



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

**Advance Journal and Calendar**

**67th Legislative Day**

In Senate Chamber, Saturday, July 1, 2017.

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

Prayer by Senator Garrett P. Mason of Androscoggin County.

Pledge of Allegiance led by Senator Scott W. Cyrway of Kennebec County.

Reading of the Journal of Friday, June 30, 2017.

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**Michael D. Thibodeau**  
*Senate President*

**Heather J.R. Priest**  
*Secretary of the Senate*

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

**COMMUNICATIONS**

(2-1) The Following Communication:

S.C. 561

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

30 June 2017

The 128<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128<sup>th</sup> Legislature,

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of Maine, I am hereby vetoing LD 1259, "An Act Regarding Pay Equality."

This bill amends the Maine Human Rights Act to make it "evidence of discrimination" if an employer asks about an applicant's salary history before making an offer of employment that includes all compensation.

My Administration fully supports the premise that all individuals should be paid what the job and the individual's own experience and skills are worth. Maine already has an Equal Pay Act enforced by the Department of Labor, as well as additional protections under the Maine Human Rights Act. Between the two agencies, only a handful of wage discrimination complaints are found to be valid each year.

LD 1259, however, poses a particular challenge. It operates on the presumption that some or all previous wages reflect discrimination, which is not the case. Furthermore, wage history gives employers a better understanding of whether the business can afford a candidate and helps them determine the market value for a comparable position.

As a majority small business state, Maine's employers are often their own HR departments. Adding another law restricting a legitimate business practice places yet another burden on our employers. If an employer cannot ask, they may end up making even lower offers than they normally would, resulting in lower wages. This law could actually produce the effect it is intended to mitigate, while making Maine less attractive to businesses.

Similar regulations, which prohibit what employers can ask and to whom they can ask it, are currently being challenged in other states' and federal courts. This spring, the 9th U.S. Circuit Court of Appeals reversed a district court ruling in *Rizo v. Yovino*, concluding that under the federal Equal Pay Act, "prior salary can be a factor other than sex if it supports a business policy and the employer uses the factor reasonably in light of its stated purposes and practices;" however, the 10th and 11th Circuits have reached the opposite conclusion, so this issue appears to be headed to the U.S. Supreme Court.

Although the federal decision does not affect such state laws as LD 1259, if the Supreme Court were to find that questions an employer may ask about salary or compensation history serve a valid business purpose, Maine would have to review this law. The prudent course is to await a clarifying decision by the Supreme Court. The legislature was advised of the pending federal litigation at the public hearing, but once again chose not to take the prudent path; instead, legislators chose to make Maine more hostile to job creators and to risk litigation at the expense of our taxpayers.

For these reasons I am returning LD 1259 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

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(2-2) The accompanying Bill "An Act Regarding Pay Equality"

S.P. 422 L.D. 1259

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(2-3) The Following Communication:

S.C. 560

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

29 June 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 586, “An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund.”

This bill will place significant burdens on the Bureau of Public Lands (BPL) and will create uncertainly for logging contractors with the state. Maine’s public lands are certified as well-managed by two independent, third-party forest certification standards. Our BPL managers are dedicated public servants who carry out their responsibilities in a professional manner every day they show up to work. This bill sends a message to these hard-working people that they are not doing a good job. I strongly disagree with this assumption, and that is why I am vetoing this bill.

There are many sections of this bill I would like to address. The requirement to complete a forest inventory every five years is unnecessary. BPL completed a forest inventory in 2016 that verified BPL’s harvest targets.

My primary concern in this bill is the attempt by the Legislature to micromanage and curtail BPL’s road-building efforts without any good reason. The bureau recently changed the way it contracts out logging services. The new system of contracting for logging services has been a net benefit to the state and is more transparent to the public compared to road-building costs that were hidden in lower stumpage price payments to the bureau. The new system brings in more revenue, which pays for everything else that Maine people like about our public lands, such as trails, accessibility and campsites. If no roads are built, then there will be less revenue for the state to pay for these important things.

LD 586 also taps into the Public Reserved Lands Management Fund to create an educational grant program for forestry and logging training. While I support the logging industry, it is not appropriate to take funds from public lands to pay for it. The Legislature just recently allocated money to create a new logger-training program in the community college system. Since that program is just getting started, we should wait to see if it is working before we spend more money.

Studying areas of insufficient access is unnecessary; BPL already addresses these issues when a problem arises. The bureau is also working to consolidate its ownerships that are held in common with others. This creates more land that the public can enjoy.

The bill directs BPL to develop a list of recreational infrastructure and ADA projects and provide it to its oversight committee for review. This duplicates work already done by BPL to gather public input and address issues locally as resources permit. This bill substitutes the committee's judgement over that of the local public who use the public lands. BPL listens to the people in the field every day, and this bill will replace this policy with a centralized process that requires people to travel long distances to Augusta to make their case to the committee. In addition, the appropriation in this bill will not be enough to do the work properly.

Finally, the bill directs the BPL to review its bid process. This is duplicative and unnecessary; the bureau has already worked out the contracting process with the Bureau of Purchases. There is nothing to gain from another review.

The uncertainty and red tape that is in this bill will have negative impacts BPL's ability to properly manage public lands. We need to let the experts at the bureau continue their careful stewardship of our precious natural resources without the micromanagement of legislative committees.

For these reasons, I return LD 586 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

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(2-4) The accompanying Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund" (EMERGENCY)  
S.P. 201 L.D. 586

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(2-5) The Following Communication:

S.C. 559

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

30 June 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1043, "An Act To Promote Impartiality in the Probate Court."

This bill simply states that beginning January 1, 2021, a judges of probate may not practice law in the State while serving as a judge of probate. I understand there is an effort to overhaul our probate court system, and that effort might be occurring over the next few years. I further understand the proposed overhaul might include provisions that make probate judges appointed rather than elected.

If we are to drastically amend the probate court system, that amendment should be passed as one whole. I do not believe the overhaul should be passed in a piecemeal fashion as this bill seems to propose.

For these reasons, I return LD 1043 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

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(2-6) The accompanying Bill "An Act To Promote Impartiality in the Probate Court"  
S.P. 345 L.D. 1043

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(2-7) The Following Communication:

H.C. 300

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

June 30, 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1311, "An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations."

I do not think that the government should be regulating private roads. Rather, private roads should be governed by private agreement. Because this bill does not advance that goal, I cannot support it.

For these reasons, I return LD 1311 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

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(2-8) The accompanying Bill "An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations"

H.P. 908 L.D. 1311

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

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(2-9) The Following Communication:

H.C. 299

**STATE OF MAINE  
OFFICE OF THE GOVERNOR  
1 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0001**

June 30, 2017

The 128th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 921, "An Act To Remove Time and Acreage Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement."

Many years ago there was a settlement between various tribes, the State of Maine and the federal government. That settlement and the attendant implementing law were well thought out and should not be casually amended, lest we risk opening up the entire settlement agreement. Ultimately, I do not believe this bill is necessary.

For these reasons, I return LD 921 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

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(2-10) The accompanying Bill "An Act To Remove Time and Acreage Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement"

H.P. 649 L.D. 921

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

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**ORDERS**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

(4-1) Jane Horton, of Penobscot, who is celebrating her 90th Birthday on July 1, 2017. We extend to Ms. Horton our congratulations and best wishes;

SLS 531

Sponsored by Senator ROSEN of Hancock.

Cosponsored by Representative: WARD of Dedham.

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**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

(5-1) The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1112 L.D. 1616

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-556)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-556)**.

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**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**

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

H.P. 241 L.D. 327

**Majority - Ought Not to Pass** (8 members)

**Minority - Ought to Pass** (5 members)

Tabled - June 27, 2017, by Senator **KEIM** of Oxford

Pending - **FURTHER CONSIDERATION**

(In Senate, June 20, 2017, Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.)

(In House, House **INSISTED** on its former action whereby Majority **OUGHT NOT TO PASS** Report was **READ** and **ACCEPTED**.)

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**SPECIAL STUDY TABLE**

**1.**

**Emergency**

Resolve, To Establish the Study Committee To Develop a Disposition Plan for Future Surplus State Property in York County

H.P. 723 L.D. 1021  
(C "A" H-67)

Tabled - May 9, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**

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2.

**Emergency**

Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services

H.P. 456 L.D. 642  
(C "A" H-106)

Tabled - May 25, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**

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3.

**Emergency**

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on  
Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification  
(EMERGENCY)

H.P. 170 L.D. 214

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-187)**

Tabled - May 30, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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4.

Resolve, To Establish the Committee To Study the State's Response to the Commercial Sexual Exploitation of Youth

S.P. 173 L.D. 512  
(C "A" S-131)

Tabled - May 31, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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5.

Resolve, To Study the Student Transfer Process

H.P. 717 L.D. 1015  
(C "A" H-198)

Tabled - May 31, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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6.

Resolve, To Establish the Committee To Study the Processing of Evidence from Sexual Assault Test Kits

H.P. 791 L.D. 1128  
(C "A" H-253)

Tabled - May 31, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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7.

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Establish the Commission To Review the Laws Governing Domestic Violence (EMERGENCY)

H.P. 367 L.D. 523  
(C "A" H-362)

**Majority - Ought to Pass as Amended by Committee Amendment "A" (H-362)** (10 members)

**Minority - Ought Not to Pass** (3 members)

Tabled - June 8, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in **NON-CONCURRENCE**

(In House, FAILED Final Passage.)

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## 8.

Resolve, To Establish the Working Group To Restore Judicial Discretion

S.P. 97 L.D. 309

Tabled - June 12, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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## 9.

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

S.P. 423 L.D. 1260

Tabled - June 21, 2017, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

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### SPECIAL APPROPRIATIONS TABLE

L.D. 8 - H.P. 9 (C "A" H-451)	L.D. 320 - S.P. 94 (C "A" S-199)
L.D. 20 - H.P. 21 (C "A" H-39)	L.D. 323 - H.P. 237 (C "A" H-257)
L.D. 27 - H.P. 28 (C "A" H-100)	L.D. 328 - H.P. 242 (C "A" H-150)
L.D. 31 - H.P. 32 (C "A" H-503)	L.D. 346 - S.P. 112 (C "A" S-111)
L.D. 38 - S.P. 17 (C "A" S-64)	L.D. 358 - H.P. 264 (C "A" H-260)
L.D. 49 - H.P. 35 (C "A" H-497)	L.D. 367 - H.P. 273 (C "A" H-493)
L.D. 59 - H.P. 46 (C "A" H-168)	L.D. 377 - S.P. 118 (C "A" S-112)
L.D. 79 - S.P. 28 (C "A" S-27)	L.D. 401 - H.P. 292 (C "A" H-109)
L.D. 82 - S.P. 31 (C "A" S-94)	L.D. 423 - H.P. 303 (C "A" H-17; H "A" H-19)
L.D. 85 - S.P. 34 (C "A" S-11)	L.D. 449 - S.P. 151 (C "A" S-79)
L.D. 89 - S.P. 37	L.D. 456 - H.P. 323
L.D. 100 - H.P. 68 (C "A" H-174)	L.D. 503 - S.P. 164 (C "A" S-31)
L.D. 106 - H.P. 74 (C "A" H-245)	L.D. 513 - S.P. 174 (C "B" S-119)
L.D. 111 - H.P. 79	L.D. 517 - S.P. 178 (C "A" S-91)
L.D. 130 - S.P. 49 (C "A" S-9)	L.D. 524 - H.P. 368 (C "A" H-138)
L.D. 162 - H.P. 120 (C "A" H-482)	L.D. 525 - H.P. 369 (C "A" H-139)
L.D. 170 - H.P. 126 (C "A" H-274)	L.D. 526 - H.P. 370
L.D. 173 - H.P. 129 (C "A" H-121)	L.D. 563 - H.P. 405 (C "A" H-72)
L.D. 174 - H.P. 130 (C "A" H-374)	L.D. 601 - H.P. 417 (C "A" H-73)
L.D. 182 - H.P. 138 (C "A" H-215)	L.D. 643 - H.P. 457 (C "A" H-176)
L.D. 192 - H.P. 148 (C "A" H-177)	L.D. 648 - H.P. 462
L.D. 197 - H.P. 153 (C "A" H-133)	L.D. 654 - S.P. 216 (C "A" S-113)
L.D. 203 - H.P. 159 (C "A" H-76)	L.D. 656 - S.P. 218 (C "A" S-43)
L.D. 206 - H.P. 162 (C "A" H-196)	L.D. 681 - H.P. 472 (C "A" H-505)
L.D. 230 - S.P. 76 (C "A" S-66)	L.D. 687 - H.P. 478 (C "A" H-382)
L.D. 267 - H.P. 200 (C "A" H-21)	L.D. 720 - S.P. 237 (C "A" S-86)
L.D. 285 - H.P. 218 (C "A" H-114)	L.D. 721 - S.P. 238 (C "A" S-114)
L.D. 288 - H.P. 221 (C "A" H-242)	L.D. 723 - S.P. 240 (C "A" S-148)
L.D. 289 - H.P. 222 (C "A" H-232)	L.D. 726 - H.P. 510 (C "A" H-250)
L.D. 290 - H.P. 223 (C "A" H-282)	L.D. 766 - H.P. 546

L.D. 781 - H.P. 561 (C "A" H-416)	L.D. 1212 - S.P. 406 (C "A" S-180)
L.D. 782 - H.P. 562 (C "A" H-193)	L.D. 1231 - H.P. 853
L.D. 792 - H.P. 572 (C "A" H-58)	L.D. 1247 - H.P. 870 (C "A" H-194)
L.D. 794 - H.P. 574 (C "A" H-472)	L.D. 1248 - H.P. 871 (C "A" H-144)
L.D. 808 - S.P. 253	L.D. 1263 - S.P. 426 (C "A" S-109)
L.D. 816 - S.P. 261 (C "A" S-150)	L.D. 1280 - S.P. 432
L.D. 843 - H.P. 592 (C "A" H-217)	L.D. 1286 - S.P. 438 (C "A" S-221)
L.D. 848 - H.P. 597 (C "A" H-448)	L.D. 1287 - S.P. 439 (C "A" S-121)
L.D. 891 - S.P. 291 (C "A" S-237)	L.D. 1301 - H.P. 898 (C "A" H-248)
L.D. 910 - H.P. 638 (C "A" H-420)	L.D. 1308 - H.P. 905 (C "A" H-118)
L.D. 919 - H.P. 647 (C "A" H-113)	L.D. 1314 - H.P. 911 (C "A" H-202)
L.D. 949 - S.P. 304 (C "A" S-187)	L.D. 1317 - H.P. 914 (C "A" H-234)
L.D. 952 - S.P. 307 (C "A" S-106)	L.D. 1320 - S.P. 449 (C "A" S-314)
L.D. 956 - S.P. 311 (C "A" S-171; S "A" S-291)	L.D. 1321 - S.P. 450 (C "A" S-128)
L.D. 967 - H.P. 680 (C "A" H-342)	L.D. 1322 - H.P. 916 (C "A" H-499)
L.D. 970 - H.P. 683 (C "A" H-209)	L.D. 1343 - S.P. 457 (C "A" S-152)
L.D. 990 - S.P. 329	L.D. 1388 - S.P. 475 (C "A" S-162)
L.D. 998 - H.P. 699 (C "A" H-296)	L.D. 1391 - H.P. 965 (C "A" H-321)
L.D. 1000 - H.P. 701 (C "A" H-295)	L.D. 1396 - H.P. 970 (C "A" H-522)
L.D. 1006 - H.P. 707 (C "A" H-210)	L.D. 1399 - S.P. 477 (C "A" S-223)
L.D. 1008 - H.P. 709 (C "A" H-254)	L.D. 1407 - S.P. 485 (C "A" S-245)
L.D. 1044 - S.P. 346 (C "A" S-89)	L.D. 1429 - H.P. 983 (C "A" H-510)
L.D. 1070 - S.P. 352 (C "A" S-107)	L.D. 1433 - H.P. 988 (C "A" H-516)
L.D. 1089 - S.P. 360 (C "A" S-272)	L.D. 1466 - S.P. 512
L.D. 1091 - H.P. 765 (C "A" H-361)	L.D. 1485 - S.P. 515 (C "A" S-205)
L.D. 1108 - S.P. 362 (C "A" S-155)	L.D. 1490 - S.P. 519 (C "A" S-268)
L.D. 1127 - H.P. 790 (C "A" H-376)	L.D. 1494 - H.P. 1027 (C "A" H-396)
L.D. 1130 - H.P. 793	L.D. 1517 - H.P. 1041 (C "A" H-491)
L.D. 1143 - H.P. 806 (C "A" H-453)	L.D. 1520 - H.P. 1044 (C "A" H-288)
L.D. 1170 - S.P. 391	L.D. 1554 - H.P. 1070 (C "A" H-365)
L.D. 1188 - H.P. 825 (C "A" H-330)	L.D. 1597 - S.P. 561 (C "A" S-183)
L.D. 1190 - H.P. 827	L.D. 1624 - S.P. 577 (C "A" S-300)
L.D. 1196 - H.P. 833 (C "A" H-236)	L.D. 1626 - H.P. 1121 (C "A" H-524)
L.D. 1204 - H.P. 840 (C "A" H-494)	L.D. 1639 - S.P. 591 (C "A" S-294)
L.D. 1206 - H.P. 842 (C "A" H-304)	L.D. 1641 - H.P. 1132
L.D. 1208 - H.P. 844 (C "A" H-140)	L.D. 1643 - H.P. 1134
L.D. 1210 - H.P. 846 (C "A" H-185)	L.D. 1644 - H.P. 1135

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### SPECIAL HIGHWAY TABLE

L.D. 99 - H.P. 67 (C "A" H-249)  
L.D. 1150 - H.P. 813 (C "A" H-318)  
L.D. 1249 - H.P. 872 (C "A" H-160)  
L.D. 1318 - H.P. 915 (C "A" H-112)