One Hundred and Twenty-Eighth Legislature
Second Regular Session

Advance Journal and Calendar

12th Legislative Day

In Senate Chamber, Tuesday, February 13, 2018.

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

Prayer by Pastor Tony Rea, First Baptist Church in Mexico.

Pledge of Allegiance led by Senator Justin M. Chenette of York County.

Reading of the Journal of Thursday, February 8, 2018.

Doctor of the day, Sue Woods, M.D. of South Portland.

Michael D. Thibodeau
Senate President

Heather J.R. Priest
Secretary of the Senate

http://legislature.maine.gov/senate

Printed on recycled paper
Out of order and under suspension of the Rules, on motion by Senator MASON of Androscoggin, the following Senate Order:

S.O. 25

Ordered, that a message be sent to the House of Representatives proposing a Convention of the two branches of the Legislature be held at 6:45 this evening in the Hall of the House for the purpose of extending to Governor Paul R. LePage an invitation to attend and make such communication as pleases him.

PAPERS FROM THE HOUSE

House Papers

(1-1) Bill "An Act To Amend the Laws Governing Education"

H.P. 1271 L.D. 1829

Comes from the House, REFERRED to the Committee on EDUCATION AND CULTURAL AFFAIRS and ordered printed.

(1-2) Bill "An Act To Amend the Anson and Madison Water District Charter"

H.P. 1272 L.D. 1830

Comes from the House, REFERRED to the Committee on ENERGY, UTILITIES AND TECHNOLOGY and ordered printed.

(1-3) Bill "An Act To Amend the Maine Uniform Trust Code Regarding Reporting by Trustees and the Duties of Trustees to Settlors"

H.P. 1269 L.D. 1827

(1-4) Bill "An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities"

H.P. 1275 L.D. 1833

Come from the House, REFERRED to the Committee on JUDICIARY and ordered printed.
(1-5) Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath" (EMERGENCY)

H.P. 1270  L.D. 1828

Comes from the House, REFERRED to the Committee on STATE AND LOCAL GOVERNMENT and ordered printed.

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-6) Daddy O's, of Oxford, which has received the Community Service Award from the Oxford Hills Chamber of Commerce. We extend to owners Amanda and Aaron Ouellette our congratulations and best wishes;

HLS 879

(1-7) Logan Rowell, of Palmyra, a member of Boy Scout Troop No. 404, 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;

HLS 880

(1-8) Edra Senter, of Clifton, who has received the Boston Post Cane, an honor given to the oldest citizen of a municipality. We extend our congratulations and best wishes to Ms. Senter on this occasion;

HLS 881

(1-9) Dorothy Treworgy, of Veazie. Ms. Treworgy is celebrating her 100th Birthday on April 15, 2018. She is the holder of the Boston Post Cane, an honor given to the oldest citizen of a municipality. We extend our congratulations and best wishes to Ms. Treworgy on this occasion;

HLS 882

(1-10) Arlo Pike, of Buxton, a student and football player at Bonny Eagle High School, who has received the Frank J. Gaziano Memorial Defensive Lineman Award for his strong leadership on the field, in the classroom and in the community. We extend to Arlo our congratulations and best wishes;

HLS 883

(1-11) Zach Klein, of Buxton, a student and football player at Bonny Eagle High School, who has received the Frank J. Gaziano Memorial Offensive Lineman Award for his strong leadership on the field, in the classroom and in the community. We extend to Zach our congratulations and best wishes;
(1-12) Jordan Grant, of Lubec, a student at Machias Memorial High School and a member of the boys basketball team, who recently scored his 1,000th career point. We extend to Jordan our congratulations and best wishes;

HLS 885

Come from the House, READ and PASSED.

HLS 886

Joint Resolutions

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

(1-13) Roland A. "Skip" Yeaton, Jr., of Duluth, Minnesota and Belfast. As a young man, Mr. Yeaton pursued a career as a prize fighter, achieving a record of 35-23-3 and 19 knockouts. He worked at Madison Paper before transferring to Sappi’s paper mill near Duluth. Mr. Yeaton will be long remembered and sadly missed by his family and friends;

HLS 886

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

(1-14) Paul C. Tilley, of Prospect. Mr. Tilley served in the United States Navy as a machinist's mate on the USS Cromwell. In 1964, he became a pipefitter for St. Regis in Bucksport and worked there for 33 years. He and his wife operated the Corner Store in Prospect for 7 years. For several years, he was a member of the Coastal Antique Auto Club. Mr. Tilley will be long remembered and sadly missed by his wife of 53 years, Barbara, and by his family and friends;

HLS 887

Come from the House READ and ADOPTED.
COMMUNICATIONS

(2-1) The Following Communication:

S.C. 839

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY

January 30, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Criminal Justice and Public Safety has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 951 An Act To Adopt the Uniform Act on Prevention of and Remedies for Human Trafficking
L.D. 1389 An Act To Disburse Funds to the Maine Fire Protection Services Commission
L.D. 1672 An Act To Waive the Fee for Attendance at the Maine Criminal Justice Academy for Former Military Police Officers

This is notification of the Committee’s action.

Sincerely,

S/Sen. Kimberley C. Rosen
Senate Chair

House Chair
The Following Communication:

S.C. 840

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

January 31, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Education and Cultural Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 228 An Act To Amend the Mathematics Requirements for High School Graduation

This is notification of the Committee’s action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

_________________________________
The Following Communication:

S.C. 841

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

January 30, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Energy, Utilities and Technology has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1702 An Act To Allow Certain Hydropower Facilities To Sell Electricity Directly to Rural Manufacturing and Industrial Sites

This is notification of the Committee’s action.

Sincerely,

S/Sen. David Woodsome
Senate Chair

S/Rep. Seth A. Berry
House Chair
February 01, 2018

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

Dear President Thibodeau and Speaker Gideon:

Pursuant to Joint Rule 310, we are writing to notify you that the Joint Standing Committee on Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1754 Resolve, Directing the Department of Transportation To Prioritize and Increase the Funding for Rural Roads

This is notification of the Committee’s action.

Sincerely,

Senate Chair                     House Chair
The Following Communication: 

S.C. 838

MAINE MUNICIPAL AND RURAL ELECTRIFICATION
COORDERATIVE AGENCY

February 5, 2018

The Honorable Sara Gideon
Speaker of the House of Representatives
2 State House Station
Augusta, ME 04333-0002

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

Re: Quasi-Independent State Entity Report of
Maine Municipal and Rural Electrification Cooperative Agency

Dear Speaker Gideon and President Thibodeau:

DIRIGO, the Association of the state consumer and member owned utilities, formed the Maine Municipal and Rural Electrification Cooperative Agency (MMRECA) as a vehicle for promoting joint action among the state's seven consumer owned utilities. The officers of DIRIGO serve as the officers of MMRECA. The members of DIRIGO participating in MMRECA activities fund all costs of those activities. MMRECA receives no State funding. DIRIGO sees an inherent value in maintaining MMRECA even though it has not been active in the past years. The electric utility "business" was historically stagnant, but with the ever continuing changes that have taken place and that are likely to occur in the future, DIRIGO believes it needs all of the mechanisms available to it to meet any new challenges and be able to provide the best possible service to our consumer owners and members.

In compliance with 5 M.R.S.A. §12023 MMRECA provides the following response. The MMRECA did not adopt policies regarding vendor selection, contributions, and travel, meals & entertainment. MMRECA commits that it will put in place such policies prior to engaging in associated activities. MMRECA has not retained a lobbyist. MMRECA did not have any procurements and did not make any contributions.

If you have any questions please do not hesitate to contact the undersigned.

Sincerely,

S/Scott M. Hallowell
MMRECA
The Following Communication:

H.C. 434

STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002

February 8, 2018

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby the Unanimous Ought to Pass as Amended Report of the Committee on Marijuana Legalization Implementation was Read and Rejected on Bill "An Act To Further Delay the Implementation of Certain Provisions of the Marijuana Legalization Act" (S.P. 660) (L.D. 1775) (EMERGENCY).

Sincerely,

S/Robert B. Hunt
Clerk of the House

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SENATE PAPERS

(3-1) Bill "An Act To Amend the Law Regarding the Interest Rate for State Loans under the Potato Marketing Improvement Fund"

S.P. 691 L.D. 1839

Presented by Senator JACKSON of Aroostook.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on AGRICULTURE, CONSERVATION AND FORESTRY suggested and ordered printed.
(3-2) Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"

S.P. 690  L.D. 1838

Presented by Senator CARPENTER of Aroostook.
Cosponsored by Representative HERBIG of Belfast and Senators: BELLOWS of Kennebec, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, KEIM of Oxford, MILLETT of Cumberland.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY suggested and ordered printed.

(3-3) Bill "An Act To Allow Cash Prizes for Certain Raffles Conducted by Charitable Organizations"

S.P. 689  L.D. 1837

Presented by Senator KATZ of Kennebec.
Cosponsored by Representative LUCHINI of Ellsworth and Senators: CARPENTER of Aroostook, MASON of Androscoggin, Representative: HUBBELL of Bar Harbor.
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on VETERANS AND LEGAL AFFAIRS suggested and ordered printed.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) Big Cheese Pizza, in Caribou, which has received the Central Aroostook Chamber of Commerce 2017 Business of the Year Community Impact Award. Owners Rob and Martha Frank allow groups to use their stores for fund-raising events and donate their products to fund-raising activities throughout the region. We extend to the Franks our congratulations and best wishes;

SLS 695

Sponsored by Senator JACKSON of Aroostook.
Cosponsored by Representative: McELWEE of Caribou.
The church was founded on February 19, 1818. The congregation met in members' homes until it began to hold services in the Old White Meeting House. In 1857, the congregation moved to its current location. The current church was built in 1870, with the vestry added in 1882. We extend to all the members of the church our congratulations on this anniversary;

Sponsored by Senator SAVIELLO of Franklin.
Cosponsored by Representative: BLACK of Wilton.

Brenda Singo, of Long Island, for her over 20 years of service to the Town of Long Island. Ms. Singo currently serves as town clerk and has served as tax collector and registrar of voters. We extend to Ms. Singo our appreciation for her public service and offer her our best wishes;

Sponsored by Senator BREEN of Cumberland.
Cosponsored by Representative: COOPER of Yarmouth.

Joint Resolution

Joint Resolution in Memoriam:

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

David W. Mason, of Fryeburg. Mr. Mason served in the American Field Service as an ambulance driver attached to the British Eighth Army in North Africa during the Second World War. He worked as a teacher in Hawaii and Connecticut, and he and his wife, Peg, owned and operated Camp Agawam in Raymond. He started the Main Idea program at Agawam in 1971, which for the past 46 years each summer has given more than 100 boys a free week of camping activities. He and Peg also owned and operated Agawam Kezar Ski Camp for 40 years in Center Lovell. He received the prestigious Halsey Gulick award from the Maine Youth Camping Association in 2005 for his contributions to camping. For 62 years, he was a member of the Lovell United Church of Christ, which he served as a trustee. He was a former school board member, past president of the Lovell Conservation Commission and past president of Lovell Youthways and Lovell Recreation. He coached girls and boys basketball and baseball teams in Lovell for 15 years and started the junior ski program. Mr. Mason will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

Sponsored by Senator DIAMOND of Cumberland.
REPORTS OF COMMITTEES

House

Pursuant to Statute

(5-1) The Committee on JUDICIARY on Bill "An Act Concerning Remote Participation in Public Proceedings"

H.P. 1273  L.D. 1831

Reported that the same be REFERRED to the Committee on JUDICIARY, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

_________________________________

Pursuant to Statute

(5-2) The Committee on JUDICIARY on Bill "An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Remote Participation"

H.P. 1274  L.D. 1832

Reported that the same be REFERRED to the Committee on JUDICIARY, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

Comes from the House with the Report READ and ACCEPTED and the Bill REFERRED to the Committee on JUDICIARY.

_________________________________

Ought to Pass

(5-3) The Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places"

H.P. 1163  L.D. 1675

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED.
Ought to Pass As Amended

(5-4) The Committee on ENVIRONMENT AND NATURAL RESOURCES on Bill "An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations"

H.P. 1229  L.D. 1784

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-582).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-582).

_________________________________

Senate

Ought to Pass As Amended

(5-5) Senator COLLINS for the Committee on TRANSPORTATION on Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019"

S.P. 662  L.D. 1777

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-351).

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SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House

(6-1) Bill "An Act To Repeal the Sunset Date on the Laws Governing Licensure of Appraisal Management Companies" (EMERGENCY)

H.P. 1268  L.D. 1826

_________________________________
House As Amended

(6-2) Bill "An Act To Allow Former Military Medical Personnel To Perform Certain Medical Services"
H.P. 921  L.D. 1327
(C "A" H-581)

(6-3) Bill "An Act To Amend the Motor Vehicle Laws"
H.P. 1172  L.D. 1692
(C "A" H-580)

(6-4) Bill "An Act To Allow The Maine Educational Center for the Deaf and Hard of Hearing and Governor Baxter School for the Deaf To Lease Space to Maine's Protection and Advocacy Agency for Persons with Disabilities" (EMERGENCY)
H.P. 1209  L.D. 1756
(C "A" H-577)

Senate As Amended

(6-5) Bill "An Act To Create the Bar Harbor Port Authority" (EMERGENCY)
S.P. 478  L.D. 1400
(C "A" S-347)

ENACTORS

The Committee on Engrossed Bills reported as truly and strictly engrossed the following:

Act

(7-1) An Act To Update Maine's Water Quality Standards
H.P. 895  L.D. 1298
(C "A" H-574)
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

JOINT ORDER - Capital Area Staffing Solutions, Inc., of Augusta

SLS 673

Tabled - January 30, 2018, by Senator KATZ of Kennebec

Pending - PASSAGE

2.

Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Norman Elvin, of Palermo

SLS 674

Tabled - January 30, 2018, by Senator KATZ of Kennebec

Pending - PASSAGE

3.

Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Lajoie Brothers, Inc., of Augusta

SLS 675

Tabled - January 30, 2018, by Senator KATZ of Kennebec

Pending - PASSAGE
4.

Tabled and Later Assigned

Emergency
Bill "An Act To Amend the Laws Governing Expedited Permitting for Wind Energy Development" (EMERGENCY)  
H.P. 1255  L.D. 1810

Tabled - February 8, 2018, by Senator WOODSOME of York

Pending - REFERENCE

(In House, REFERRED to the Committee on ENERGY, UTILITIES AND TECHNOLOGY 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
| 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. 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. 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. 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. 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. 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. 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. 1407 | S.P. 485 | C "A" S-245 |
| L.D. 1429 | H.P. 983 | C "A" H-510 |
| 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 |