One Hundred and Twenty-Eighth Legislature
Second Regular Session

Advance Journal and Calendar

14th Legislative Day

In Senate Chamber, Tuesday, February 20, 2018.

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

Prayer by Pastor Todd Bell, Calvary Baptist Church in Sanford.

Pledge of Allegiance led by Senator Eric L. Brakey of Androscoggin County.


Doctor of the day, Sam Zager, M.D. of Portland.

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Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-1) Cameron Croft, of Sidney, a member of Boy Scout Troop No. 417, 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 837

(1-2) James and Gerri Harvell of Wilton, who have been named Outstanding Woodlot Owners by the Franklin County Soil and Water Conservation District. We extend to the Harvells our congratulations and best wishes;

HLS 894

(1-3) Robert Zundel, of Farmington, who has been recognized by the Franklin County Soil and Water Conservation District for his many farm conservation practices. We extend to Mr. Zundel our congratulations and best wishes;

HLS 895

(1-4) Paul Hersey, of Farmington, who has been recognized by the Franklin County Soil and Water Conservation District for his many years of conservation contributions to the community and the conservation district office. We extend to Mr. Hersey our congratulations and best wishes;

HLS 896

(1-5) Leah Tufts, of Wells, a senior at Wells High School, who is a recipient of a 2018 Principal's Award for outstanding academic achievement and citizenship, sponsored by the Maine Principals' Association. We extend to Leah our congratulations and best wishes;

HLS 897

(1-6) Scott Quintero, of Lincolnville, a detective with the Maine State Police, who recently rescued a man from a burning house. We extend to Detective Quintero our appreciation for his lifesaving efforts and offer him our best wishes;

HLS 898
(1-7) the City of Sanford, which is celebrating its 250th Anniversary. In 1661, a lumberman named William Phillips purchased a large tract of land encompassing what is now Sanford and some of the surrounding area. It was called Phillipstown and remained uninhabited until 1739, but by 1752 the area had 100 residents. On February 27, 1768, the settlement became a town named in honor of Peleg Sanford, stepson of William Phillips and former Governor of the Colony of Rhode Island and Providence Plantations. Agriculture predominated in the town's economy until the late 1860s, when Thomas Goodall established Goodall Mills, initially making carriage robes and blankets and later expanding to produce railroad car upholstery, carpets, draperies and other fabrics. Today, Sanford's industry comprises over 40 firms producing a vast array of items from woolens to aircraft and aircraft components. By 2010, Sanford had grown to 20,798 residents, making it the 7th largest municipality in the State, and on January 1, 2013 became a city after a majority vote of its citizens. We extend to the citizens of the City of Sanford our congratulations on their Sestercentennial Celebration;

HLS 899

Come from the House, READ and PASSED.

Joint Resolutions

(1-8) The following Joint Resolution:

H.P. 1279

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO EXCLUDE THE STATE OF MAINE FROM OFFSHORE OIL AND GAS DRILLING AND EXPLORATION ACTIVITIES

WE, your Memorialists, the Members of the One Hundred and Twenty-eighth Legislature of the State of Maine now assembled in the Second Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, the United States Department of the Interior, Bureau of Ocean Energy Management 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program has already been released and the programmatic environmental impact statement could be released as early as May 2018; and

WHEREAS, over 46,319 jobs and more than $2,300,000,000 of the State's gross domestic product depend on clean, oil-free water and beaches and abundant fish and wildlife; and

WHEREAS, over 65% of the State's ocean-derived income stems from our tourism and recreation sector, contributing over $1,200,000,000 to the State's economy, and this economic sector benefits from and depends upon a healthy ocean and coast; and
WHEREAS, offshore oil and gas drilling and exploration activities place coastal communities at economic and ecological risk from oil spills and the pollution brought by routine drilling operations and onshore industrialization, threatening the quality of life and livelihoods of the State's citizens and important industries, such as tourism and recreation and commercial and recreational fishing, and small businesses that rely on a clean and healthy ocean and beaches; and

WHEREAS, the State recognizes that our communities and industries depend on a healthy coastal environment for the benefit of current and future residents, property owners and visitors; now, therefore, be it

RESOLVED: That We, your Memorialists, believe that offshore oil and gas drilling and exploration risks our economic and ecological health and therefore oppose any plan or legislation that encourages oil and gas exploration offshore that would negatively affect the citizens of the State; and be it further

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress direct the United States Department of the Interior, Bureau of Ocean Energy Management to exclude the State and its offshore areas from the 2019-2024 National Outer Continental Shelf Oil and Gas Leasing Draft Proposed Program; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald J. Trump, President of the United States, to Secretary of the Interior Ryan Zinke, to National Oil and Gas Leasing Program Development and Coordination Branch Chief Kelly Hammerle, to the President of the United States Senate, to the Speaker of the United States House of Representatives and to each Member of the Maine Congressional Delegation.

Comes from the House, READ and ADOPTED.
(1-9) The following Joint Resolution:

H.P. 1280

JOINT RESOLUTION HONORING THE LEAGUE OF WOMEN VOTERS OF MAINE

WHEREAS, on February 14, 1920, 6 months before the 19th Amendment to the United States Constitution was ratified, the national League of Women Voters was formally organized in Chicago; and

WHEREAS, the purposes of the new organization included equal suffrage and citizen education aimed at all of the electorate; and

WHEREAS, the League of Women Voters is a nonpartisan citizens' organization that strives to improve our government and engage our people and our communities in the decisions that affect our lives; and

WHEREAS, the League of Women Voters has held the public trust for 98 years by respectfully bringing elected leaders and the public together through nonpartisan, civil means and through thoughtfully advancing policy solutions; and

WHEREAS, the League of Women Voters operates at national, state and local levels through more than 800 state and local leagues in all 50 states, as well as the District of Columbia, the Virgin Islands and Hong Kong; and

WHEREAS, the League of Women Voters of Maine has nearly 500 active members and supporters throughout the State, with local chapters serving the Portland area, Bath and Brunswick, Hancock County, Camden and Rockland, Machias and the greater Bangor area; and

WHEREAS, the State has benefited tremendously from the countless volunteer hours donated by league members over the league's history of enhancing democracy; and

WHEREAS, although the League of Women Voters was formed from the movement that secured the right to vote for women, the centerpiece of the league's efforts remains to expand voter participation and give political voice to all Americans; and

WHEREAS, since its inception, the League of Women Voters has helped millions of women and men become informed participants in government, providing information and support on such issues as protection for women and children, the rights of working women, food supply and demand, social hygiene, the legal status of women, American citizenship, aid for maternal and child care programs, social security, food and drug safety and changing the system of hiring within the federal civil service system; and

WHEREAS, the League of Women Voters helped lead the effort to establish the United Nations and to ensure United States participation and was one of the first organizations in the country officially recognized by the United Nations as a nongovernmental organization, and the league continues to maintain official observer status; and
WHEREAS, the League of Women Voters believes in representative government and in the individual liberties established in the United States Constitution, and that democratic government depends upon informed and active participation and respects the citizens' right to information about government records and proceedings; and

WHEREAS, the League of Women Voters believes that every citizen's right to vote should be protected, that every person should have access to free public education that provides equal opportunity for all and that no person or group should suffer legal, economic or administrative discrimination; and

WHEREAS, the League of Women Voters believes that efficient and economical government requires competent personnel, the clear assignment of responsibility, adequate financing and coordination among the different agencies and levels of government; and

WHEREAS, the League of Women Voters believes that government should be responsive to the will of the people and that government should maintain an equitable and flexible system of taxation, promote the conservation and development of natural resources in the public interest, share in the solution to economic and social problems that affect the general welfare, promote a sound economy and adopt domestic policies that facilitate solving international problems; and

WHEREAS, the League of Women Voters believes that cooperation with other nations is essential in the search for solutions to world problems and that the development of international organization and international law is imperative in the promotion of world peace; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to honor the League of Women Voters of Maine on the 98th anniversary of the founding of the national organization and to recognize the distinguished service and accomplishments of the League of Women Voters of Maine for the people of the State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the League of Women Voters of Maine as a tangible token of appreciation.

Comes from the House, READ and ADOPTED.
The Following Communication:

S.C. 853

STATE OF MAINE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY

February 13, 2018

The Honorable Michael D. Thibodeau
President of the Senate

The Honorable Sara Gideon
Speaker of the House of Representatives

128th Legislature State House Augusta, ME 04333

Dear President Thibodeau and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Baxter State Park Authority under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the Baxter State Park Authority is operating within its statutory authority.

Sincerely,

S/Senator Paul T. Davis, Sr.   S/Representative Michelle Dunphy
Senate Chair      House Chair
STATE OF MAINE
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

February 8, 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 Rep. Warren of Hallowell, to report the following bill Leave to Withdraw:

L.D. 1785  An Act To Amend the Greater Augusta Utility District Charter

Sincerely,

S/Sen. David Woodsome
Senate Chair

S/Rep. Seth A. Berry
House Chair
REPORTS OF COMMITTEES

House

Ought to Pass

(5-1) The Committee on HEALTH AND HUMAN SERVICES on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 1245  L.D. 1800

Reported that the same Ought to Pass.

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.

Ought to Pass As Amended

(5-2) The Committee on JUDICIARY on Bill "An Act To Amend the Laws Affecting the Judicial Branch Regarding Railroad Trespass Civil Violations and Fines for Civil Violations"

H.P. 1166  L.D. 1678

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-591).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-591).

(5-3) The Committee on STATE AND LOCAL GOVERNMENT on Resolve, To Amend Authorization To Sell Certain Property in Augusta

H.P. 1107  L.D. 1604

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-587).

Comes from the House with the Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-587).
Divided Report

(5-4) The Majority of the Committee on HEALTH AND HUMAN SERVICES on Resolve, Regarding Legislative Review of Portions of Chapters 126 and 261: Immunization Requirements for School Children, Joint Major Substantive Rules of the Department of Education and the Department of Health and Human Services (EMERGENCY)  

H.P. 1148  L.D. 1664

Reported that the same Ought to Pass.

Signed:

Senators:
  CHIPMAN of Cumberland
  HAMPER of Oxford

Representatives:
  HYMANSON of York
  CHACE of Durham
  DENNO of Cumberland
  HEAD of Bethel
  MADIGAN of Waterville
  MALABY of Hancock
  McCREIGHT of Harpswell
  PARKER of South Berwick
  PERRY of Calais
  SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (H-588).

Signed:

Senator:
  BRAKEY of Androscoggin

Comes from the House with the Majority OUGHT TO PASS Report READ and ACCEPTED and the Resolve PASSED TO BE ENGROSSED.
Divided Report

(5-5) The Majority of the Committee on JUDICIARY on Bill "An Act To Increase the Jurisdictional Limits for Small Claims"

H.P. 216  L.D. 283

Reported that the same **Ought Not to Pass**.

Signed:

Senator:
    HILL of York

Representatives:
    MOONEN of Portland
    BABBIDGE of Kennebunk
    BAILEY of Saco
    CARDONE of Bangor
    McCREIGHT of Harpswell
    RECKITT of South Portland
    SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-590)**.

Signed:

Senators:
    KEIM of Oxford
    WHITTEMORE of Somerset

Representatives:
    BRADSTREET of Vassalboro
    GUERIN of Glenburn
    JOHANSEN of Monticello

Comes from the House with the Majority **OUGHT NOT TO PASS Report READ and ACCEPTED**.
Divided Report

(5-6) The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act Authorizing the Deorganization of Cary Plantation"  

H.P. 560  L.D. 780

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-592).**

Signed:

Senators:

DAVIS of Piscataquis  
KEIM of Oxford

Representatives:

MARTIN of Sinclair  
BEEBE-CENTER of Rockland  
HARRINGTON of Sanford  
HOGAN of Old Orchard Beach  
MADIGAN of Rumford  
ORDWAY of Standish  
PICKETT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought Not To Pass.**

Signed:

Representative:

BRYANT of Windham

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-592).**

_________________________________
Senate

Pursuant to Joint Order

(5-7) Senator DAVIS for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists"

S.P. 695  L.D. 1842

Reported that the same be REFERRED to the Committee on STATE AND LOCAL GOVERNMENT, pursuant to Joint Order, S.P. 685.

_________________________________

Ought to Pass As Amended

(5-8) Senator WHITTEMORE for the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Require Nondiscrimination Policies in Providing Health Care Services"

S.P. 337  L.D. 1030

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-363).

_________________________________

(5-9) Senator DAVIS for the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Establish Requirements for Civil Deputies"

S.P. 661  L.D. 1776

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-361).
Divided Report

(5-10) The Majority of the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law"

S.P. 130  L.D. 389

Reported that the same Ought Not to Pass.

Signed:

Senators:
  WHITTEMORE of Somerset
  CARSON of Cumberland
  DOW of Lincoln

Representatives:
  CRAIG of Brewer
  FOLEY of Wells
  MELARAGNO of Auburn
  PICCHIOTTI of Fairfield
  PRESCOTT of Waterboro
  WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same Ought To Pass as Amended by Committee Amendment "A" (S-362).

Signed:

Representatives:
  LAWRENCE of Eliot
  BROOKS of Lewiston
  COLLINGS of Portland
  SANBORN of Portland
SECOND READERS

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

House As Amended

(6-1) Resolve, To Provide Meals to Homebound Individuals
H.P. 483  L.D. 692
(C "A" H-578)

(6-2) Bill "An Act To Provide Funding for the Maine Bicentennial Commission"
H.P. 1176  L.D. 1696
(C "A" H-586)

(6-3) Bill "An Act To Ensure Stability for Certain Holders of Liquor Licenses"
H.P. 1205  L.D. 1725
(C "A" H-585)

Senate As Amended

(6-4) Bill "An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund"
(EMERGENCY)
S.P. 617 L.D. 1681
(C "A" S-356)

(6-5) Bill "An Act To Increase the Penalty for Visual Sexual Aggression against a Child"
S.P. 627 L.D. 1728
(C "A" S-355)

(6-6) Bill "An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises"
S.P. 637 L.D. 1738
(C "A" S-354)
ENACTORS

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

Acts

(7-1) An Act To Expedite Health Care Employment for Military Veterans
H.P. 921  L.D. 1327
(C "A" H-581)

(7-2) An Act To Amend the Motor Vehicle Laws
H.P. 1172  L.D. 1692
(C "A" H-580)

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.)

5.

Tabled and Later Assigned

Bill "An Act To Authorize a General Fund Bond Issue To Provide for Student Loan Debt Relief"

H.P. 1276  L.D. 1834

Tabled - February 15, 2018, by Senator MASON of Androscoggin

Pending - motion by Senator HAMPER of Oxford to REFER to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS

(In House, REFERRED to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered printed.)
6. Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing John Falla, of St. George.

SLS 707

Tabled - February 15, 2018, by Senator LIBBY of Androscoggin

Pending - PASSAGE

7. Tabled and Later Assigned

SENATE REPORTS - from the Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act Regarding Large-scale Community Solar Procurement"

S.P. 499  L.D. 1444

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-359) (9 members)

Minority - Ought to Pass as Amended by Committee Amendment "B" (S-360) (3 members)

Tabled - February 15, 2018, by Senator WOODSOME of York

Pending - motion by same Senator to ACCEPT the Majority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359) Report
8.

Tabled and Later Assigned

SENATE REPORTS - from the Committee on INSURANCE AND FINANCIAL SERVICES on Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery

S.P. 155  L.D. 453

Majority - Ought Not to Pass (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-353) (6 members)

Tabled - February 15, 2018, by Senator WHITTEMORE of Somerset

Pending - motion by same Senator to ACCEPT EITHER REPORT

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

<table>
<thead>
<tr>
<th>L.D.</th>
<th>H.P.</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>L.D. 8</td>
<td>H.P. 9</td>
<td>(C &quot;A&quot; H-451)</td>
</tr>
<tr>
<td>L.D. 20</td>
<td>H.P. 21</td>
<td>(C &quot;A&quot; H-39)</td>
</tr>
<tr>
<td>L.D. 27</td>
<td>H.P. 28</td>
<td>(C &quot;A&quot; H-100)</td>
</tr>
<tr>
<td>L.D. 49</td>
<td>H.P. 35</td>
<td>(C &quot;A&quot; H-497)</td>
</tr>
<tr>
<td>L.D. 59</td>
<td>H.P. 46</td>
<td>(C &quot;A&quot; H-168)</td>
</tr>
<tr>
<td>L.D. 79</td>
<td>S.P. 28</td>
<td>(C &quot;A&quot; S-27)</td>
</tr>
<tr>
<td>L.D. 85</td>
<td>S.P. 34</td>
<td>(C &quot;A&quot; S-11)</td>
</tr>
<tr>
<td>L.D. 106</td>
<td>H.P. 74</td>
<td>(C &quot;A&quot; H-245)</td>
</tr>
<tr>
<td>L.D. 100</td>
<td>H.P. 20</td>
<td>(C &quot;A&quot; H-21)</td>
</tr>
<tr>
<td>L.D. 267</td>
<td>H.P. 200</td>
<td>(C &quot;A&quot; H-21)</td>
</tr>
<tr>
<td>L.D. 320</td>
<td>S.P. 76</td>
<td>(C &quot;A&quot; S-66)</td>
</tr>
<tr>
<td>L.D. 320</td>
<td>S.P. 76</td>
<td>(C &quot;A&quot; S-66)</td>
</tr>
<tr>
<td>L.D. 285</td>
<td>H.P. 218</td>
<td>(C &quot;A&quot; H-114)</td>
</tr>
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<td>L.D. 288</td>
<td>H.P. 221</td>
<td>(C &quot;A&quot; H-242)</td>
</tr>
<tr>
<td>L.D. 289</td>
<td>H.P. 222</td>
<td>(C &quot;A&quot; H-232)</td>
</tr>
<tr>
<td>L.D. 320</td>
<td>S.P. 94</td>
<td>(C &quot;A&quot; H-199)</td>
</tr>
<tr>
<td>L.D. 323</td>
<td>H.P. 237</td>
<td>(C &quot;A&quot; H-197)</td>
</tr>
<tr>
<td>L.D. 367</td>
<td>H.P. 273</td>
<td>(C &quot;A&quot; H-493)</td>
</tr>
<tr>
<td>L.D. 377</td>
<td>S.P. 118</td>
<td>(C &quot;A&quot; H-112)</td>
</tr>
<tr>
<td>L.D. 401</td>
<td>H.P. 292</td>
<td>(C &quot;A&quot; H-109)</td>
</tr>
<tr>
<td>L.D. 423</td>
<td>H.P. 303</td>
<td>(C &quot;A&quot; H-17; H &quot;A&quot; H-19)</td>
</tr>
<tr>
<td>L.D. 449</td>
<td>S.P. 151</td>
<td>(C &quot;A&quot; H-17; H &quot;A&quot; H-19)</td>
</tr>
<tr>
<td>L.D. 503</td>
<td>S.P. 164</td>
<td>(C &quot;A&quot; H-17; H &quot;A&quot; H-19)</td>
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<tr>
<td>L.D. 524</td>
<td>S.P. 368</td>
<td>(C &quot;A&quot; H-138)</td>
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<tr>
<td>L.D. 525</td>
<td>H.P. 369</td>
<td>(C &quot;A&quot; H-139)</td>
</tr>
<tr>
<td>L.D. 526</td>
<td>H.P. 370</td>
<td>(C &quot;B&quot; H-42; S &quot;A&quot; S-41 to C &quot;B&quot; H-42)</td>
</tr>
<tr>
<td>L.D. 643</td>
<td>H.P. 457</td>
<td>(C &quot;A&quot; H-176)</td>
</tr>
<tr>
<td>L.D. 656</td>
<td>S.P. 218</td>
<td>(C &quot;A&quot; S-43)</td>
</tr>
<tr>
<td>L.D. 681</td>
<td>H.P. 472</td>
<td>(C &quot;A&quot; H-505)</td>
</tr>
<tr>
<td>L.D. 687</td>
<td>H.P. 478</td>
<td>(C &quot;A&quot; H-382)</td>
</tr>
<tr>
<td>L.D. 720</td>
<td>S.P. 237</td>
<td>(C &quot;A&quot; H-86)</td>
</tr>
<tr>
<td>L.D. 781</td>
<td>H.P. 561</td>
<td>(C &quot;A&quot; H-146)</td>
</tr>
<tr>
<td>L.D. 792</td>
<td>H.P. 572</td>
<td>(C &quot;A&quot; H-58)</td>
</tr>
<tr>
<td>L.D. 816</td>
<td>S.P. 261</td>
<td>(C &quot;A&quot; S-150)</td>
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### SPECIAL HIGHWAY TABLE

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**SPECIAL APPROPRIATIONS TABLE**

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