



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

**Advance Journal and Calendar**

**2nd Legislative Day**

In Senate Chamber, Monday, November 6, 2017.

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

Prayer by Senator Nathan L. Libby of Androscoggin.

Pledge of Allegiance led by Senator Troy D. Jackson of Aroostook County.

Reading of the Journal of Monday, October 23, 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. 695

STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE

October 26, 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 Public Law 2017, Chapter 25, I am pleased to appoint the following legislators and members of the public to serve on the Maine Bicentennial Commission, effective October 26, 2017:

Representative James Handy of Lewiston as a member of the House of Representatives and House Chair

Representative David Haggan of Hampden as a member of the House of Representatives

David Cheever of Augusta, Maine State Archivist, as a representative of a statewide museum organization promoting the state's historic and natural heritage

Hayden Anderson of Portland, Executive Director of the Maine Humanities Council, as a representative of a statewide humanities organization that uses humanities as a tool for positive change in the state's communities

Julie Richard of Augusta, Executive Director of the Maine Arts Commission, as a representative of a statewide organization that promotes arts and culture in the state

Esther Anne of Stillwater, Co-Director of Maine Wabanaki-REACH, as a representative of a statewide organization that promotes the heritage and history of the state

Jamie Ritter of Augusta, Maine State Librarian, as a representative of a statewide organization that promotes and enhances the value of state libraries

Jason Libby of Augusta, Vice Chairman of the Maine Historic Preservation Commission, as a representative of a statewide organization that promotes historical preservation

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

Sincerely,

S/Sara Gideon  
Speaker of the House

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(2-2) The Following Communication:

S.C. 696

**STATE OF MAINE  
128<sup>TH</sup> LEGISLATURE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE**

October 30, 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 Public Law 2017, Chapter 25, I am pleased to appoint the following members of the public to serve on the Maine Bicentennial Commission, effective October 30, 2017:

Esther Anne of Stillwater, Co-Director of Maine Wabanaki-REACH, as the Speaker's designee

Steve Bromage of Portland, Executive Director of the Maine Historical Society, as a representative of a statewide organization that promotes the heritage and history of the state

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

Sincerely,

S/Sara Gideon  
Speaker of the House

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(2-3) The Following Communication:

S.C. 697

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

October 31, 2017

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

Dear President Thibodeau:

Pursuant to M.R.S.A. Title 22, Chapter 413, Section 2069, on behalf of the Board and staff of the Maine Health and Higher Educational Facilities Authority, I am pleased to provide you with our Fiscal Year 2017 Annual Report.

The Maine Health and Higher Educational Facilities Authority was established by the legislature in 1972. Since its inception, the Authority has issued in excess of \$5 billion to meet the capital needs of Maine's healthcare and higher educational institutions.

During fiscal year 2017, the Authority issued \$227,170,000 under its general tax exempt conduit resolution and \$39,000,000 under its moral obligation reserve fund resolution. These sales were accomplished in 5 series for 2 colleges, 12 hospitals and 2 nursing homes.

In addition, Pursuant to M.R.S.A Title 22, Chapter 413, Section 2075, paragraph 1C, the Authority certifies that our reserve fund investments exceed the reserve fund requirement at June 30, 2017.

We are proud of our accomplishments and look forward to continuing our commitment of providing the lowest cost financing to the community we serve.

Sincerely,

S/Michael R. Goodwin, Executive Director

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(2-4) The Following Communication:

S.C. 698

**STATE OF MAINE  
OFFICE OF TAX POLICY  
MAINE REVENUE SERVICES  
24 STATE HOUSE STATION  
AUGUSTA, MAINE**

November 1, 2017

Senate President Thibodeau  
Speaker of the House Gideon  
Members of the 128th Maine Legislature:

Pursuant to 5 M.R.S.A. §13070-J, Maine Revenue Services (MRS) is required to submit a report to the Legislature identifying the revenue foregone as the result of the Jobs and Investment Tax Credit ("JITC"), the Research Expense Tax Credit ("R&D"), the Seed Capital Investment Tax Credit, the Shipbuilding Facility Credit, the Credit for Maine Fishery Infrastructure Investment, and public funds spent on the Business Equipment Tax Reimbursement ("BETR") program. Attached are three reports that provide you with this information.

The First attachment shows the number of individual and corporate JITC, R&D, and Seed Capital credits for tax year 2015, as well as the value of those credits. Tax year 2015 is the last year for which we have full information on both corporate and individual filers. Statutes governing the release of confidential taxpayer information prevent us from reporting the names of the corporations or individuals that benefited from these tax credits. No taxpayer took advantage of the Credit for Maine Fishery Infrastructure Investment in tax year 2015.

The second attachment explains the Shipbuilding Facility credit. As required by statute, the report provides information on the level of employment, yearly investment and the cumulative amount of investment. Since the inception of the credit, the level of employment has been such that the annual cost to the state treasury has been at least \$3 million per year.

The third attachment is a list of BETR recipients. For purposes of this report, businesses that filed for reimbursement during the fiscal year ending June 30, 2017 are listed. Recipients filed between August 1, 2016 and December 31, 2016 for eligible property taxes paid during calendar year 2015. For that period the state reimbursed \$31,787,742 to 1,430 companies.

Public Law 2017, chapter 211 (LD 1551) repealed the requirement that MRS issue this annual report. In the future the information included in this report will be found in the biennial *Tax Expenditure* report issued in February of each odd-numbered year.

If you have any questions on this report, please do not hesitate to contact me.

Sincerely,

S/Michael J. Allen

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(2-5) The Following Communication:

S.C. 699

**MAINE HUMAN RIGHTS COMMISSION  
#51 STATE HOUSE STATION  
AUGUSTA, ME**

October 25, 2017

The Honorable Paul LePage, Governor

The Honorable Michael D. Thibodeau, President of the Maine Senate

The Honorable Sara Gideon, Speaker of the Maine House of Representatives

State House, Augusta, Maine 04333

Dear Governor LePage, President Thibodeau and Speaker Gideon:

On behalf of the Commissioners and staff of the Maine Human Rights Commission ("Commission"), we are pleased to present you with the 2017 Annual Report of the Commission. As you will see from the following, the Commission continues to uphold its statutory charge to enforce Maine's anti-discrimination laws. A few highlights are as follows:

- The number of new complaints filed in Fiscal Year 2017 increased by 12.4% from the year (from 611 to 687).
- Of new complaints filed, 69.4% were based on employment, 14.8% were based on housing, 15.1% were based on public accommodations, and 0.7% were based on education.
- With respect to type of allegation, *disability discrimination* represented 28.4% of complaints filed (an increase from last year's 25.2%). *Retaliation* complaints increased from 19.1% to 26.8% of complaints filed, with whistleblower retaliation complaints decreasing from 18.9% to 9.5%. *Sex discrimination* complaints decreased from 15.1% to 14.1%; sexual harassment is alleged in 39% of sex discrimination complaints. *Race/color/national origin/ancestry* complaints constituted 10.5% of complaints filed, an increase from 9.6% last year. *Age* complaints comprised 7.6%, and *sexual orientation* complaints were 1.1%, of complaints filed.
- Of the 228 cases in which Commission staff completed Investigator's Reports, 70.6% (161 cases) were uncontested. Commissioners heard argument in 67 of the 228 cases.
- In 31 of the 228 *cases* determined by the Commission after an Investigator's Report, the Commissioners found "reasonable grounds" to believe discrimination occurred, a rate of 13.6% (an increase from the prior year's 11.2%). In these 228 cases decided by Commissioners, there were 1697 distinct *claims* of discrimination made; of these claims, Commissioners found "reasonable grounds" in 150 claims. The reasonable grounds rate for Commission *claims* was 8.8%.
- At the end of FY 2017, 798 cases remained pending, a 9.9% increase in pending cases from the prior year.
- Commission staff delivered or participated in or delivered more than 38 training forums during FY 2017.

The Commission continues to promote diversity and tolerance, and to work to eliminate unlawful discrimination for all citizens of and visitors to Maine. We hope this report is of assistance, as our agency seeks to work closely with the Executive and Legislative branches as we jointly assure the citizens of Maine the protections afforded under the Maine Human Rights Act.

Sincerely,

S/Arnold Clark, Chairman of Maine Human Rights Commission

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**ORDERS**

**Senate Resolution**

(4-1) On motion by Senator **SAVIELLO** of Franklin, the following Senate Resolution:  
S.R. 1

**STATE OF MAINE**

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**IN THE YEAR OF OUR LORD  
TWO THOUSAND AND SEVENTEEN**

—————  
**SENATE RESOLUTION, RECOGNIZING THE FIRST ANNUAL  
FIRST-GENERATION COLLEGE CELEBRATION**

**WHEREAS**, the concept of "first-generation college student," meaning a person neither of whose parents completed a baccalaureate degree, was introduced into federal policy by the TRIO community in 1980, in the federal Education Amendments of 1980, which amended the federal Higher Education Act of 1965; and

**WHEREAS**, "TRIO" refers to the federally funded programs, originally 3, now 8, increasing access to higher education for economically disadvantaged students; and

**WHEREAS**, even in 2017, campuses and communities are too often blind to the academic capabilities and gifts that lie dormant within so many first-generation college students; and

**WHEREAS**, TRIO educators continue to be called upon to highlight the return on investment our country receives from providing first-generation college students an opportunity to reach their full potential through college; and

**WHEREAS**, in response, the Council for Opportunity in Education, in partnership with the National Association of Student Personnel Administrators - Student Affairs Administrators in Higher Education and other higher education organizations, is asking college access and success professionals to join with TRIO's Ronald E. McNair Postbaccalaureate Achievement Program and Student Support Services projects across the country for the First Annual First-Generation College Celebration on November 8, 2017, which is the 52nd anniversary of the federal Higher Education Act of 1965; now, therefore, be it

**RESOLVED:** That We, the Members of the Senate of the One Hundred and Twenty-eighth Legislature now assembled in the First Special Session, on behalf of the people we represent, take this opportunity to recognize the First Annual First-Generation College Celebration and the valuable contributions of first-generation college students to our communities.

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## ORDERS OF THE DAY

## SPECIAL APPROPRIATIONS TABLE

L.D. 8 - H.P. 9 (C "A" H-451)	L.D. 843 - H.P. 592 (C "A" H-217)
L.D. 20 - H.P. 21 (C "A" H-39)	L.D. 967 - H.P. 680 (C "A" H-342)
L.D. 27 - H.P. 28 (C "A" H-100)	L.D. 990 - S.P. 329 (C "A" S-265/H "B" H-542)
L.D. 49 - H.P. 35 (C "A" H-497)	L.D. 998 - H.P. 699 (C "A" H-296)
L.D. 59 - H.P. 46 (C "A" H-168)	L.D. 1000 - H.P. 701 (C "A" H-295)
L.D. 79 - S.P. 28 (C "A" S-27)	L.D. 1006 - H.P. 707 (C "A" H-210)
L.D. 85 - S.P. 34 (C "A" S-11)	L.D. 1091 - H.P. 765 (C "A" H-361)
L.D. 106 - H.P. 74 (C "A" H-245)	L.D. 1127 - H.P. 790 (C "A" H-376)
L.D. 111 - H.P. 79 (C "A" H-331/H "B" H-488)	L.D. 1130 - H.P. 793 (C "A" H-469/H "A" H-537)
L.D. 130 - S.P. 49 (C "A" S-9)	L.D. 1188 - H.P. 825 (C "A" H-330)
L.D. 170 - H.P. 126 (C "A" H-274)	L.D. 1190 - H.P. 827 (C "A" H-532/H "A" H-532)
L.D. 173 - H.P. 129 (C "A" H-121)	L.D. 1196 - H.P. 833 (C "A" H-236)
L.D. 174 - H.P. 130 (C "A" H-374)	L.D. 1204 - H.P. 840 (C "A" H-494)
L.D. 192 - H.P. 148 (C "A" H-177)	L.D. 1212 - S.P. 406 (C "A" S-180)
L.D. 197 - H.P. 153 (C "A" H-133)	L.D. 1248 - H.P. 871 (C "A" H-144)
L.D. 206 - H.P. 162 (C "A" H-196)	L.D. 1280 - S.P. 432 (C "A" S-153/S "B" S-297/S "D" S309)
L.D. 230 - S.P. 76 (C "A" S-66)	L.D. 1286 - S.P. 438 (C "A" S-221)
L.D. 267 - H.P. 200 (C "A" H-21)	L.D. 1287 - S.P. 439 (C "A" S-121)
L.D. 285 - H.P. 218 (C "A" H-114)	L.D. 1301 - H.P. 898 (C "A" H-248)
L.D. 288 - H.P. 221 (C "A" H-242)	L.D. 1308 - H.P. 905 (C "A" H-118)
L.D. 289 - H.P. 222 (C "A" H-232)	L.D. 1314 - H.P. 911 (C "A" H-202)
L.D. 320 - S.P. 94 (C "A" S-199)	L.D. 1317 - H.P. 914 (C "A" H-234)
L.D. 323 - H.P. 237 (C "A" H-257)	L.D. 1321 - S.P. 450 (C "A" S-128)
L.D. 367 - H.P. 273 (C "A" H-493)	L.D. 1322 - H.P. 916 (C "A" H-499)
L.D. 377 - S.P. 118 (C "A" S-112)	L.D. 1343 - S.P. 457 (C "A" S-152)
L.D. 401 - H.P. 292 (C "A" H-109)	L.D. 1388 - S.P. 475 (C "A" S-162)
L.D. 423 - H.P. 303 (C "A" H-17; H "A" H-19)	L.D. 1391 - H.P. 965 (C "A" H-321)
L.D. 449 - S.P. 151 (C "A" S-79)	L.D. 1399 - S.P. 477 (C "A" S-223)
L.D. 503 - S.P. 164 (C "A" S-31)	L.D. 1407 - S.P. 485 (C "A" S-245)
L.D. 513 - S.P. 174 (C "B" S-119)	L.D. 1429 - H.P. 983 (C "A" H-510)
L.D. 524 - H.P. 368 (C "A" H-138)	L.D. 1433 - H.P. 988 (C "A" H-516)
L.D. 525 - H.P. 369 (C "A" H-139)	L.D. 1466 - S.P. 512 (C "A" S-186/H "B" H-529)
L.D. 526 - H.P. 370 (C "B" H-42/S "A" S-41)	L.D. 1485 - S.P. 515 (C "A" S-205)
L.D. 563 - H.P. 405 (C "A" H-72)	L.D. 1490 - S.P. 519 (C "A" S-268)
L.D. 643 - H.P. 457 (C "A" H-176)	L.D. 1494 - H.P. 1027 (C "A" H-396)
L.D. 656 - S.P. 218 (C "A" S-43)	L.D. 1517 - H.P. 1041 (C "A" H-491)
L.D. 681 - H.P. 472 (C "A" H-505)	L.D. 1554 - H.P. 1070 (C "A" H-365)
L.D. 687 - H.P. 478 (C "A" H-382)	L.D. 1597 - S.P. 561 (C "A" S-183)
L.D. 720 - S.P. 237 (C "A" S-86)	
L.D. 781 - H.P. 561 (C "A" H-416)	
L.D. 792 - H.P. 572 (C "A" H-58)	
L.D. 816 - S.P. 261 (C "A" S-150)	

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