

Senate of Maine

One Hundred and Twenty-Rinth Legislature First Regular Session

Advance Journal and Calendar

19th Legislative Day

In Senate Chamber, Tuesday, March 5, 2019.

Senate called to Order by President Troy D. Jackson of Aroostook County.

Prayer by Tom Waddell, the Maine Chapter of the Freedom from Religion Foundation in Brunswick.

Pledge of Allegiance led by Senator David R. Miramant of Knox County.

Reading of the Journal of Thursday, February 28, 2019.

Doctor of the day, Connie Adler, M.D. of Chesterville.

Troy D. Jackson *President of the Senate*

Darek M. GrantSecretary of the Senate

PAPERS FROM THE HOUSE

House Papers

(1-1) Bill "An Act To Improve Funding for M Teams"	aine's Hazardous Materials Emergency Response
	H.P. 768 L.D. 1038
Comes from the House, REFERRED to the Copular Public SAFETY and ordered printed.	ommittee on CRIMINAL JUSTICE AND
(1-2) Bill "An Act To Require Additional Lead	d Screening for Children" H.P. 731 L.D. 976
Comes from the House, REFERRED to the Conservices and ordered printed.	ommittee on HEALTH AND HUMAN
(1-3) Bill "An Act To Prohibit the Provision o Licensed Professionals"	f Conversion Therapy to Minors by Certain H.P. 755 L.D. 1025
Comes from the House, REFERRED to the Consultance AND FINANCIAL SERVICE	· · · · · · · · · · · · · · · · · · ·

(1-4) Bill "An Act To Establish as a Priority the Interests of Maine Farmers, Growers and Food Producers"

H.P. 674 L.D. 910

Committee on STATE AND LOCAL GOVERNMENT suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **AGRICULTURE**, **CONSERVATION AND FORESTRY**.

(1-5) Bill "An Act To Provide Revenue To Fix and Rebuild Maine's Transportation Infrastructure"

H.P. 764 L.D. 1034

Committee on **TAXATION** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION**.

Joint Orders

Expressions of Legislative Sentiment recognizing:

(1-6) Colby McLean, of Birch Harbor, a student and player on the boys basketball team at Sumner Memorial High School, who recently scored his 1,000th career point. We extend our congratulations and best wishes;

HLS 81

(1-7) Alfie Walker, of Fryeburg, a student at Fryeburg Academy and a member of the boys Nordic ski team, who won the Class A State Nordic Skate Championship. We extend to Alfie our congratulations and best wishes;

HLS 94

(1-8) Chloe Kirschmann, of Caribou, a student at Caribou High School and a member of the school's wrestling team, who won the Maine State Girls Wrestling Championship in the 220-pound Weight Class. We extend our congratulations and best wishes;

HLS 95

(1-9) Lily Smith, of Falmouth, a student at Falmouth High School and a member of the school's swimming and diving team, who won the Girls Class A State Diving Championship. We extend our congratulations and best wishes;

HLS 96

come from the flouse, READ and FASSED .	

COMMUNICATIONS

(2-1) The Following Communication:

Come from the House READ and PASSED

S.C. 165

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

February 28, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson 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. 342 An Act To Require a Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle

This is notification of the Committee's action.

Sincerely,

S/Sen. Susan Deschambault
Senate Chair
S/Rep. Charlotte May Warren
House Chair

(2-2) The Following Communication:

S.C. 166

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

February 28, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson 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. 205 An Act To Add Work Assignments to the Law Regarding Notification of a Defendant's Release or Escape

L.D. 306 Resolve, Requiring the Department of Public Safety To Study and Determine What Constitutes a Violation of Air Space by a Drone

This is notification of the Committee's action.

Sincerely,

S/Sen. Susan Deschambault
Senate Chair
S/Rep. Charlotte May Warren
House Chair

(2-3) The Following Communication:

S.C. 161

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE COMMITTEE ON HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES

February 27, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 330 An Act To Define Licensed Massage Therapists as Health Care Practitioners

This is notification of the Committee's action.

Sincerely,

S/Sen. Heather B. Sanborn
Senate Chair
S/Rep. Denise A. Tepler
House Chair

(2-4) The Following Communication:

S.C. 163

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE COMMITTEE ON INLAND FISHERIES AND WILDLIFE

February 14, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 258

An Act To Establish and Coordinate a Volunteer Corps of Search and Rescue Specialists within the Department of Inland Fisheries and Wildlife

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill Senate Chair S/Rep. Catherine M. Nadeau House Chair

(2-5) The Following Communication:

S.C. 164

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE COMMITTEE ON INLAND FISHERIES AND WILDLIFE

February 21, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 56 An Act To Ban the Use of Personal Watercraft on Lower Wilson Pond and Upper Wilson Pond

This is notification of the Committee's action.

Sincerely,

S/Sen. Jim Dill Senate Chair S/Rep. Catherine M. Nadeau House Chair

(2-6) The Following Communication:

S.C. 162

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE COMMITTEE ON JUDICIARY

February 25, 2019

Honorable Troy Dale Jackson, President of the Senate Honorable Sara Gideon, Speaker of the House 129th Legislature State House Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 250 An Act To Establish the Statute of Limitations in Product Liability Cases

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael E. Carpenter Senate Chair S/Rep. Donna Bailey House Chair

SENATE PAPERS

(3-1) Bill "An Act To Update the Criminal Animal Welfare Laws"
S.P. 322 L.D. 1090
Presented by Senator CARPENTER of Aroostook.

Committee on **AGRICULTURE**, **CONSERVATION AND FORESTRY** suggested and ordered printed.

(3-2) Bill "An Act To Authorize a General Fund Bond Issue To Invest in Maine's Railroad Infrastructure"

S.P. 325 L.D. 1093

Presented by Senator CLAXTON of Androscoggin.

Cosponsored by Representative SHEATS of Auburn and Senator: LIBBY of Androscoggin, Representatives: BICKFORD of Auburn, HANDY of Lewiston, McCREA of Fort Fairfield.

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.

(3-3) Bill "An Act Regarding the Maine Law Enforcement Memorial"

S.P. 320 L.D. 1088

Presented by Senator ROSEN of Hancock.

Cosponsored by Representative COSTAIN of Plymouth and Senators: CYRWAY of Kennebec, DAVIS of Piscataquis, HERBIG of Waldo, MOORE of Washington, WOODSOME of York, Representatives: COREY of Windham, PICKETT of Dixfield, RECKITT of South Portland.

(3-4) Bill "An Act To Amend the Laws Governing Critical Incident Stress Management Teams" S.P. 324 L.D. 1092

Presented by Senator BELLOWS of Kennebec.

Cosponsored by Senators: CYRWAY of Kennebec, DESCHAMBAULT of York, MOORE of Washington, Representatives: McCREIGHT of Harpswell, WARREN of Hallowell.

(3-5) Bill "An Act To Require That Comprehensive Substance Use Disorder Treatment Be Made Available to Maine's Incarcerated Population"

S.P. 328 L.D. 1096

Presented by Senator SANBORN, L. of Cumberland.

Cosponsored by Representative GATTINE of Westbrook and Senators: CLAXTON of Androscoggin, LUCHINI of Hancock, Representatives: DUNPHY of Old Town, HUBBELL of Bar Harbor, JORGENSEN of Portland, PIERCE of Falmouth.

(3-6) Bill "An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm"

S.P. 331 L.D. 1099

Presented by Senator CARSON of Cumberland.

Cosponsored by Senators: BREEN of Cumberland, GRATWICK of Penobscot, LIBBY of Androscoggin, SANBORN, H. of Cumberland, SANBORN, L. of Cumberland, Representatives: BRENNAN of Portland, FARNSWORTH of Portland, TUCKER of Brunswick.

Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY suggested and ordered printed

(3-7) Bill "An Act To Increase Funding for Staffing for the Child Welfare Services Ombudsman Program"

S.P. 326 L.D. 1094

Presented by Senator BELLOWS of Kennebec.

Cosponsored by Representative GATTINE of Westbrook and Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, LAWRENCE of York, MOORE of Washington, SANBORN, L. of Cumberland.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

(3-8) Bill "An Act To Provide for Alternative Pain Treatment before Treatment with Opioids" S.P. 314 L.D. 1082

Presented by President JACKSON of Aroostook.

Cosponsored by Representative STANLEY of Medway and Senators: LIBBY of Androscoggin, VITELLI of Sagadahoc.

(3-9) Bill "An Act To Ensure That Maine Residents Have Adequate and Affordable Access to Health Care"

S.P. 317 L.D. 1085

Presented by Senator SANBORN, L. of Cumberland. Cosponsored by Representative HUBBELL of Bar Harbor and Senators: CLAXTON of Androscoggin, President JACKSON of Aroostook.

(3-10) Bill "An Act To Ban Discretionary Clauses in Life and Health Insurance Policies" S.P. 321 L.D. 1089

Presented by Senator CARPENTER of Aroostook.

(3-11) Bill "An Act Regarding the Personal Liability of Government Employees" S.P. 323 L.D. 1091

Presented by Senator LAWRENCE of York.

Committee on **HEALTH COVERAGE**, **INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

(3-12) Bill "An Act To Keep Maine Businesses Competitive"

S.P. 319 L.D. 1087

Presented by Senator HAMPER of Oxford.

Committee on INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS suggested and ordered printed.

(3-13) Bill "An Act To Protect Tenants from Sexual Harassment"

S.P. 329 L.D. 1097

Presented by Senator LUCHINI of Hancock.

Cosponsored by Senators: CARPENTER of Aroostook, President JACKSON of Aroostook, Representatives: FECTEAU of Biddeford, HICKMAN of Winthrop, SCHNECK of Bangor, WARREN of Hallowell.

(3-14) Bill "An Act To Allow Discovery in the Event of a Lawsuit against a State Agency" S.P. 332 L.D. 1100

Presented by Senator CARSON of Cumberland.

Cosponsored by Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, LAWRENCE of York, MILLETT of Cumberland, Representatives: BRENNAN of Portland, TUCKER of Brunswick.

	Committee on,	JUDICIARY	suggested and	ordered	printed.
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(3-15) Bill "An Act Regarding Workers' Compensation Liens"

S.P. 327 L.D. 1095

Presented by Senator BELLOWS of Kennebec. Cosponsored by Representative SYLVESTER of Portland.

(3-16) Bill "An Act To Help Small Employers by Making the Minimum Wage Increase More Gradual in Nonurban Areas"

S.P. 330 L.D. 1098

Presented by Senator KEIM of Oxford.

Cosponsored by Representative STEWART of Presque Isle and Senators: GUERIN of Penobscot, MOORE of Washington, Representatives: ALLEY of Beals, STANLEY of Medway.

Committee on LABOR AND HOUSING suggested and ordered printed.

(3-17) Bill "An Act To Promote the Goals of the Low-emission Vehicle Program by Requiring That New Vehicle Purchases for the State Fleet Be Composed of a Minimum Percentage of Zero-emission Vehicles"

S.P. 318 L.D. 1086

Presented by Senator FOLEY of York.

Cosponsored by Representative TUCKER of Brunswick and Senators: CARSON of Cumberland, DOW of Lincoln, SANBORN, H. of Cumberland, Representatives: CAMPBELL of Orrington, SKOLFIELD of Weld.

Committee on STATE AND LOCAL GOVERNMENT suggested and ordered printed.
(3-18) Bill "An Act Regarding the Operation of Pedal-powered Tour Vehicles" S.P. 316 L.D. 1084
Presented by Senator SANBORN, H. of Cumberland. (BY REQUEST) Cosponsored by Representative SYLVESTER of Portland and Representative: GATTINE of Westbrook.
Committee on TRANSPORTATION suggested and ordered printed.

(3-19) Bill "An Act To Impose Further Restrictions on where Marijuana May Be Smoked" S.P. 313 L.D. 1081

Presented by Senator CYRWAY of Kennebec.

Cosponsored by Representative COSTAIN of Plymouth and Senator: DAVIS of Piscataquis, Representatives: ALLEY of Beals, HANLEY of Pittston, LYFORD of Eddington, MAREAN of Hollis, STEARNS of Guilford, STROM of Pittsfield, VEROW of Brewer.

(3-20) Bill "An Act To Implement Ranked-choice Voting for Presidential Primary and General Elections in Maine"

S.P. 315 L.D. 1083

Presented by President JACKSON of Aroostook.

Cosponsored by Representative WARREN of Hallowell and Senators: BELLOWS of Kennebec, BREEN of Cumberland, CHENETTE of York, GRATWICK of Penobscot, MILLETT of Cumberland, MIRAMANT of Knox, VITELLI of Sagadahoc, Representative: GROHOSKI of Ellsworth.

Committee on VETERANS AND LEGAL AFFAIRS suggested and ordered printed.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

(4-1) David Sprague and Alice VanDerwerken, of Rome, recipients of a Spirit of America Foundation Award. The Spirit of America Foundation was established to encourage and promote volunteerism, and the foundation presents awards to honor local individuals, organizations or projects in appreciation of community service. We extend our congratulations and best wishes;

SLS 99

Sponsored by Senator FARRIN of Somerset.

Cosponsored by Representative: KESCHL of Belgrade.

(4-2) William and Corinne Dudley, of Rome, to whom the Town of Rome is dedicating its Town Report for their importance to the history of the town and for the inspiration and the example of hard work, volunteerism and service to neighbors that they have provided. We extend our congratulations and best wishes;

SLS 100

Sponsored by Senator FARRIN of Somerset.

Cosponsored by Representative: KESCHL of Belgrade.

REPORTS OF COMMITTEES

House

Ought to Pass

(5-1) The Committee on AGRICULTURE, CONSERVATION AND FORESTRY on Bil
"An Act To Amend the Laws Governing Maine Potato Board Districts"
HP 109 LD 127

Reported that the same **Ought to Pass**.

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

Divided Report

(5-2) The Majority of the Committee on **ENERGY**, **UTILITIES AND TECHNOLOGY** on Bill "An Act To Eliminate Gross Metering" (EMERGENCY)

H.P. 77 L.D. 91

Reported that the same **Ought to Pass**.

Signed:

Senators:

LAWRENCE of York MIRAMANT of Knox WOODSOME of York

Representatives:

BERRY of Bowdoinham CAIAZZO of Scarborough DOUDERA of Camden GROHOSKI of Ellsworth KESSLER of South Portland RILEY of Jay RYKERSON of Kittery

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

Signed:

Representatives:

FOSTER of Dexter GRIGNON of Athens HANLEY of Pittston

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

Senate

Divided Report

(5-3) The Majority of the Committee on **HEALTH COVERAGE**, **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Laws Governing the Practice of Pharmacy"

S.P. 79 L.D. 267

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

Signed:

Senators:

SANBORN, H. of Cumberland GRATWICK of Penobscot

Representatives:

TEPLER of Topsham BRENNAN of Portland BROOKS of Lewiston FOLEY of Biddeford MASTRACCIO of Sanford MELARAGNO of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Senator:

FOLEY of York

Representatives:

MORRIS of Turner PRESCOTT of Waterboro SWALLOW of Houlton

Divided Report

(5-4) The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Political Action Committees"

S.P. 101 L.D. 361

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

Signed:

Senators:

LUCHINI of Hancock CYRWAY of Kennebec HERBIG of Waldo

Representatives:

SCHNECK of Bangor ANDREWS of Paris COOPER of Yarmouth DOLLOFF of Rumford HANINGTON of Lincoln HICKMAN of Winthrop HUBBELL of Bar Harbor McCREIGHT of Harpswell STROM of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass**.

Signed:

Representative:

ACKLEY of Monmouth

SECOND READERS

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

House

(6-1) Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 24 L.D. 23

(6-2) Resolve, To Designate a Bridge in Waterville as the Specialist Wade A. Slack Memorial Bridge

H.P. 40 L.D. 39

Senate As Amended

(6-3) Bill "An Act To Protect Health Care Coverage for Maine Families" (EMERGENCY)
S.P. 10 L.D. 1
(C "A" S-3)

(6-4) Resolve, To Rename the Stinson Bridge the Woodsome-Carroll Bridge S.P. 56 L.D. 244 (C "A" S-2)

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

Bill "An Act To Sustain Maine's Forest Products Industry by Implementing Certain Existing Solid Waste Management Policies"

S.P. 96 L.D. 356

Tabled - January 24, 2019 by Senator **DILL** of Penobscot

Pending - **REFERENCE**

(Committee on **AGRICULTURE**, **CONSERVATION AND FORESTRY** suggested and ordered printed.)

2.

Tabled and Later Assigned

JOINT ORDER - Expression of Legislative Sentiment Recognizing Lieutenant Robert N. Nichols, of Eliot

SLS 57

Tabled - February 5, 2019 by Senator **LAWRENCE** of York

Pending - PASSAGE

3.

Tabled and Later Assigned

Bill "An Act To Create an Airplane Mechanic Education Program"

H.P. 414 L.D. 570

Tabled - February 7, 2019 by Senator MILLETT of Cumberland

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In House, **REFERRED** to the Committee on **INNOVATION**, **DEVELOPMENT**, **ECONOMIC ADVANCEMENT AND BUSINESS**.)

4.

Tabled and Later Assigned

JOINT RESOLUTION - Memorializing John Menario, of Yarmouth

SLS 78

Tabled - February 12, 2019 by Senator SANBORN, H. of Cumberland

Pending - ADOPTION

5.

Tabled and Later Assigned

Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy (EMERGENCY)

S.P. 284 L.D. 994

Tabled - February 19, 2019 by Senator LIBBY of Androscoggin

Pending - **REFERENCE**

(Committee on **ENERGY**, **UTILITIES AND TECHNOLOGY** suggested and ordered printed.)

6.

Tabled and Later Assigned

Bill "An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce" H.P. 468 L.D. 647

Tabled - March 28, 2019 by Senator LIBBY of Androscoggin

Pending - **REFERENCE**

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.)

(In House, **REFERRED** to the Committee on **INNOVATION**, **DEVELOPMENT**, **ECONOMIC ADVANCEMENT AND BUSINESS**.)

7.

Tabled and Later Assigned

JOINT RESOLUTION - HONORING THE MAINE STATE HOUSING AUTHORITY ON ITS 50TH ANNIVERSARY

H.P. 754

Tabled - March 28, 2019 by Senator LIBBY of Androscoggin

Pending - ADOPTION

(In House, **READ** and **ADOPTED**.)

8.

Tabled and Later Assigned

Bill "An Act To Create the Maine Family First Employer Program"

S.P. 311 L.D. 1051

Tabled - March 28, 2019 by Senator **BELLOWS** of Kennebec

Pending - **REFERENCE**

(Committee on LABOR AND HOUSING suggested and ordered printed.)