In Senate Chamber, Thursday, April 12, 2018.

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

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

Pledge of Allegiance led by Senator Benjamin M. Chipman of Cumberland County.

Reading of the Journal of Wednesday, April 11, 2018.

Doctor of the day, David MacKenzie, M.D., of Scarborough.
PAPERS FROM THE HOUSE

Non-Concurrent Matter

(1-1) SENATE REPORT - from the Committee on VETERANS AND LEGAL AFFAIRS on Bill "An Act To Broaden Educational Opportunities for Members of the Maine National Guard" S.P. 635  L.D. 1736

Report - Ought to Pass as Amended by Committee Amendment "A" (S-445)

In Senate, April 9, 2018, Report READ and ACCEPTED and Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445).

Comes from the House, Report READ and ACCEPTED and Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445) AS AMENDED BY HOUSE AMENDMENTS "A" (H-743) AND "B" (H-748) thereto in NON-CONCURRENCE.

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-2) Carl "David" Thompson, a resident of Gorham House in Gorham, who is the recipient of a Certificate of Lifetime Achievement Award from the Maine Health Care Association's Remember ME project, which honors pioneering, innovative and interesting residents living in Maine's long-term care facilities. We congratulate Mr. Thompson on his being recognized by the Remember ME project;

HLS 1113

(1-3) Chris Ranslow, of Farmingdale, coach of the Hall-Dale High School boys basketball team, who has been named the Kennebec Journal Boys Basketball Coach of the Year. We extend to Mr. Ranslow our congratulations and best wishes;

HLS 1114

(1-4) Eric Blanchard, of Wells, who has been named the Maine Game Warden of the Year. We thank Warden Blanchard for his service and congratulate him on his receiving this honor;

HLS 1115
Zach Small, of Richmond, a senior on the Richmond High School boys basketball team, who has been named the Kennebec Journal Boys Basketball Player of the Year. We extend to Zach our congratulations and best wishes;

HLS 1116

R.J. Nelson, of Dover-Foxcroft, a senior at Foxcroft Academy and a 4-year member of the boys wrestling team, who won the Class B State Wrestling Championship Title in the 132-pound Weight Class. We extend to R.J. our congratulations and best wishes;

HLS 1118

Come from the House, READ and PASSED.

Joint Resolutions

Joint Resolutions in Memoriam:

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

(1-7) Marie Lancaster-Hale, of Norridgewock. Ms. Lancaster-Hale, who worked at Sappi North America for 20 years and Madison Paper Industries for 10 years, was a very active volunteer who loved to work with people and put them first. She was a sewer, cook, crafter, carpenter, logger, activist for women and union member. Ms. Lancaster-Hale will be long remembered and sadly missed by her friends and family;

HLS 1119

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

(1-8) Merton G. Henry, of Scarborough, an attorney, veteran of the United States Army and stalwart Republican who served as a longtime advisor to Senator Margaret Chase Smith and the chairman of all Susan Collins's Senate campaigns. Mr. Henry served in the Army during World War II and was stationed in the Philippines. As a Bowdoin College student, he volunteered on then-United States Representative Margaret Chase Smith's 1948 Senate campaign. One of his earliest jobs was working for Republican Senator Frederick Payne in Washington, running Senator Payne's unsuccessful reelection campaign against Democrat Edward Muskie in 1958. Mr. Henry helped to found Jensen Baird Gardner and Henry in 1961 and served on various boards, including the Morton-Kelly Charitable Trust and the advisory board of the Margaret Chase Smith Policy Center. He was a longtime parishioner at Trinity Episcopal Church, in Portland. Mr. Henry will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

HLS 1120

Come from the House READ and ADOPTED.
April 10, 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 Judiciary has had under consideration the nomination of Brent A. Davis, Esq. of Skowhegan, for appointment as a District Court Judge.

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 3 Keim of Oxford, Hill of York, Whittemore of Somerset
Representatives 8 Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland

NAYS 0


Eleven 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 Brent A. Davis, Esq. of Skowhegan, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim Senate Chair
S/Matthew W. Moonen House Chair
The Following Communication:

S.C. 983

STATE OF MAINE

ONE HUNDRED AND TWENTY-EIGHT LEGISLATURE

COMMITTEE ON JUDICIARY

April 10, 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 Judiciary has had under consideration the nomination of Tammy Ham-Thompson, Esq. of Gardiner, for appointment as a District Court Judge.

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 3 Keim of Oxford, Hill of York, Whittemore of Somerset

Representatives 8 Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpswell, Reckitt of South Portland

NAYS 0


Eleven 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 Tammy Ham-Thompson, Esq. of Gardiner, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim
Senate Chair

S/Matthew W. Moonen
House Chair
April 10, 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 630, "An Act To Prohibit Third Parties From Facilitating Transfers of Moose Permits for Consideration."

I am opposed not only to allowing moose permits to be exchanged for different zones but also to asking the department to assist in facilitating such an exchange or having the department adopt rules to implement an exchange of permits.

Moose permits are granted in the State by virtue of a lottery system. The Oxford Dictionary defines a lottery as "a situation whose success or outcome is governed by chance." These elements of chance include the location and timing of when and where the hunt will take place.

Both the number of permits and the types of permits are determined each year by the Department of Inland Fisheries and Wildlife to help the department achieve its herd size goals, namely, to ensure the long-term health and vitality of Maine's moose population across the state.

Those who apply for a permit do so with the anticipation of being able to hunt moose somewhere in Maine during the season. They do so with the full knowledge and understanding that they may need to travel to take advantage of the opportunity should they be successful in winning a permit in the lottery.

For these reasons, I return LD 630 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

(2-4) The accompanying Bill "An Act To Expand Opportunities for Moose Permit Winners To Swap Their Permits"

H.P. 446  L.D. 630

Comes from the House with the VETO OVERRIDDEN, notwithstanding the objections of the Governor.
ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) Kolleen Bouchard, of Houlton, a senior at Houlton High School and a member of the Class C North championship girls basketball team, who has been named Miss Maine Basketball by the Maine Association of Basketball Coaches. Kolleen was also named the Gatorade Maine Girls Basketball Player of the Year and is the first Houlton player to score over 2,000 points in her high school career. We extend to Kolleen our congratulations and best wishes;

SLS 758
Sponsored by Senator CARPENTER of Aroostook.
Cosponsored by Representative: SHERMAN of Hodgdon.

(4-2) Robert H. Hamblen, of Saco, who is retiring as the City of Saco's City Planner after many years of public service. An outdoor enthusiast with interests in environmental resources, communication, urban design and alternative transportation options, Mr. Hamblen was drawn to planning, and one of his greatest achievements was bringing people together to secure funding for the many miles of walking and biking trails throughout Saco. We extend to Mr. Hamblen our appreciation for his service and offer him our best wishes;

SLS 818
Sponsored by Senator CHENETTE of York.
Cosponsored by Representatives: BAILEY of Saco, MAREAN of Hollis, O'NEIL of Saco.

(4-3) Zoe Stilphen, of Topsham, a senior at Mt. Ararat 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 Zoe our congratulations and best wishes;

SLS 819
Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representative: TEPLER of Topsham.

(4-4) Dawn Moore, of Hampden, Principal of Leroy H. Smith School, who has been named the 2018 Maine Principals' Association Elementary Principal of the Year. We extend to Ms. Moore our congratulations and best wishes;

SLS 820
Sponsored by President THIBODEAU of Waldo.
Cosponsored by Senator: CUSHING of Penobscot, Representative: HAGGAN of Hampden.

(4-5) Timmy Doyle, of West Gardiner, who has been named the Maine Youth of the Year 2018 by the Boys and Girls Clubs of Kennebec Valley. We extend to Timmy our congratulations and best wishes;

SLS 821
Sponsored by Senator BELLows of Kennebec.
Cosponsored by Representative: WARREN of Hallowell.
REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

(5-1) The Committee on HEALTH AND HUMAN SERVICES on Bill "An Act Regarding Rules Governing the Medical Use of Marijuana Program"

H.P. 1256  L.D. 1811

Reported that the same Ought to Pass, pursuant to Joint Order 2017, H.P. 1241.

Comes from the House with the Bill and Accompanying Papers INDEFINITELY POSTPONED.

Ought to Pass As Amended

(5-2) The Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs"

H.P. 491  L.D. 700

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-749).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-749).

(5-3) The Committee on TAXATION on Bill "An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans"

H.P. 1315  L.D. 1882

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-741).

Comes from the House with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-741).
Divided Report

(5-4) The Majority of the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY) H.P. 1325  L.D. 1892

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-744)**.

Signed:

Senators:

   VOLK of Cumberland  
   BELLOWS of Kennebec  
   LANGLEY of Hancock

Representatives:

   FECTEAU of Biddeford  
   AUSTIN of Gray  
   BATES of Westbrook  
   DOORE of Augusta  
   HANDY of Lewiston  
   MASTRACCIO of Sanford  
   SYLVESTER of Portland  
   VACHON of Scarborough

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

Signed:

Representatives:

   LOCKMAN of Amherst  
   STETKIS of Canaan

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-744)**.
Divided Report

(5-5) The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize a Prerelease Facility in Washington County" (EMERGENCY) S.P. 694  L.D. 1841

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

Signed:

Senators:
ROSEN of Hancock
CYRWAY of Kennebec

Representatives:
WARREN of Hallowell
COREY of Windham
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-455)**.

Signed:

Representative:
GERRISH of Lebanon

SECOND READERS

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

**Senate As Amended**

(6-1) Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"
S.P. 698  L.D. 1844
(C "A" S-447)
ENACTORS

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

Emergency Resolve

(7-1) Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County

S.P. 257  L.D. 812
(C "A" S-444)

Emergency Resolve

(7-2) Resolve, To Establish a Task Force To Examine Agricultural Issues

S.P. 646  L.D. 1747
(H "A" H-690 to C "A" S-388)

Mandate

(7-3) An Act To Strengthen Requirements for Water Testing for Schools

S.P. 20  L.D. 40
(S "A" S-429 to C "A" S-406)

Comes From the House, FAILED ENACTMENT.

Act

(7-4) An Act To Amend the Maine Life and Health Insurance Guaranty Association Act

S.P. 718  L.D. 1875
(C "A" S-442)
Resolves

(7-5) Resolve, To Support Home Health Services

H.P. 591  L.D. 842
(C "B" H-728)

(7-6) Resolve, To Amend Authorization To Sell Certain Property in Augusta

H.P. 1107  L.D. 1604
(C "A" H-587)

Comes from the House INDEFINITELY POSTPONED

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

SENATE REPORTS - from the Committee on INSURANCE AND FINANCIAL SERVICES on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

S.P. 532  L.D. 1507
(C "A" S-188; C "B" S-405)

Majority - Ought to Pass as Amended by Committee Amendment "B" (S-405) (12 members)

Minority - Ought Not to Pass (1 member)

Tabled - March 27, 2018 by Senator WHITTEMORE of Somerset

Pending - ACCEPTANCE OF EITHER REPORT
2. Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Jon James, of China
SLS 779

Tabled - March 28, 2018 by Senator KATZ of Kennebec
Pending - PASSAGE

3. Tabled and Later Assigned

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists
S.P. 695  L.D. 1842
(C "A" S-387)

Tabled - March 28, 2018 by Senator LIBBY of Androscoggin
Pending - ENACTMENT
(In House, PASSED TO BE ENACTED.)

4. Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Julius Eugene Ciembroniewicz, of Winthrop
HLS 1005

Tabled - March 29, 2018 by Senator KATZ of Kennebec
Pending - ADOPTION
(In House, READ and ADOPTED.)
5.

Tabled and Later Assigned

Bill "An Act Regarding Energy Costs"
H.P. 1328  L.D. 1895

Tabled - April 3, 2018 by Senator WOODSOME of York
Pending - REFERENCE

(In House, REFERRED to the Committee on ENERGY, UTILITIES AND TECHNOLOGY and ordered printed.)

6.

Tabled and Later Assigned

HOUSE REPORTS - from the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT on Bill "An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System"
H.P. 1091  L.D. 1587
(C "A" H-699)

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-699) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - April 3, 2018 by Senator VOLK of Cumberland
Pending - ACCEPTANCE OF EITHER REPORT

(In House, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-699).)
7.

Tabled and Later Assigned

HOUSE REPORTS - from the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Protect Substance-exposed Infants"

Majority - Ought to Pass as Amended by Committee Amendment "B" (H-678) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - April 4, 2018 by Senator BRAKEY of Androscoggin

Pending - ACCEPTANCE OF EITHER REPORT

(In House, Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-678).)

8.

Tabled and Later Assigned

SENATE REPORTS - from the Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Control Electricity Transmission Costs through the Development of Nontransmission Alternatives"

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-435) (7 members)

Minority - Ought Not to Pass (3 members)

Tabled - April 4, 2018 by Senator WOODSOME of York

Pending - ACCEPTANCE OF EITHER REPORT
9.

Tabled and Later Assigned

Bill "An Act To Establish Universal Home Care for Seniors and Persons with Disabilities"

I.B. 3  L.D. 1864

Tabled - April 9, 2018 by Senator COLLINS of York

Pending - FURTHER CONSIDERATION

(In Senate, April 2, 2018, REFERRED to the Committee on TAXATION in NON-CONCURRENCE.)

(In House, House INSISTED on its former action whereby the Bill and accompanying papers were INDEFINITELY POSTPONED.)

10.

Tabled and Later Assigned

HOUSE REPORT - from the Committee on TAXATION on Bill "An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents"

H.P. 1057  L.D. 1537

Report - Ought to Pass as Amended by Committee Amendment "A" (H-710)

Tabled - April 9, 2018 by Senator VOLK of Cumberland

Pending - ACCEPTANCE OF REPORT

(In House, Report READ and ACCEPTED and Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AND HOUSE AMENDMENT "A" (H-721).)
11.

Tabled and Later Assigned

SENATE REPORT - from the Committee on HEALTH AND HUMAN SERVICES on Bill "An Act To Amend the Maine Medical Use of Marijuana Act"

S.P. 84  L.D. 238

Report - Ought to Pass as Amended by Committee Amendment "A" (S-443)

Tabled - April 9, 2018 by Senator VOLK of Cumberland

Pending - ACCEPTANCE OF REPORT

12.

Tabled and Later Assigned

HOUSE REPORTS - from the Committee on JUDICIARY on Bill "An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities"

H.P. 1275  L.D. 1833

(C "A" H-723)

Majority - Ought Not to Pass (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-723) (6 members)

Tabled - April 10, 2018 by Senator KEIM of Oxford

Pending - ACCEPTANCE OF EITHER REPORT

(In House, Majority OUGHT NOT TO PASS Report READ and ACCEPTED.)
13.

Tabled and Later Assigned

SENATE REPORTS - from the Committee on ENERGY, UTILITIES AND TECHNOLOGY on Bill "An Act To Protect Privacy of Online Customer Personal Information"

S.P. 566 L.D. 1610
(C "A" S-453)

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-453) (7 members)**

**Minority - Ought Not to Pass** (6 members)

Tabled - April 11, 2018 by Senator WOODSOME of York

Pending - ACCEPTANCE OF EITHER REPORT

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14.

Tabled and Later Assigned

SENATE REPORTS - from the Committee on JUDICIARY on Bill "An Act To Promote Prescription Drug Price Transparency"

S.P. 484 L.D. 1406
(C "B" S-452)

**Majority - Ought to Pass as Amended by Committee Amendment "A" (S-451) (7 members)**

**Minority - Ought to Pass as Amended by Committee Amendment "B" (S-452) (6 members)**

Tabled - April 11, 2018 by Senator KEIM of Oxford

Pending - ACCEPTANCE OF EITHER REPORT

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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.

JOINT ORDER - Establishing the Task Force To Study Rising Transmission and Distribution Costs

H.P. 1320

Tabled - March 29, 2018 by Senator JACKSON of Aroostook

Pending - PASSAGE

3.

Resolve, Establishing the Commission To Study the Economic, Environmental and Energy Benefits of Energy Storage to the Maine Electricity Industry

S.P. 640  L.D. 1741
(C "A" S-373; S "A" S-402)

Tabled - March 29, 2018 by Senator VOLK of Cumberland

Pending - FINAL PASSAGE

4.

Bill "An Act To Establish Alternative Pathways to the Completion of Secondary School Mathematics Requirements"

H.P. 1177  L.D. 1697
(C "A" H-731)

Tabled - April 11, 2018 by Senator VOLK of Cumberland

Pending - FINAL PASSAGE
## SPECIAL APPROPRIATIONS TABLE

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