



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

Advance Journal and Calendar

4th Legislative Day

In Senate Chamber, Tuesday, January 16, 2018.

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

Prayer by Pastor Ed Hatch, Palermo Christian Church.

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

Reading of the Journal of Thursday, January 11, 2018.

Doctor of the day, Richard Fein, D.O. of Manchester.

Michael D. Thibodeau
Senate President

Heather J.R. Priest
Secretary of the Senate

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

(1-1) Bill "An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board"

H.P. 1220 L.D. 1766

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

In Senate, January 9, 2018, on motion by Senator **MASON** of Androscoggin, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY**.

House Papers

(1-2) Bill "An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs"

H.P. 1228 L.D. 1783

Comes from the House, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

(1-3) Bill "An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs"

H.P. 1227 L.D. 1781

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

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-4) Jane Searles, of Bangor, who is retiring as a Regional Manager/Microenterprise Specialist after 32 years of work at New Ventures Maine. We extend to Ms. Searles our congratulations on her retirement and offer her our best wishes;

HLS 839

(1-5) Wayne "Butch" Chase and the Honorable Kathleen Chase, of Wells, who are celebrating their 50th Wedding Anniversary on January 20, 2018. Mrs. Chase served in the Maine House of Representatives from 2007 to 2014. We extend to Mr. and Mrs. Chase our congratulations and best wishes;

HLS 840

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

COMMUNICATIONS

(2-1) The Following Communication:

S.C. 745

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT

January 11, 2018

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 Labor, Commerce, Research and Economic Development has had under consideration the nomination of Coleman R. Palmer of Phippsburg, for reappointment to the Maine Rural Development Authority.

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	6	Austin of Gray, Doore of Augusta, Handy of Lewiston, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland
NAYS		0	
ABSENT		5	Sen. Langley of Hancock, Rep. Fecteau of Biddeford, Rep. Bates of Westbrook, Rep. Lockman of Amherst, Rep. Vachon of Scarborough

Eight 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 Coleman R. Palmer of Phippsburg, for reappointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair



(2-2) The Following Communication:

S.C. 746

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC
DEVELOPMENT**

January 11, 2018

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 Labor, Commerce, Research and Economic Development has had under consideration the nomination of Michael A. Duguay of Waterville, for appointment to the Maine Rural Development Authority.

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	7	Fecteau of Biddeford, Austin of Gray, Doore of Augusta, Handy of Lewiston, Mastraccio of Sanford, Stetkis of Canaan, Sylvester of Portland
NAYS		0	
ABSENT		4	Sen. Langley of Hancock, Rep. Bates of Westbrook, Rep. Lockman of Amherst, Rep. Vachon of Scarborough

Nine 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 Michael A. Duguay of Waterville, for appointment to the Maine Rural Development Authority be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

(2-3) The Following Communication:

S.C. 739

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 10, 2018

Chief Justice Leigh I. Saufley
Maine Supreme Judicial Court
205 Newberry Street, Room 139
Portland, Maine 04101

Dear Chief Justice Saufley:

We are pleased to invite you to address a Joint Session of the 128th Maine Legislature on Tuesday, February 27, 2018, at 11:00 a.m. concerning the State of the Judiciary and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

S/Sara Gideon
Speaker of the House

(2-4) The Following Communication:

S.C. 740

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 9, 2018

Major General Douglas A. Farnham
Adjutant General, Maine National Guard
33 State House Station
Augusta, Maine 04333

Dear General Farnham:

We are pleased to invite you to address a Joint Session of the 128th Maine Legislature on Tuesday, February 20, 2018, at 11:00 a.m., concerning matters of defense, veterans' services, emergency management and any other matters that you may care to bring to our attention.

We look forward to seeing you then.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

S/Sara Gideon
Speaker of the House

(2-5) The Following Communication:

S.C. 744

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

January 11, 2018

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

Dear Secretary Priest,

Pursuant to my authority under Resolve 2017, Chapter 27, I have rescinded the appointment of Derek Langhauser of Cumberland Foreside, as a member of the Commission to Streamline Veterans' Licensing and Certification. President Langhauser has a scheduling conflict and cannot attend the January 12th meeting. He has expressed to me his support for the task force work and recommendations.

Furthermore, I have appointed Nina Fisher, of Farmingdale, to the Commission to Streamline Veterans' Licensing and Certification as a member of an educational institution with programming that result in licensing or certification. This appointment is effective on the date of this letter.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

(2-6) The Following Communication:

S.C. 742

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

January 9, 2018

Honorable Michael D. Thibodeau, Senate President
Honorable Sara Gideon, Speaker of the House
128th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by Rep. Dunphy of Old Town for the Department of Agriculture, Conservation and Forestry, to report the following bill Leave to Withdraw:

L.D. 1662 Resolve, Regarding Legislative Review of Portions of Chapter 307: Fees for Testing Weighing and Measuring Devices, a Major Substantive Rule of the Department of Agriculture, Conservation and Forestry (EMERGENCY)

Sincerely,

S/Sen. Paul T. Davis, Sr.
Senate Chair

S/Rep. Michelle Ann Dunphy
House Chair

(2-7) The Following Communication:

S.C. 743

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

January 11, 2018

Honorable Michael D. Thibodeau, Senate President
Honorable Sara Gideon, Speaker of the House
128th Maine State Legislature

State House

Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Langley of Hancock, to report the following bill Leave to Withdraw:

L.D. 1733 An Act Concerning Locations for Career and Technical Education Regions and Centers

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Tori P. Kornfield
House Chair

SENATE PAPERS

(3-1) Bill "An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands"
S.P. 668 L.D. 1789

Presented by Senator DAVIS of Piscataquis.
Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 203.

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

(3-2) Bill "An Act To Provide for the 2018 and 2019 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)

S.P. 666 L.D. 1787

Presented by Senator VOLK of Cumberland.
Cosponsored by Representative FECTION of Biddeford and Senators: LANGLEY of Hancock, President THIBODEAU of Waldo, Representative: AUSTIN of Gray.
Submitted by the Finance Authority of Maine pursuant to Joint Rule 203.

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

(3-3) Bill "An Act To Increase Safety on a Youth Hunting Day for Hunting Bear by Allowing an Accompanying Adult To Possess a Firearm"

S.P. 669 L.D. 1790

Presented by Senator CUSHING of Penobscot.
Cosponsored by Senator: CYRWAY of Kennebec, Representative: HAGGAN of Hampden.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) Aiden Pettengill, of South China, a member of Boy Scout Troop No. 479, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to him on this achievement;

SLS 664

Sponsored by Senator KATZ of Kennebec.

Cosponsored by Representative: THERIAULT of China.

(4-2) Nolan Murphy, of Seal Cove, a member of Boy Scout Troop No. 98, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to him on this achievement;

SLS 665

Sponsored by Senator LANGLEY of Hancock.

Cosponsored by Representative: KUMIEGA of Deer Isle.

(4-3) Jacob Sanborn, of Sidney, a member of Boy Scout Troop No. 401, who has attained the high rank and distinction of Eagle Scout. This is the highest award in Boy Scouting and is given for excellence in skills development, leadership, personal growth and community service. We extend our congratulations to him on this achievement;

SLS 666

Sponsored by Senator KATZ of Kennebec.

Cosponsored by Representative: PERKINS of Oakland.

(4-4) David H. Bonneau, of Biddeford, a sergeant with the Windham Police Department, who is retiring after over 33 years of service. Sergeant Bonneau served as a motorcycle officer for 20 years and as a detective for 8 years and was the department's physical fitness instructor and defensive tactics instructor for many years. We extend to Sergeant Bonneau our congratulations and best wishes;

SLS 667

Sponsored by Senator DIAMOND of Cumberland.

Cosponsored by Senator: DESCHAMBAULT of York, Representatives: BRYANT of Windham, COREY of Windham, FECTEAU of Biddeford, GROHMAN of Biddeford, SEAVEY of Kennebunkport.

(4-5) Jason Moen, of Naples, who is retiring after more than 20 years in the firefighting service, including nearly 10 years as Chief of the Casco Fire and Rescue Department. We congratulate Chief Moen and send him our best wishes;

SLS 668

Sponsored by Senator DIAMOND of Cumberland.

Cosponsored by Senator: HAMPER of Oxford, Representatives: AUSTIN of Gray, CEBRA of Naples, FAY of Raymond.

Joint Resolution

(4-6) On motion by Senator **CHENETTE** of York (Cosponsored by Senator: **CHIPMAN** of Cumberland, Representatives: **ACKLEY** of Monmouth, **HARLOW** of Portland), the following Joint Resolution:

S.P. 667

STATE OF MAINE

—
**IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN**

—
**JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS
OF THE UNITED STATES TO CALL A CONSTITUTIONAL
CONVENTION UNDER ARTICLE V OF THE UNITED STATES
CONSTITUTION TO PROPOSE AN AMENDMENT TO THE UNITED
STATES CONSTITUTION TO RESTORE FREE AND FAIR ELECTIONS**

WHEREAS, the framers of the United States Constitution intended that the Congress of the United States should be "dependent on the people alone"; and

WHEREAS, that dependency has evolved from a dependency on the people alone to a dependency on powerful special interests, through campaigns or 3rd-party groups, that has created a fundamental imbalance in our representative democracy; and

WHEREAS, Americans across the political spectrum agree that elections in the United States of America should be free from the disproportional influence of special interests and fair enough that any citizen can be elected to office; and

WHEREAS, the Constitution of Maine, Article I, Section 2 states that "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit," and the people have an unalienable and indefeasible right to reform the government when desired; and

WHEREAS, under the United States Constitution, Article V, the Congress of the United States, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the United States Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments that, in either case, shall be valid to all intents and purposes, as part of the United States Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; now, therefore, be it

RESOLVED: That the Legislature of Maine respectfully applies to the Congress of the United States to call a convention for the specific and exclusive purpose of proposing an amendment to the United States Constitution that will permanently protect free and fair elections by addressing concerns about the removal of restrictions on amounts of independent political spending through *Citizens United v. Federal Election Commission* and related cases and events including those occurring long before or afterward or for a substantially similar purpose, and desires that the requested convention should be limited to that purpose; and be it further

RESOLVED: That this State desires that the delegates to the requested convention be composed equally of individuals currently elected to state and local office or be selected by election in each congressional district for the purpose of serving as delegates and all individuals elected or appointed to federal office, now or in the past, be prohibited from serving as delegates to the requested convention and that the State intends to retain the ability to restrict or expand the power of its delegates within the limits expressed in this paragraph; and be it further

RESOLVED: That this application by this body constitutes a continuing application in accordance with the United States Constitution, Article V together with similar applications calling for a convention passed in Vermont, California, Illinois, New Jersey and Rhode Island and all other passed, pending and future applications until at least 2/3 of the legislatures of the several states have made similar application pursuant to Article V and the convention is convened by the Congress of the United States; and be it further

RESOLVED: That this application is void, rescinded and of no effect in the event that such a convention is not limited to such a specific and exclusive purpose; and be it further

RESOLVED: That the people of the State speaking through its Legislature, and pursuant to Article V of the United States Constitution, hereby apply to the Congress of the United States to call a convention for the exclusive purpose of proposing an amendment to the United States Constitution that will restore free and fair elections as described herein, as soon as 2/3 of the several states have applied for a convention for a similar purpose; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Secretary of the Senate and the presiding officers of the houses of the legislature of each of the several states in the nation, the President of the United States, the Speaker and the Clerk of the United States House of Representatives, the President and the Secretary of the United States Senate and each member of the Maine Congressional Delegation.

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

Bill "An Act To Provide for In-person Visitation of Incarcerated Persons"

S.P. 665 L.D. 1782

Tabled - January 11, 2018, by Senator **DAVIS** of Piscataquis

Pending - **REFERENCE**

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

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**

SPECIAL APPROPRIATIONS TABLE

L.D. 8 - H.P. 9 (C "A" H-451)
 L.D. 20 - H.P. 21 (C "A" H-39)
 L.D. 27 - H.P. 28 (C "A" H-100)
 L.D. 49 - H.P. 35 (C "A" H-497)
 L.D. 59 - H.P. 46 (C "A" H-168)
 L.D. 79 - S.P. 28 (C "A" S-27)
 L.D. 85 - S.P. 34 (C "A" S-11)
 L.D. 106 - H.P. 74 (C "A" H-245)
 L.D. 111 - H.P. 79 (C "A" H-331; H "B" H-488 to C "A" H-331)
 L.D. 170 - H.P. 126 (C "A" H-274)
 L.D. 173 - H.P. 129 (C "A" H-121)
 L.D. 174 - H.P. 130 (C "A" H-374)
 L.D. 192 - H.P. 148 (C "A" H-177)
 L.D. 197 - H.P. 153 (C "A" H-133)
 L.D. 230 - S.P. 76 (C "A" S-66)
 L.D. 267 - H.P. 200 (C "A" H-21)
 L.D. 285 - H.P. 218 (C "A" H-114)
 L.D. 288 - H.P. 221 (C "A" H-242)
 L.D. 289 - H.P. 222 (C "A" H-232)
 L.D. 320 - S.P. 94 (C "A" S-199)
 L.D. 323 - H.P. 237 (C "A" H-257)
 L.D. 367 - H.P. 273 (C "A" H-493)
 L.D. 377 - S.P. 118 (C "A" S-112)
 L.D. 401 - H.P. 292 (C "A" H-109)
 L.D. 423 - H.P. 303 (C "A" H-17; H "A" H-19)
 L.D. 449 - S.P. 151 (C "A" S-79)
 L.D. 503 - S.P. 164 (C "A" S-31)
 L.D. 513 - S.P. 174 (C "B" S-119)
 L.D. 524 - H.P. 368 (C "A" H-138)
 L.D. 525 - H.P. 369 (C "A" H-139)
 L.D. 526 - H.P. 370 (C "B" H-42; S "A" S-41 to C "B" H-42)
 L.D. 643 - H.P. 457 (C "A" H-176)
 L.D. 656 - S.P. 218 (C "A" S-43)
 L.D. 681 - H.P. 472 (C "A" H-505)
 L.D. 687 - H.P. 478 (C "A" H-382)
 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)
 L.D. 843 - H.P. 592 (C "A" H-217)
 L.D. 967 - H.P. 680 (C "A" H-342)
 L.D. 990 - S.P. 329 (C "A" S-265; H "B" H-542 to C "A" S-265)
 L.D. 998 - H.P. 699 (C "A" H-296)
 L.D. 1000 - H.P. 701 (C "A" H-295)
 L.D. 1006 - H.P. 707 (C "A" H-210)
 L.D. 1091 - H.P. 765 (C "A" H-361)
 L.D. 1127 - H.P. 790 (C "A" H-376)
 L.D. 1130 - H.P. 793 (C "A" H-469; H "A" H-537 to C "A" H-469)
 L.D. 1188 - H.P. 825 (C "A" H-330)
 L.D. 1190 - H.P. 827 (C "A" H-532; H "A" H-550 to C "A" H-532)
 L.D. 1196 - H.P. 833 (C "A" H-236)
 L.D. 1204 - H.P. 840 (C "A" H-494)
 L.D. 1212 - S.P. 406 (C "A" S-180)
 L.D. 1248 - H.P. 871 (C "A" H-144)
 L.D. 1280 - S.P. 432 (C "A" S-153; S "B" S-297 to C "A" S-153; S "D" S-309 to C "A" S-153)
 L.D. 1286 - S.P. 438 (C "A" S-221)
 L.D. 1287 - S.P. 439 (C "A" S-121)
 L.D. 1301 - H.P. 898 (C "A" H-248)
 L.D. 1308 - H.P. 905 (C "A" H-118)
 L.D. 1314 - H.P. 911 (C "A" H-202)
 L.D. 1317 - H.P. 914 (C "A" H-234)
 L.D. 1321 - S.P. 450 (C "A" S-128)
 L.D. 1322 - H.P. 916 (C "A" H-499)
 L.D. 1343 - S.P. 457 (C "A" S-152)
 L.D. 1388 - S.P. 475 (C "A" S-162)
 L.D. 1391 - H.P. 965 (C "A" H-321)
 L.D. 1399 - S.P. 477 (C "A" S-223)
 L.D. 1407 - S.P. 485 (C "A" S-245)
 L.D. 1429 - H.P. 983 (C "A" H-510)
 L.D. 1433 - H.P. 988 (C "A" H-516)
 L.D. 1466 - S.P. 512 (C "A" S-186; H "B" H-529 to C "A" S-186)
 L.D. 1485 - S.P. 515 (C "A" S-205)
 L.D. 1490 - S.P. 519 (C "A" S-268)
 L.D. 1494 - H.P. 1027 (C "A" H-396)
 L.D. 1517 - H.P. 1041 (C "A" H-491)
 L.D. 1554 - H.P. 1070 (C "A" H-365)
 L.D. 1597 - S.P. 561 (C "A" S-183)
