One Hundred and Twenty-Eighth Legislature
First Regular Session

Advance Journal and Calendar

69th Legislative Day

In Senate Chamber, Thursday, July 20, 2017.

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

Prayer by Reverend Kathleen Decker Szakas, Highland Avenue United Methodist Church in Gardiner.

Pledge of Allegiance led by Senator Shenna Lee Bellows of Kennebec County.


_________________________________

Michael D. Thibodeau
Senate President

Heather J.R. Priest
Secretary of the Senate

http://legislature.maine.gov/senate

Printed on recycled paper
The Following Communication:

S.C. 570

STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER’S OFFICE

July 14, 2017

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

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Joyce McCreight of Harpswell to the Joint Standing Committee on Health and Human Services, replacing Representative Scott Hamann of South Portland, effective immediately.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon
Speaker of the House
July 14, 2017

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

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Denise Tepler of Topsham to the Joint Standing Committee on Taxation, replacing Representative Joyce McCleight of Harpswell, effective immediately.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon
Speaker of the House
The Following Communication:

S.C. 569

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

July 14, 2017

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

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have appointed Representative Aaron Frey of Bangor to the Joint Select Committee on Marijuana Legalization Implementation, replacing Representative Scott Hamann of South Portland, effective immediately.

Please do not hesitate to contact me should you have any questions regarding this appointment.

Sincerely,

S/Sara Gideon
Speaker of the House
July 10, 2017

The Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have rescinded the temporary appointment of Representative Michelle Dunphy of Old Town from the Joint Standing Committee on Labor, Commerce, Research and Economic Development and I have reappointed Representative Donna Doore of Augusta to the Joint Standing Committee on Labor, Commerce, Research and Economic Development, effective immediately.

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

Sincerely,

S/Sara Gideon
Speaker of the House
July 12, 2017

The Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative Jared F. Golden of Lewiston to the Joint Standing Committee on Appropriations and Financial Affairs for the duration of the absence of Representative John L. Martin of Eagle Lake effective immediately.

Please do not hesitate to contact me should you have any questions regarding this temporary appointment.

Sincerely,

S/Sara Gideon
Speaker of the House
July 13, 2017

The Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have rescinded the temporary appointment of Representative Jared Golden of Lewiston from the Joint Standing Committee on Appropriations and Financial Affairs and I have reappointed Representative John Martin of Eagle Lake to the Joint Standing Committee on Appropriations and Financial Affairs, effective immediately.

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

Sincerely,

S/Sara Gideon
Speaker of the House
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 1573 “An Act to Encourage Development in the Logging Industry by Requiring State and Local Government Agencies to Give Preference to Lumber and Solid Wood Products Harvested in the State.”

It is with regret that I must veto this bill because I believe in the objectives it seeks to advance. Whenever possible, the state should take affirmative steps to support local businesses, including a close examination of the economic impact in Maine for contracts being awarded and, all things being competitive, awarding contracts to Maine businesses and contractors when it is possible to do so.

I strongly support Maine’s forest products economy, and I believe landowners – especially those who receive a tax benefit on the backs of other taxpayers – should use Maine contractors whenever possible. Further, I have been troubled by reports of some specific labor and trade practices, particularly at the northwestern border, and I believe we must support Mainers whose ability to earn a living is impacted by unfair international restrictions.

Unfortunately, this bill contains a provision that appears to violate the Maine Constitution. Article IX, Section 8, Subsection 2 prescribes in specific detail the minimum penalty that shall be imposed upon changing the use of land from a program such as Tree Growth. This bill would create an instance in which some landowners could withdraw their land from the Tree Growth program “without penalty.” While this might be a good idea, it is not permissible under the Maine Constitution, and I am not willing to allow a policy that is repugnant to the Constitution to become law. I would, however, support an amendment to the Constitution that would reduce or remove penalties, such as allowing landowners to move their land from the Tree Growth Program to the Open Space program without penalty.

When I was sworn in as Governor, I took an oath as to uphold the Constitution and the laws of this state and country. That oath precludes me from supporting this bill, despite its admirable policy objective. I would be happy to introduce similar legislation that does not violate Maine’s Constitution as a Governor’s bill in January, 2018.

For this reason, I return LD 1573 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

(2-8) The accompanying Bill "An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Lumber and Solid Wood Products Harvested in the State"  
S.P. 551  L.D. 1573
10 July 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 1504, “An Act to Modernize Rates for Small-scale Distributed Generation.”

This bill is poor policy and as I have noted many times, net energy billing subsidizes the cost of solar panels at the expense of the elderly and poor who can least afford it. We need to move away from this unsustainable practice. Even the Natural Resource Council of Maine has acknowledged that net energy billing “is not a preferred long-term policy.” However, rather than moving away from this practice to a more sustainable approach, LD 1504 instead sets net energy billing into statute in perpetuity.

In addition, the bill’s language will result in the nonsensical outcome of net energy billing customers having their electricity usage stepped-down over time, rather than just their generation. Therefore, likely due to last-minute drafting of overlapping amendments, LD 1504 will result in the electricity bills of net energy billing customers being reduced even if they generate no electricity at all.

This bill represents bad policy and contains serious drafting errors that will result in irrational outcomes. For these reasons, I return LD 1504 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor
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 1567, “An Act To Amend the Archives and Records Management Law.”

This bill, which was submitted by the Secretary of State, attempts to modernize the archives and records manage statute and the Archives Advisory Board. For decades the Governor has appointed members of the Archives Advisory Board. The bill eliminates the Governor’s discretion to select and appoint board members and allows the Secretary of State to appoint members to the board.

This is simply another attempt to strip away the Governor’s appointment power.

For these reasons, I return LD 1567 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-12) The accompanying Bill "An Act To Amend the Archives and Records Management Law"

S.P. 549  L.D. 1567
ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) the Grist Mill Museum, of Dexter, which is celebrating its 50th Anniversary. In 1966, the Town of Dexter acquired the mill, which had closed after 111 years of activity, and the Dexter Historical Society moved in and set up the museum. We extend to everyone involved with the Grist Mill Museum our congratulations on this anniversary;  

Sponsored by Senator DAVIS of Piscataquis.  
Cosponsored by Representative: WALLACE of Dexter.

(4-2) the annual North Atlantic Blues Festival, as it celebrates the popular American music form on July 15 and 16, 2017, at the Public Landing in Rockland, overlooking beautiful Rockland Harbor. We send our appreciation to the City of Rockland and the festival's producers for their efforts in bringing high-quality blues music and performers to Rockland and to the State. We join with blues fans from Maine and across the nation in sending our best wishes for the festival's continued success;  

Sponsored by Senator MIRAMANT of Knox.  
Cosponsored by Representative: BEEBE-CENTER of Rockland.

(4-3) Briley Bell, of Lewiston, who has been named Miss Maine's Outstanding Teen 2017 for her social, academic and civic achievements. We extend to Briley our congratulations and best wishes;  

Sponsored by Senator LIBBY of Androscoggin.  
Cosponsored by Representatives: BROOKS of Lewiston, FULLER of Lewiston, GOLDEN of Lewiston, HANDY of Lewiston.

(4-4) the Fayette Baptist Church, of Fayette, which is celebrating its 225th Anniversary. The church was established by Eliphalet Smith with the help of Issac Case in 1792 in Starling Plantation, which was incorporated as Fayette in 1795. We extend to the congregation of Fayette Baptist Church our congratulations on this anniversary;  

Sponsored by Senator SAVIELLO of Franklin.  
Cosponsored by Representatives: BLACK of Wilton, HILLIARD of Belgrade.
(4-5) Ben Smith, of Winslow, a recent graduate of Winslow High School, who has been named the Morning Sentinel Boys Track and Field Athlete of the Year. Mr. Smith also won Class B state individual titles in the 100 and 200, and he placed second in the 400. We extend to Mr. Smith our congratulations and best wishes;

Sponsored by Senator CYRWAY of Kennebec.
Cosponsored by Representative: NADEAU of Winslow.

(4-6) Samantha Saulter, of Waterville, a student at Waterville Senior High School, who has been named the Morning Sentinel Girls Tennis Player of the Year. We extend to Samantha our congratulations and best wishes;

Sponsored by Senator CYRWAY of Kennebec.
Cosponsored by Representatives: LONGSTAFF of Waterville, MADIGAN of Waterville.

(4-7) Sarah Cox, of Waterville, a junior at Waterville Senior High School, who has been named the Morning Sentinel Girls Track and Field Athlete of the Year. Sarah also won the Class B state individual title in the shot put with a throw of 38 feet, 7.25 inches. We extend to Sarah our congratulations and best wishes;

Sponsored by Senator CYRWAY of Kennebec.
Cosponsored by Representatives: LONGSTAFF of Waterville, MADIGAN of Waterville.

Joint Resolution

Joint Resolution in Memoriam:

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

(4-8) Kathleen Evelyn Kelley Whirlwind-Soldier, a native of Windham. Ms. Whirlwind-Soldier served as Windham Town Historian and was a member of the board of the Windham Historical Society. She was the past editor of two weekly newspapers, the Suburban News and the Courier Free Press, and worked as a columnist and reporter for over 40 years. Ms. Whirlwind-Soldier will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representatives: BRYANT of Windham, COREY of Windham.
REPORTS OF COMMITTEES

Senate

Divided Report

(5-1) Seven members of the Committee on TAXATION on Bill "An Act To Support
Lower Property Taxes by Restoring State-Municipal Revenue Sharing"
S.P. 52  L.D. 133

Reported in Report "A" that the same Ought to Pass as Amended by Committee Amendment
"A" (S-317).

Signed:

Senator:
    CHENETTE of York

Representatives:
    TIPPING of Orono
    COOPER of Yarmouth
    GRANT of Gardiner
    McCREIGHT of Harpswell
    STANLEY of Medway
    TERRY of Gorham

Five members of the same Committee on the same subject reported in Report "B" that the same
Ought Not to Pass.

Signed:

Senator:
    CUSHING of Penobscot

Representatives:
    BICKFORD of Auburn
    HILLIARD of Belgrade
    POULIOT of Augusta
    WARD of Dedham

One member of the same Committee on the same subject reported in Report "C" that the same
Ought to Pass as Amended by Committee Amendment "B" (S-318).

Signed:

Senator:
    DOW of Lincoln
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.)

2.

Tabled and Later Assigned

Bill "An Act Regarding Pay Equality"

S.P. 422  L.D. 1259

Tabled - July 1, 2017, by Senator MASON of Androscoggin

Pending - CONSIDERATION

(In Senate, June 20, 2017, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)
3. Tabled and Later Assigned

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

Tabled - July 1, 2017, by Senator MASON of Androscoggin

Pending - CONSIDERATION

(In Senate, June 19, 2017, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)

4. Tabled and Later Assigned

Bill "An Act To Promote Impartiality in the Probate Court"  
S.P. 345  L.D. 1043

Tabled - July 1, 2017, by Senator MASON of Androscoggin

Pending - CONSIDERATION

(In Senate, June 20, 2017, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)

5. Tabled and Later Assigned

Bill "An Act To Amend the Law Regarding Lien Recordings on Statutory Road Associations"  
H.P. 908  L.D. 1311

Tabled - July 1, 2017, by Senator MASON of Androscoggin

Pending - CONSIDERATION

(In Senate, June 19, 2017, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)
6.

Tabled and Later Assigned

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

Tabled - July 1, 2017, by Senator MASON of Androscoggin

Pending - CONSIDERATION

(In Senate, June 19, 2017, PASSED TO BE ENACTED in concurrence.)

(In House, PASSED TO BE ENACTED.)

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

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
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

_________________________________
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.)

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

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

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)
### SPECIAL APPROPRIATIONS TABLE

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