1) The Following Communication:

S.C. 86

STATE OF MAINE
 ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
 COMMITTEE ON APPROPRIATIONS AND FINANCIAL AFFAIRS

January 31, 2017

The Honorable Michael D. Thibodeau
 President of the Senate of Maine
 128th 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 Appropriations and Financial Affairs has had under consideration the nomination of Philip A. Brookhouse of Auburn, for reappointment to the Maine Public Employees Retirement System Board of Trustees.

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

YEAS	Senators	3	Hamper of Oxford, Breen of Cumberland, Katz of Kennebec
	Representatives	8	Gattine of Westbrook, Frey of Bangor, Hubbell of Bar Harbor, Jorgensen of Portland, Martin of Eagle Lake, Seavey of Kennebunkport, Tepler of Topsham, Winsor of Norway
NAYS		0	
ABSENT		2	Rep. Sirocki of Scarborough, Rep. Timberlake of Turner

Eleven 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 Philip A. Brookhouse of Auburn, for reappointment to the Maine Public Employees Retirement System Board of Trustees be confirmed.

Signed,

S/James M. Hamper
 Senate Chair

S/Drew M. Gattine
 House Chair



(2-2) The Following Communication:

S.C. 87

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

January 31, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Insurance and Financial Services has had under consideration the nomination of Eric A. Cioppa of South China, for reappointment as the Superintendent of Insurance.

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	3	Whittemore of Somerset, Carson of Cumberland, Dow of Lincoln
	Representatives	10	Lawrence of South Berwick, Brooks of Lewiston, Collings of Portland, Craig of Brewer, Foley of Wells, Melaragno of Auburn, Picchiotti of Fairfield, Prescott of Waterboro, Sanborn of Portland, Wallace of Dexter
NAYS		0	
ABSENT		0	

Thirteen 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 Eric A. Cioppa of South China, for reappointment as the Superintendent of Insurance be confirmed.

Signed,

S/Rodney L. Whittemore
Senate Chair

S/Mark W. Lawrence
House Chair



(2-3) The Following Communication:

S.C. 105

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

February 1, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Marine Resources has had under consideration the nomination of Geoffrey S. Smith of Portland, for reappointment to the Marine Resources Advisory Council.

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	3	Maker of Washington, Brakey of Androscoggin, Vitelli of Sagadahoc
	Representatives	9	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias
NAYS		0	
ABSENT		1	Rep. Haggan of Hampden

Twelve 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 Geoffrey S. Smith of Portland, for reappointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Joyce A. Maker
Senate Chair

S/Walter A. Kumiega
House Chair



(2-4) The Following Communication:

S.C. 106

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

February 1, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Marine Resources has had under consideration the nomination of Ronald A. Trundy of Stonington, for appointment to the Marine Resources Advisory Council.

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	3	Maker of Washington, Brakey of Androscoggin, Vitelli of Sagadahoc
	Representatives	9	Kumiega of Deer Isle, Alley of Beals, Battle of South Portland, Blume of York, Devin of Newcastle, Hawke of Boothbay Harbor, Simmons of Waldoboro, Sutton of Warren, Tuell of East Machias
NAYS		0	
ABSENT		1	Rep. Haggan of Hampden

Twelve 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 Ronald A. Trundy of Stonington, for appointment to the Marine Resources Advisory Council be confirmed.

Signed,

S/Joyce A. Maker
Senate Chair

S/Walter A. Kumiega
House Chair

(2-5) The Following Communication:

S.C. 107

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

February 1, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Veterans and Legal Affairs has had under consideration the nomination of Barbara J. Dresser of Saco, for reappointment to the Gambling Control Board.

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	3	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
	Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Schneck of Bangor, White of Washburn
NAYS		0	
ABSENT		1	Rep. Monaghan of Cape Elizabeth

Twelve 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 Barbara J. Dresser of Saco, for reappointment to the Gambling Control Board be confirmed.

Signed,

S/Garrett P. Mason
Senate Chair

S/Louis J. Luchini
House Chair



(2-6) The Following Communication:

S.C. 108

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

February 1, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th 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 Veterans and Legal Affairs has had under consideration the nomination of Alfred R. Skolfield of Winthrop, for appointment to the Gambling Control Board.

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	3	Mason of Androscoggin, Carpenter of Aroostook, Collins of York
	Representatives	9	Luchini of Ellsworth, Casas of Rockport, Dillingham of Oxford, Farrin of Norridgewock, Hanington of Lincoln, Hickman of Winthrop, Longstaff of Waterville, Schneck of Bangor, White of Washburn
NAYS		0	
ABSENT		1	Rep. Monaghan of Cape Elizabeth

Twelve 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 Alfred R. Skolfield of Winthrop, for appointment to the Gambling Control Board be confirmed.

Signed,

S/Garrett P. Mason
Senate Chair

S/Louis J. Luchini
House Chair



(2-7) The Following Communication:

S.C. 88

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating The Hon. Douglas K. Damon of Bangor for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

(2-8) The Following Communication:

S.C. 89

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Daniel R. LaPointe of Van Buren for reappointment to the Loring Development Authority.

Pursuant to Title 5, MRSA §13080-B, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

(2-9) The Following Communication:

S.C. 90

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Arnold S. Clark, Esq. of Calais for reappointment to the Maine Human Rights Commission.

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

S/Paul R. LePage
Governor

(2-10) The Following Communication:

S.C. 91

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Justice Robert W. Clifford of Lewiston for reappointment to Active Retired Status of the Maine Supreme Judicial Court.

Pursuant to Title 4, MRSA §104, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

(2-11) The Following Communication:

S.C. 92

**STATE OF MAINE
OFFICE OF THE GOVERNOR**

January 30, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Daniel V. Deveau of Augusta for reappointment as the Maine-Canada Trade Ombudsman.

Pursuant to Title 5, MRSA §262, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.
Sincerely,

S/Paul R. LePage
Governor

(2-12) The Following Communication:

S.C. 93

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

January 23, 2017

The Honorable Mike Thibodeau
President of the Senate
3 State House Station
Augusta ME 04333

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

Dear President Thibodeau and Speaker Gideon:

I thank you for the invitation to deliver the State of the State address at a Joint Session of the 128th Maine Legislature on Tuesday, February 7, 2017 at 7:00 p.m.

Please know that I accept your invitation and look forward to seeing you at that time.

Sincerely,

S/Paul R. LePage Governor

(2-13) The Following Communication:

S.C. 94

**STATE OF MAINE
SUPREME JUDICIAL COURT
PORTLAND ME**

January 18, 2017

The Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333-0003

The Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333-0002

Dear President Thibodeau and Speaker Gideon:

I am pleased to accept your invitation to address a Joint Convention of the 128th Maine Legislature on Thursday, February 16, 2017, at 11:00 a.m. I appreciate the courtesy of the Legislative Branch of government in inviting me to address the cause of justice in Maine.

I look forward to seeing you on February 16, 2017.

Sincerely,

S/Leigh I. Saufley
Chief Justice

(2-14) The Following Communication:

S.C. 104

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

February 1, 2017

Honorable Heather J. R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest,

Pursuant to my authority under Title 22, Subtitle 3, MRSA, Part 3, Ch. 1052-A, §3739-2, I am pleased to appoint the following members to the Child Care Advisory Council effective February 1, 2017:

Representative Jennifer Ellen Parker of South Berwick to seat 10
Representative Deborah J. Sanderson of Chelsea to seat 11

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

(2-15) The Following Communication:

S.C. 95

**NORTHERN NEW ENGLAND PASSENGER RAIL AUTHORITY
PORTLAND ME**

January 25, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Northern New England Passenger Rail Authority due by February 1, 2017.

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

Thank you.

Sincerely,

S/Mr. Martin Eisenstein, Chairman
Northern New England Passenger Rail Authority

S/Ms. Patricia Quinn, Executive Director
Northern New England Passenger Rail Authority

(2-16) The Following Communication:

S.C. 96

**MAINE GOVERNMENTAL FACILITIES AUTHORITY
AUGUSTA, ME**

January 27, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Governmental Facilities Authority due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-9386 or by email at mrg@mgfa.com.

Sincerely Yours,

S/Michael R. Goodwin
Executive Director

(2-17) The Following Communication:

S.C. 97

**MAINE HEALTH AND HIGHER
EDUCATIONAL FACILITIES AUTHORITY
AUGUSTA, ME**

January 27, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Health and Higher Educational Facilities Authority due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-1958 or by email at mrg@mhhefa.com.

Sincerely Yours,

S/Michael R. Goodwin
Executive Director

(2-18) The Following Communication:

S.C. 98

**MAINE MUNICIPALE BOND BANK
AUGUSTA, ME**

January 27, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Municipal Bond Bank due by February 1, 2017.

Please feel free to contact me with any questions or if you need additional information. I can be reached at 622-9386 or by email at mrg@mmbb.com.

Sincerely,

S/Michael R. Goodwin
Executive Director

(2-19) The Following Communication:

S.C. 99

**MAINE COMMUNITY COLLEGE SYSTEM
OFFICE OF THE PRESIDENT
AUGUSTA, ME**

January 30, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, ME 04333-0002

Dear Speaker Gideon and President Thibodeau:

I am pleased to submit on behalf of the Board of Trustees of the Maine Community College System (MCCS) the attached report on certain procurements, contributions, and policy changes for the period July 1, 2015 through June 30, 2016 as required by 5 M.R.S.A. § 12023.

To report the information required by §12023, MCCS developed a customized reporting feature in the business management module of our information systems for each of the seven colleges and the System Office, and then fed that module with data from the purchase order, cash disbursement, and credit card systems. Combined, the seven colleges and the MCCS System Office make tens of thousands of purchases and expenditures each year. While the task of reporting on these transactions is complex, our review indicates that the colleges' compliance with existing policies is extremely high, and expenditures are consistently mission related. In those few areas where we have identified need for improvement, refinements have been made or are under way.

MCCS will continue to use its internal controls and annual outside audit to adapt its systems to changing needs, and our Board of Trustees will continue its own ongoing attention to these matters at its regular meetings.

If you have any questions, please do not hesitate to contact me. Thank you.

Sincerely yours,

S/Derek P. Langhauser, President

(2-20) The Following Communication:

S.C. 100

**EFFICIENCY MAINE
AUGUSTA, ME**

January 30, 2017

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, ME 04333-0003

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, ME 04333-0002

Dear President Thibodeau and Speaker Gideon:

Pursuant to 5 M.R.S.A., Section §12023, please consider this the letter of transmittal for the required report from Efficiency Maine Trust due by February 1, 2017.

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

Sincerely,

S/Michael D. Stoddard
Executive Director

(2-21) The Following Communication:

S.C. 101

**MAINEHOUSING
MAINE STATE HOUSING AUTHORITY
AUGUSTA, ME**

January 25, 2017

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

Honorable Michael D. Thibodeau President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine State Housing Authority due by February 1, 2017.

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

Thank you.
Sincerely,

S/John Gallagher
Director

(2-22) The Following Communication:

S.C. 102

**PUBLIC EMPLOYEES RETIREMENT SYSTEM
AUGUSTA, ME**

January 31, 2017

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

The Maine Public Employees Retirement System (MainePERS) is submitting the enclosed report pursuant to 5 M.R.S. § 12023 to provide information on procurement, contributions, and changes to relevant policies and procedures by MainePERS during Fiscal Year 2016.

We would be pleased to respond to any questions you might have about the report.

Sincerely,

S/Sandra J. Matheson
Executive Director

(2-23) The Following Communication:

S.C. 103

**MAINE TECHNOLOGY INSTITUTE
BRUNSWICK, ME**

January 31, 2017

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

The Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Maine Technology Institute (MTI) due by February 1, 2016.

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

Thank you.
Sincerely,

S/Brian Whitney
President

SENATE PAPERS

(3-1) Bill "An Act To Authorize a General Fund Bond Issue To Upgrade and Replace Infrastructure of the Maine Public Broadcasting Corporation"

S.P. 111 L.D. 345

Presented by Senator KATZ of Kennebec.

Cosponsored by Senators: HILL of York, JACKSON of Aroostook, LANGLEY of Hancock, SAVIELLO of Franklin, Representatives: FREY of Bangor, HARVELL of Farmington, POULIOT of Augusta.

(3-2) Bill "An Act To Authorize a General Fund Bond Issue for a New Engineering Design and Education Center at the University of Maine"

S.P. 117 L.D. 376

Presented by Senator DIAMOND of Cumberland.

Cosponsored by Representative KORNFIELD of Bangor and Senators: CUSHING of Penobscot, DILL of Penobscot, GRATWICK of Penobscot, MILLETT of Cumberland, Representative: CAMPBELL of Orrington.

(3-3) Bill "An Act To Amend the Laws Governing the Issuance of Bonds"

S.P. 123 L.D. 382

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative GROHMAN of Biddeford and Senators: DIAMOND of Cumberland, DION of Cumberland, HILL of York, LANGLEY of Hancock, SAVIELLO of Franklin, Representative: GOLDEN of Lewiston.

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

(3-4) Bill "An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp"

S.P. 109 L.D. 343

Presented by Senator DAVIS of Piscataquis.

Cosponsored by Representative MARTIN of Sinclair and Senators: DOW of Lincoln, SAVIELLO of Franklin, Representative: BLACK of Wilton.

(3-5) Bill "An Act To Make Abuse of Corpse a Class C Crime"

S.P. 112 L.D. 346

Presented by Senator KATZ of Kennebec. (BY REQUEST)

Cosponsored by Representative GROHMAN of Biddeford.

(3-6) Bill "An Act To Create a County Jail Drug Rehabilitation and Treatment Grant Program"

S.P. 118 L.D. 377

Presented by Senator CHENETTE of York.

Cosponsored by Representative GROHMAN of Biddeford and Senators: DESCHAMBAULT of York, WOODSOME of York, Representatives: GERRISH of Lebanon, NADEAU of Winslow, O'NEIL of Saco.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

(3-7) Bill "An Act To Promote Physical Activity for Schoolchildren"

S.P. 119 L.D. 378

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative PIERCE of Falmouth and Senators: GRATWICK of Penobscot, LANGLEY of Hancock, MAKER of Washington, Representatives: DAUGHTRY of Brunswick, FARNSWORTH of Portland, HUBBELL of Bar Harbor, POULIOT of Augusta.

(3-8) Bill "An Act To Provide Stability and Continuity in the Department of Education"

S.P. 120 L.D. 379

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative KORNFIELD of Bangor.

(3-9) Bill "An Act To Implement the Federal Every Student Succeeds Act in Maine"

S.P. 121 L.D. 380

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative KORNFIELD of Bangor.

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

(3-10) Bill "An Act To Provide Opportunity for Energy Cost Reduction for Maine Businesses and Citizens"

S.P. 110 L.D. 344

Presented by Senator DION of Cumberland.

Committee on **ENERGY, UTILITIES AND TECHNOLOGY** suggested and ordered printed.

(3-11) Bill "An Act To Establish a Mattress Stewardship Program"

S.P. 115 L.D. 349

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senator: CARSON of Cumberland.

(3-12) Bill "An Act To Establish a Carpet Stewardship Program"

S.P. 116 L.D. 375

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senator: CARSON of Cumberland.

(3-13) Bill "An Act To Establish a Stewardship Program for Certain Rechargeable Batteries"

S.P. 126 L.D. 385

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senator: CARSON of Cumberland.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

(3-14) Bill "An Act To Support Death with Dignity"

S.P. 113 L.D. 347

Presented by Senator KATZ of Kennebec.

Cosponsored by Representative HUBBELL of Bar Harbor, Representative WOOD of Greene and Senators: CARSON of Cumberland, GRATWICK of Penobscot, HILL of York, MIRAMANT of Knox, ROSEN of Hancock, Representatives: HARLOW of Portland, HYMANSON of York, JORGENSEN of Portland.

(3-15) Bill "An Act To Increase Access to Child Care"

S.P. 124 L.D. 383

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative HAMANN of South Portland and Senators: BREEN of Cumberland, CARPENTER of Aroostook, DIAMOND of Cumberland, HILL of York, JACKSON of Aroostook, LIBBY of Androscoggin, VITELLI of Sagadahoc.

(3-16) Bill "An Act To Strengthen Maine Children's Mental Health"

S.P. 125 L.D. 384

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative MALABY of Hancock and Senators: BRAKEY of Androscoggin, BREEN of Cumberland, CHIPMAN of Cumberland, KATZ of Kennebec, MAKER of Washington, VITELLI of Sagadahoc, Representatives: HAMANN of South Portland, HYMANSON of York.

(3-17) Bill "An Act To Establish Universal Health Care for Maine"

S.P. 127 L.D. 386

Presented by Senator GRATWICK of Penobscot.

Cosponsored by Representative HYMANSON of York and Senators: BELLOWS of Kennebec, BREEN of Cumberland, CHIPMAN of Cumberland, JACKSON of Aroostook, Representatives: ACKLEY of Monmouth, BERRY of Bowdoinham, BROOKS of Lewiston, DENNO of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

(3-18) Bill "An Act To Require the Use of Personal Flotation Devices in Canoes"

S.P. 108 L.D. 342

Presented by Senator MAKER of Washington.

Cosponsored by Representative STEWART of Presque Isle and Senators: DAVIS of Piscataquis, ROSEN of Hancock, Representatives: FULLER of Lewiston, HUBBELL of Bar Harbor, McCREA of Fort Fairfield, TUELL of East Machias.

Committee on **INLAND FISHERIES AND WILDLIFE** suggested and ordered printed.

(3-19) Bill "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law"

S.P. 130 L.D. 389

Presented by Senator HAMPER of Oxford.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

(3-20) Bill "An Act To Increase Consumer Protection for Time-share Owners"

S.P. 114 L.D. 348

Presented by Senator CHENETTE of York. (BY REQUEST)

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

(3-21) Bill "An Act To Provide for Oversight of Maine's Recreational Marijuana Laws"

S.P. 128 L.D. 387

Presented by Senator GRATWICK of Penobscot.

Cosponsored by Representative McCREA of Fort Fairfield and Senators: DESCHAMBAULT of York, DILL of Penobscot, DION of Cumberland, VITELLI of Sagadahoc, Representatives: HUBBELL of Bar Harbor, STEWART of Presque Isle, ZEIGLER of Montville.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

(3-22) Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"
S.P. 122 L.D. 381

Presented by Senator MILLETT of Cumberland.

Cosponsored by Representative McLEAN of Gorham and Senators: CYRWAY of Kennebec, DIAMOND of Cumberland, DION of Cumberland, HILL of York, Representatives: BRYANT of Windham, MAREAN of Hollis, MONAGHAN of Cape Elizabeth.

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

(3-23) Bill "An Act Regarding the Sale of Alcohol by a Manufacturer with an On-premises Retail License"

S.P. 129 L.D. 388

Presented by Senator SAVIELLO of Franklin.

Cosponsored by Senators: LANGLEY of Hancock, WOODSOME of York.

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

ORDERS

Senate Order

(4-1) On motion by President **THIBODEAU** of Waldo, the following Senate Order:
S.O. 12

STATE OF MAINE 128TH MAINE SENATE

WHEREAS, it appears to the Senate of the 128th Legislature that the following are important questions of law and that this is a solemn occasion; and

WHEREAS, the Constitution of Maine, Article VI, Section 3 provides for the Justices of the Supreme Judicial Court to render their opinion on such questions; and

WHEREAS, separate provisions of the Constitution of Maine, adopted at different times, provide that persons elected to the House of Representatives and as Governor shall be elected "by a plurality of all votes returned," Me. Const. art. IV, pt. 1, §5 and art. V, pt. 1, §3, and those elected to the Senate "by a plurality of the votes in each senatorial district," Me. Const. art. IV, pt. 2, §4; and

WHEREAS, Article IV, Part First, Section 5 of the Constitution of Maine provides that in elections for the House of Representatives, "the election officials of the various towns and cities shall ... receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. ... Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns [who] shall cause the same to be delivered into the office of the Secretary of State forthwith ... [and] [t]he Governor shall examine the returned copies of such lists and ... shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats."; and

WHEREAS, Article IV, Part Second, Section 3 of the Constitution of Maine provides that meetings for the election of Senators "shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and ... delivered into the office of the Secretary of State forthwith."; and Article IV, Part Second, Section 4 further provides that "[t]he Governor shall ... examine the copies of such lists, and ... issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats."; and

WHEREAS, Article V, Part First, Section 3 of the Constitution of Maine provides that "meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State ... shall ... lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, ... and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same."; and

WHEREAS, Article V, Part First, Section 3 of the Constitution of Maine further provides that "[i]f there shall be a tie between the 2 persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said 2 persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor."; and

WHEREAS, on November 8, 2016, the voters of the state approved a measure referred to the people pursuant to Article IV, Part Third, Section 18 of the Constitution of Maine, entitled An Act To Establish Ranked-choice Voting, referred to in this order as "the Act," which creates new methods of casting ballots for candidates, counting votes and determining elections for the offices of Governor, State Senator and State Representative, as well as the offices of United States Senator and Representative to Congress, and applies to elections held on or after January 1, 2018; and

WHEREAS, section 2 of the Act defines "ranked-choice voting" as "the method of casting and tabulating votes in which voters rank candidates in order of preference, tabulation proceeds in sequential rounds in which last-place candidates are defeated and the candidate with the most votes in the final round is elected"; and

WHEREAS, the Act provides that "[f]or offices elected by ranked-choice voting, the Secretary of State shall tabulate the votes according to the ranked-choice voting method described in [the Maine Revised Statutes, Title 21-A,] section 723-A" as enacted by section 5 of the Act; and

WHEREAS, the method of ranked-choice voting described in the Act does not allow the Secretary of State to aggregate the lists of votes compiled by city and town officials and submitted to the Secretary as required by the Constitution of Maine as set forth above, but instead necessitates that all ballots or images of ballots cast by voters within the entire electoral district be delivered to a central location in order for the Secretary of State to conduct multiple rounds of counting and redistributing voter preferences in each subsequent round of counting using specially designed computer software; and

WHEREAS, the Attorney General issued an opinion on March 4, 2016, to the effect that the system of ranked-choice voting established in the Act conflicts with provisions of Article IV, Part First, Section 5; Article IV, Part Second, Sections 3 and 4; and Article V, Part First, Section 3 of the Constitution of Maine, which declare that ballots are to be counted by municipal officials and that the winner of each electoral race is the candidate who received a plurality of the votes cast and counted at the municipal level, and further that the ranked-choice method of resolving a tie vote in a race for Governor conflicts with Article V, Part First, Section 3; and

WHEREAS, the Act appears to conflict with the Constitution of Maine inasmuch as it would not recognize a person obtaining a plurality of the votes counted and declared by city and town officials as having prevailed in the election; would fundamentally change the role of city and town officials in sorting, counting, declaring and recording votes and would transfer those duties to the Secretary of State; and would eliminate the role of the House of Representatives and the Senate in resolving tie votes for the office of Governor; and

WHEREAS, the Act's provision for resolving tie votes for Governor by lot conflicts with duties that the Constitution of Maine imposes on Representatives and Senators under such circumstances pursuant to Article V, Part First, Section 3 and, therefore, would require them to violate their oath of office pursuant to Article IX, Section 1 of the Constitution of Maine; and

WHEREAS, if the Act were applied to elections in 2018 without resolution of the constitutional questions presented here, a candidate for Representative, Senate or Governor who gained a plurality of the votes counted by city and town officials but failed to prevail in the subsequent round or rounds counted centrally by the Secretary of State pursuant to the Act could challenge that candidate's declared loss as violative of the plurality vote requirement in the Constitution of Maine for the position sought by that candidate, and thereby place the validity of the election into question and delay the seating of a Representative, Senator or Governor; and

WHEREAS, failing to address important and unresolved questions of law about the constitutionality of ranked-choice voting before the end of the current legislative session would create uncertainty over the outcome of any future election contests involving more than 2 candidates; and

WHEREAS, the Senate requests guidance from the Justices as to the constitutionality of the Act so that it may determine, during the current legislative session, whether it is necessary to propose constitutional amendments for submission to the voters for approval in November 2017, in order to implement ranked-choice voting for elections held on or after January 1, 2018, as the Act requires; and

WHEREAS, the 128th Legislature also must determine during the current legislative session whether to authorize and appropriate in excess of \$1,500,000 in the biennial budget for the period beginning July 1, 2017 to implement the Act, including funds at a minimum for new voting equipment and computer software, staff positions, ballot printing and transportation and storage of ballots for counting in a central location; and

WHEREAS, it is vital that the Senate be informed during the current legislative session as to the opinions of the Justices on the questions propounded in this order; now, therefore, be it

ORDERED, that, in accordance with the provisions of the Constitution of Maine, the Senate respectfully requests the Justices of the Supreme Judicial Court to give the Senate their opinion on the following questions of law:

Question 1. Does the Act's requirement that the Secretary of State count the votes centrally in multiple rounds conflict with the provisions of the Constitution of Maine that require that the city and town officials sort, count, declare and record the votes in elections for Representative, Senator and Governor as provided in the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Section 3 and Article V, Part First, Section 3?

Question 2. Does the method of ranked-choice voting established by the Act in elections for Representative, Senator and Governor violate the provisions of the Constitution of Maine, Article IV, Part First, Section 5, Article IV, Part Second, Sections 3 and 4 and Article V, Part First, Section 3, respectively, which declare that the person elected shall be the candidate who receives a plurality of all the votes counted and declared by city and town officials as recorded on lists returned to the Secretary of State?

Question 3. Does the requirement in the Act that a tie between candidates for Governor in the final round of counting be decided by lot conflict with the provisions of the Constitution of Maine, Article V, Part First, Section 3 relating to resolution of a tie vote for Governor by the House of Representatives and Senate?

ORDERS OF THE DAY

Unfinished Business

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

1.

Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing the Portland Public Library, of Portland, on its 150th anniversary.

SLS 18

Tabled - January 5, 2017, by Senator **CHIPMAN** of Cumberland

Pending - **PASSAGE**

2.

Tabled and Later Assigned

Bill "An Act To Support Workforce Development by Increasing Engineering Capacity"
S.P. 100 L.D. 312

Tabled - January 31, 2017, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

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

3.

Tabled and Later Assigned

Bill "An Act To Require State Compliance with Federal REAL ID Guidelines"
S.P. 92 L.D. 306

Tabled - January 31, 2017, by Senator **WHITTEMORE** of Somerset

Pending - **REFERENCE**

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

4.

Tabled and Later Assigned

Bill "An Act To Change the Name of Captain Ambrose Bear Stream"

S.P. 89 L.D. 303

Tabled - January 31, 2017, by Senator **MASON** of Androscoggin

Pending - motion by Senator **DAVIS** of Piscataquis to **REFER** to the Committee on **STATE AND LOCAL GOVERNMENT**

(Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.)

5.

Tabled and Later Assigned

Bill "An Act To Fund and Enhance the Maine Diversion Alert Program" (EMERGENCY)

H.P. 182 L.D. 249

Tabled - January 31, 2017, by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.)

6.

Tabled and Later Assigned

Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"

H.P. 207 L.D. 274

Tabled - January 31, 2017, by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

(In House, **REFERRED** to the Committee on **JUDICIARY**.)

7.

Tabled and Later Assigned

Bill "An Act To Prohibit Any Questions Regarding Criminal History on State Employment Applications"

H.P. 221 L.D. 288

Tabled - January 31, 2017, by Senator **DAVIS** of Piscataquis

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.)
