



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

Advance Journal and Calendar

38th Legislative Day

In Senate Chamber, Wednesday, May 2, 2018.

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

Prayer by Senator Geoffrey Gratwick of Penobscot.

Pledge of Allegiance led by Senator Michael E. Carpenter of Aroostook County.

Reading of the Journal of Wednesday, April 18, 2018.

Doctor of the day, Amy Madden, M.D. of Rome.

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. 1032

**STATE OF MAINE
128TH LEGISLATURE**

May 1, 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME 04333

Dear Senate and House Members of the 128th Legislature:

Pursuant to SP 747, the Legislature will reconvene on May 2, 2018 at 10:00 in the morning for the purpose of considering objections of the Governor, in accordance with 3 MRSA, Section 2.

Following action by both Chambers on the Governor's objections, the Legislature may, by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the Second Regular Session.

During the 108th Legislature the Attorney General's Office issued an opinion dated July 15, 1977 stating that the Legislature may vote to extend a session by a 2/3 vote pursuant to 3 MRSA Section 2 even after the statutory day of adjournment. This includes passing an extension order on the same day the Legislature is in to consider objections of the Governor.

Should the 128th Legislature vote to extend the Second Regular Session, additional business including unfinished bills in the Chambers may be taken up. If an extension order does not garner 2/3 support, we anticipate that the Second Regular Session will adjourn sine die.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

S/Sara Gideon
Speaker of the House

(2-2) The Following Communication:

S.C. 1024

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

25 April 2018

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 1771, "An Act to Stabilize Vulnerable Families."

While the intentions of this bill are good, I cannot in good conscience let this bill become law. I have two primary objections. First, this bill is yet another example of the Legislature stepping in to require things of the Executive Branch that it can already do. This bill requires DHHS to seek proposals and implement a program to provide integrated substance abuse treatment and recovery for families, which can be done within the administrative authority that exists today. There is no need for a bill.

Second, I believe we sometimes race too quickly to reunify a child with his or her family when that may not be what is best for the child, and I am concerned this bill perpetuates that trend. The best place for children is in a safe, loving home with their parents; that said, child welfare programs in our State and nation have over-emphasized reunification, sometimes to the detriment of our youth. Children should be reunified with their parents only when that reunification is in the best interest of the child. We have dealt with several significant child welfare cases in the past few months, and I believe that some tragedy may have been avoided if we had first focused on the welfare of the child and only considered reunification if it was truly the best and safest option for the child.

I am concerned the program imagined by this bill will serve once again to inappropriately prioritize reunification over the welfare of the child. For these reasons, I return LD 1771 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-3) The accompanying Bill "An Act To Stabilize Vulnerable Families"

S.P. 658 L.D. 1771

(2-4) The Following Communication:

S.C. 1025

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

23 April 2018

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 166, "An Act To Increase Reimbursement for Child Care Services."

In 2016, the Department provided subsidies for over 9,000 children from over 5,600 families through the Child Care Subsidy program and the Temporary Assistance for Needy Families program. Maine has the flexibility to determine the appropriate percentile for reimbursement. Currently, Maine is among the top 10 states for reimbursement of child care providers based on the actual dollar amount of monthly reimbursement paid to families, and only South Dakota and West Virginia reimburse child care providers at the 75th percentile of current market rates as proposed by this bill. Passage of this bill will serve to push up market rates for child care for everyone.

In addition, Maine is already one of the five most generous states when it comes to eligibility limits for the subsidy – a family can earn more than 250% of the Federal Poverty Level and still qualify for a subsidy. The Department estimates that this increase would cost nearly \$10 million dollars. Maine already has a generous child care subsidy and we do not need a new law to increase it even further.

For these reasons, I return LD 166 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-5) The accompanying Bill "An Act To Increase Reimbursement for Child Care Services"

S.P. 58 L.D. 166

(2-6) The Following Communication:

S.C. 1026

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

23 April 2018

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 1740, “An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking.”

LD 1740 seeks to create a new violation of “criminal forced labor” by attaching substantial criminal liability to a wide variety of conduct undertaken to compel a person to provide services or labor. The bill further provides a civil cause of action for victims of this behavior and initiates a public awareness campaign around the issue of human trafficking.

I support efforts to combat forced labor and human trafficking. These are reprehensible acts. However, there are numerous problems with LD 1740. First, some of the acts criminalized by this bill should not be crimes at all. I find it hypocritical and disingenuous the Legislature’s action on this bill, while also failing to act to criminalize the mutilation of Maine’s young girls. Second, many acts falling within LD 1740 are already prohibited by Maine statutes. Third, LD 1740 provides for heightened liability for minors, but once again sets a non-uniform age of majority. Fourth, this bill imposes yet another mandate on governmental agencies and businesses without providing funding. Finally, this bill imposes civil monetary liability on certain Maine businesses without adequately identifying to which businesses this liability applies.

First, enactment of LD 1740 makes criminal some activities that should not be crimes. Consider the following examples:

- An employer who confiscates alcohol from an alcoholic employee at the beginning of the work day. That employer refuses to return the bottle until the end of the job, demanding a sober day’s work in exchange for the day’s pay. Under LD 1740, the employer may face Class C liability.
- A cigarette shop owner handed what purports to be a government identification document, but which the shop owner suspects is fake. The uneasy young patron furnishing the ID takes flight and knocks over a display in the store. The shop owner then offers to accept restitution so long as the patron reorganizes the mess in exchange for the return of the ID and not calling the police. Under LD 1740, the shop owner may face substantial criminal liability.

Second, the following statutes already prohibit conduct substantially similar to that described in LD 1740:

1. 17-A M.R.S.A § 357 provides criminal liability for theft where one deprives a person of payment after using deception, threats, force, or otherwise causing another person to provide labor or services.
2. 17-A M.R.S.A. § 301 provides criminal liability for kidnapping where threats of violence are made to cause a victim to perform labor or services, or where withholding or destroying immigration or identification documents is used as a tool to control a victim.
3. To the extent the labor conduct of the person forced to perform it is criminal, 17-A M.R.S.A. § 57 provides for accomplice liability of the one forcing that person to engage in such acts.

Third, LD 1740 defines the undertaking of the prohibited conduct against a person under the age of 18 as aggravated criminal forced labor. This Legislature recently raised to 21 the age at which individuals can buy cigarettes. If this Legislature believes that anyone under 21 is not adult enough to purchase cigarettes, they should treat people under 21 as children for all other purposes and offer criminal enhancements for actions taken against them.

Fourth, this bill provides an unfunded mandate that the Department of Labor create and provide to the Department of Transportation, the Maine Turnpike Authority and businesses in the state signs to promote public awareness of human trafficking. The bill, again without providing funding, then directs that these signs are to be posted conspicuously at rest areas, highway stops and businesses. The Legislature's repeated attempts to spend money without providing funding is an abdication of their responsibilities.

Finally, businesses failing to post signage in regards to human trafficking are subject to a \$300 fine per violation. In order to assure that these businesses have the opportunity to comply, it is incumbent upon the Legislature to identify with understandable specificity exactly which businesses must post signage. Maine law already mandates employers post nine posters and recommends five more; the federal government requires another six. Too many workplace posters not only makes it harder for workers to find the information they need about employment rights, but also dilutes the messages of all such posters. I also question the efficacy of business signage to address the serious issues this bill seeks to remedy, and that the same sign for a business would carry the appropriate message for rest areas.

For these reasons, I return LD 1740 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-7) The accompanying Bill "An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking"

S.P. 639 L.D. 1740

(2-8) The Following Communication:

S.C. 1027

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

20 April 2018

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 1388, "An Act To Prohibit the Falsification of Medical Records."

Healthcare records are relied upon by healthcare professionals to make decisions that can mean the difference between life and death. False entries in a healthcare record can and will alter the decision-making process of doctors with potentially fatal consequences for patients. As a result, the integrity of healthcare records is of the utmost importance.

Extremely sick or injured patients find themselves in an incredibly vulnerable state. They may even be unable to communicate or comprehend what is happening at the moment. They are not in a position to ensure their records are accurate at precisely the time that an inaccuracy could lead to disaster. Instead, patients place their entire trust in the people who care for them during their time of need.

Intentional falsification of records to cover up medical errors or to avoid reporting in the prescription monitoring program is a breach of that trust. This breach would not come to the attention of the patient, or their next of kin, until damage resulting from that breach is already done. This sort of behavior by a healthcare provider must be treated as a serious crime.

A healthcare provider who intentionally falsifies medical records for the purpose of deceiving another person should know that serious injury, or even death, are the reasonably foreseeable consequences of these actions. In other statutes where death or serious bodily injury are reasonably foreseeable consequences of one's actions, penalties are higher. For example, felony murder is a Class A crime. Manslaughter provides for Class A criminal liability where one's reckless activity results in death. Kidnapping provides for Class A criminal liability where one's actions expose another to risk of serious bodily injury. Yet LD 1388 provides only Class C liability for intentional acts that, in fact, result in serious injury.

The penalty for falsification of healthcare records where the result is serious injury, or worse, should be classified as more serious crime than a Class C offense.

For this reason, I return LD 1388 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-9) The accompanying Bill "An Act To Prohibit the Falsification of Medical Records"

S.P. 475 L.D. 1388

(2-10) The Following Communication:

S.C. 1029

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

30 April 2018

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 1507, “An Act to Establish a Student Loan Bill of Rights To Regulate Student Loan Servicers.”

Student loans are issued by educational loan servicers that are authorized to do so by the U.S. Department of Education pursuant to the provisions of the Federal Student Loan Program and other federal laws. States that have attempted to regulate activities of educational loan servicers at the state level are now having to defend themselves against federal preemption charges. I do not intend to sign a bill that will likely be the subject of federal litigation at great expense to the State of Maine.

Not only does LD 1507 invite expensive legal challenges, it fails to address the real issue—the excessively high cost of secondary education. It only adds more bureaucratic regulation in the name of public protection. Maine does not need another licensing requirement that increases paperwork without providing any tangible benefit. LD 1507 is nothing more than an electioneering bill at a time when our students need a pragmatic approach to student loan debt.

My bill, LD 1834, proposes a 50-million-dollar bond issuance that will provide funds to the Finance Authority of Maine to make zero-percent-interest student loans and allow loan consolidation or refinancing with interest-rate reductions for Maine residents who agree to live and work in Maine for at least five years.

The Legislature would be well advised to support the use of the bond process to generate funds that would help students pay for their college educations by providing low cost, no interest loans.

For these reasons, I return LD 1507 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-11) The accompanying Bill “An Act to Establish a Student Loan Bill of Rights To Regulate Student Loan Servicers”

S.P. 532 L.D. 1507

(2-12) The Following Communication:

S.C. 1030

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

30 April 2018

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 1743, "An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities."

In my view, the bill is a short-term fix to the statutorily mandated population standards that allocate the number of agency store liquor licenses available in a municipality. The bill, as drafted, would only create an additional agency store liquor license for the City of Portland. The Legislature could have taken a longer-term view and reviewed the current population standards but instead opted for a short-term fix.

In addition, this bill appears to have been brought to the Legislature in an effort to grant a license to a single, Portland-based retailer. I do not believe the Legislature should be playing favorites.

For these reasons, I return LD 1743 unsigned and vetoed. I strongly urge the Legislature to sustain it. I also suggest that the Legislature review the current population standards.

Sincerely,

S/Paul R. LePage
Governor

(2-13) The accompanying Bill "An Act To Increase the Number of Agency Liquor Store Licenses in Larger Municipalities"

S.P. 642 L.D. 1743

(2-14) The Following Communication:

S.C. 1031

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

30 April 2018

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 1745, "An Act To Establish the Wood Energy Program."

This emergency bill creates a non-lapsing fund to establish incentives as well as low-interest and no-interest loans to the State's forest-products sector. The bill further charges Efficiency Maine with running the programs with advice from FAME. To create the fund, the bill directs the PUC to remand any unused funds remaining from the biomass Cost Recovery Fund to Efficiency Maine. The Cost Recovery fund was created when \$13.4 million was transferred from the unappropriated surplus of the General Fund. The bill's fiscal note estimates a total of \$766,000 over two years will be transferred to Efficiency Maine to run the programs.

Rather than returning funds back to the unappropriated surplus of the General Fund for use across the State, this Act directs funds to subsidize a particular industry. While I am sensitive to the needs of the biomass industry, I do not believe that subsidies through incentives and low- and no-interest loans will drive electricity costs down for all ratepayers. Furthermore, this bill assumes that exactly \$500,000 will be available from the PUC's next review of the Cost Recovery Fund before the review has even happened.

This bill is another example of the Legislature trying to redirect funds to favored industries, create subsidies, and substitute its judgement for that of expert regulatory bodies. For these reasons, I return LD 1745 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-15) The accompanying Bill "An Act To Establish the Wood Energy Program"
(EMERGENCY)

S.P. 644 L.D. 1745
