

STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Friday
April 13, 2018

Senate called to order by President Pro Tempore Andre E. Cushing, III of Penobscot County.

Prayer by Pastor Steve Smith, Orono United Methodist Church.

PASTOR SMITH: Good morning all. Let us be in the spirit of prayer. Faithful God, as the day in this Chamber begins we offer thanks for those who are gathered in this place, who have come forward to attend to the work of the state we hold so dear. We pray this morning for the gifts of wisdom and discernment, that You will be in discussions and decisions that will enable light to come into places that are too often dark, that You will bring gentle reminders into hearts and minds that You are with us, and that those gathered in this place may be encouraged and strengthened by knowing that they're being thought of and prayed for as they attend to their work this day and in the days ahead. Amen.

Pledge of Allegiance led by Senator Ronald F. Collins of York County.

Reading of the Journal of Thursday, April 12, 2018.

Doctor of the day, Marguerite (Peggy) Pennoyer, M.D., of Scarborough.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 734

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, April 17, 2018 at 10:00 in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 984

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

April 11, 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 Stephen D. Nelson, Esq. of Houlton, 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	1	Keim of Oxford
	Representatives	8	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpwell, Reckitt of South Portland
NAYS		0	
ABSENT		4	Sen. Hill of York, Sen. Whittemore of Somerset, Rep. Guerin of Glenburn, Rep. Sherman of Hodgdon

Nine 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 Stephen D. Nelson, Esq. of Houlton, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim
Senate Chair

S/Matthew W. Moonen
House Chair

READ and ORDERED PLACED ON FILE.

The Chair noted the absence of the Senator from Hancock, Senator **LANGLEY**, and the Senator from Franklin, Senator **SAVIELLO**, and further excused the same Senators from today's Roll Call votes.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#621)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

EXCUSED: Senators: LANGLEY, SAVIELLO

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Stephen D. Nelson**, Esq. of Houlton for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 985

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

April 11, 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 Lea-Anne Sutton, Esq. of Gorham, 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	1	Keim of Oxford
	Representatives	8	Moonen of Portland, Babbidge of Kennebunk, Bailey of Saco, Bradstreet of Vassalboro, Cardone of Bangor, Johansen of Monticello, McCreight of Harpwell, Reckitt of South Portland
NAYS		0	
ABSENT		4	Sen. Hill of York, Sen. Whittemore of Somerset, Rep. Guerin of Glenburn, Rep. Sherman of Hodgdon

Nine 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 Lea-Anne Sutton, Esq. of Gorham, for appointment as a District Court Judge be confirmed.

Signed,

S/Lisa Keim
Senate Chair

S/Matthew W. Moonen
House Chair

READ and ORDERED PLACED ON FILE.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM**: Thank you, Mr. President Pro Tem. I am so pleased to be standing here today to speak on Lea-Anne Sutton. Ms. Sutton has worked in the Attorney General's Office since 1995. She currently works as a felony drug prosecutor in the Criminal Division of the Attorney General's Office, assigned to the Cumberland County District Attorney's Office. She was named Attorney General Office Employee of the Year in 2009. Ms. Sutton knows that her duty as a prosecutor is not to push for the toughest penalty for a crime, but she seeks for the right penalty. Ms. Sutton also serves as an instructor at the Maine Criminal Justice Academy. Dozens of people came to testify for her: the Attorney General, fellow prosecutors, and defense attorneys. One former defendant who Ms. Sutton had prosecuted had written, 'You will make an amazing Judge.' The Joint Standing Committee on Judiciary wholeheartedly concurs and further

considers that Ms. Sutton will be a delightful addition to the Judicial Branch and we are so pleased to be confirming her. Thank you.

Senator **ROSEN** of Hancock requested and received leave of the Senate that members and staff be allowed to remove their jackets for the remainder of this Legislative Day.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, it's with great pride today that I rise to speak on the occasion of the nomination - the confirmation of Lea-Anne Sutton, Esq. to the Bench. Governor LePage had not always seen eye-to-eye with members of this Body and with our partners down at the other end of the hall, but one of the places that he has received a lot of accolades all around has been in his appointments to Maine's Judiciary and the appointment of Mrs. Sutton is one of his crowning jewels in the appointment process. I want to read to you, first of all, this is from testimony that was submitted by District Attorney Stephanie Anderson about her view on what makes for a good Judge. 'Respectful of everyone; clerks, staff, attorneys and pro se defendants, victims, and litigants. Compassionate. Shows that he or she genuinely cares about the case and the litigants involved. Even when there is a loser and a winner, everyone should leave the court house believing that they were treated fairly. Free from bias and pre-judgement. Open minded without being indecisive. Takes control of the courtroom. Commands respect and expects courtesy and civil behavior. Knows the law, the statutes, the rules, and the precedence and is willing to apply them. Is willing, able, and comfortable making decisions and rulings. Can solve problems.' She went on to say, 'I think these qualities embody the notion of proper judicial temperament. Lea-Anne personifies all of these qualities. I am confident that she will be the face of compassionate justice that this Committee wants the Maine public to see and I respectfully request that you vote to recommend her confirmation.' Then in testimony by Meg Elam, who is with us today and who worked 30 years in the Cumberland County DAs and has been a homicide prosecutor in the Office of the Attorney General for the last two years, she says, 'Lea-Anne has prosecuted some truly dangerous and cruel people, those who choose the business of deadly drug dealing and sex trafficking to make a buck, regardless of the harm they do to our vulnerable fellow citizens.' This is how I first got to know Lea-Anne, actually was through the connections that I have made meeting Meg, who became an expert on sex trafficking when she was at the Cumberland County DAs Office, and I met Lea-Anne through Meg originally and then learned that she was a constituent of mine in the Senate - I mean in Gorham. Lea-Anne has a particular expertise in the issue facing, and the crisis that we face in the State of Maine, with opiates and drugs and this is why I'm especially excited and pleased to have her confirmed by this Body today. One of her sayings is: accept responsibility for what you have done wrong, work to repair the harm you have caused, strive to do better, and she will be your tireless ally. I just know she's going to make a tremendous asset, make all of us very,

very proud, and benefit those who cross the law but maybe who needs a second chance. Later on we're actually going to be talking about the fact that this April is Second Chance Month and I just think that it makes today's confirmation all the more pointed. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Dion.

Senator **DION:** Good morning, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I rise today in support of this nomination. I'm honored to cast my vote in confirmation of Lea-Anne Sutton as a District Court Judge. I'll speak plainly. This nomination will be applauded by the law enforcement profession. In Lea-Anne they have seen someone who's been a tireless advocate on their behalf, and that's important because the police work for the people and the people are satisfied in their concerns and their anxieties and their questions about criminal justice as the police present their cases to prosecutors, and it is their hope that the prosecutors will be able to advance the proposition that victims count and individuals need to be held accountable. I've worked with Ms. Sutton as a Sheriff and I've opposed her as a defense counsel. Despite that, and I know Senator Cyrway would wonder how that could be, the fact of the matter is I hold her in the highest esteem and regard because I have found a prosecutor who is fair, open minded, actively listens, and does so without a sense of vengeance that's self-appointed. Her goal has always been to be fair and just, and when she does that it places defense counsel in their proper role in terms of advancing the needs and realities of their clients. No one is 100% guilty. No one is 100% innocent. It takes a very mature, reflective mind to discern the difference and get the results that's in the best interest of the individual and the community at large. So I have advanced many reform ideas here before this Body and I would tell you that I see the soon-to-be Honorable Lea-Anne Sutton as a champion of those same principles of public safety that balanced both between the interests of the community and defendants, families, and victims. It's a hard math to calculate properly and I'm confident in casting my vote today that the soon-to-be Judge Sutton will carry out that mission in an exemplary manner. Thank you, ladies and gentlemen.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **JUDICIARY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#622)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

EXCUSED: Senators: LANGLEY, SAVIELLO

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Lea-Anne Sutton**, Esq. of Gorham for appointment as a District Court Judge was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

THE PRESIDENT PRO TEM: The Chair is pleased to introduce in the rear of the Chamber the Honorable Lea-Anne Sutton of Gorham. She is accompanied by her mother, Margaret Jameson, and her friend, Meg Elam. Would they please rise and accept the greetings of the Senate.

The Following Communication: S.C. 986

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 11, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau,

This is to inform you that I am today nominating Judge Gregory A. Campbell of Hampden for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 987

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

April 11, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Judge Christine Foster of Portland for appointment to Active Retired Status of the Maine District Court.

Pursuant to Title 4, MRSA §157-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Colin Aponte, of Blue Hill, a 13-year-old home-schooled student, who won the 2018 Maine State Spelling Bee and the 2018 Maine National State Geography Bee. We extend to Colin our congratulations and best wishes;

SLS 823

Sponsored by Senator LANGLEY of Hancock.
Cosponsored by Representative: CHAPMAN of Brooksville.

The Joint Order was **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Thank you, Mr. President Pro Tem. I am certainly honored to speak on this sentiment today on behalf of Senator Langley. Colin Aponte, a 13 year old home-school

student from Blue Hill, won both the 2018 Maine State Spelling Bee and the Maine State Geography Bee. In addition to winning both of these events, Colin also won \$200, a National Geographic atlas, metal and pin, and a college acceptance letter to the University of Maine at Farmington awarded by U.M. Farmington President Katherine Foster, who hosted the Bee and was a geography major herself. Colin is the only individual that I know who has ever won both of these Bees in the same year. He is a very talented young man. The next several weeks will be very busy for Colin as he's studying for both the National Geography Bee and the National Spelling Bee. He prepares to represent Maine at both of these events. I am pleased that Colin and his family are all able to join us here today in recognition of all the hard work that he has put into these events. Thank you.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Colin Aponte; his parents, Juan and Louise; his sister, Rebecca; and his grandmother, Vivian Milby. They are all from Blue Hill and they are the guests today of the Senator from Hancock County, Senator Langley, and the Senator from Washington County, Senator Maker. Would the guests please rise and accept the greetings of the Maine Senate.

Joint Resolution

On motion by Senator **VOLK** of Cumberland (Cosponsored by Senators: BRAKEY of Androscoggin, KATZ of Kennebec, LANGLEY of Hancock, ROSEN of Hancock, SAVIELLO of Franklin, Representatives: POULIOT of Augusta, TALBOT ROSS of Portland, WARREN of Hallowell), the following Joint Resolution:

S.P. 735

**STATE OF MAINE
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN**

**JOINT RESOLUTION
DESIGNATING APRIL 2018 AS SECOND CHANCE MONTH**

WHEREAS, every person is endowed with human dignity and value; and
WHEREAS, redemption and second chances are American values; and
WHEREAS, an estimated 65,000,000 American citizens have a criminal record; and
WHEREAS, individuals returning from prison and those who have paid their debts after committing a crime face a "second prison" of stigma and obstacles, also known as collateral consequences; and
WHEREAS, individuals with criminal histories encounter significant barriers such as an inability to find housing, employment or education, regain voting rights, volunteer in their communities, secure identification documentation and pay off substantial financial debt accrued as a result of conviction and incarceration; and

WHEREAS, these barriers can contribute to recidivism, which increases victimization, decreases public safety and results in lost human capital and economic output for communities; and
WHEREAS, the designation of April as Second Chance Month can contribute to increased public awareness about the "second prison," the need for closure for those who have paid their debts and opportunities for individuals, employers, congregations and communities to extend second chances; 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 recognize April 2018 as Second Chance Month and we urge citizens to observe this month through actions and programs that promote awareness of the "second prison" and provide closure for those who have paid their debts.

The Joint Resolution was **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I apologize for rising again and taking up more of your time this morning, but this is an issue that has been very important to me, near and dear to my heart, and I remember that last year we had a very similar order, in fact I believe it's the same exact language that we used last year. Just a reminder, and I think it's particularly apt that, as I stated before when speaking on now-Judge Sutton's nomination, that April is Second Chance Month and we do believe that every person is endowed with human dignity and value and that redemption and second chances are American values. Sixty-five million American citizens have a criminal record and I believe that many of them do deserve to have a second chance in life, and at some point later in this session we'll be debating a bill that will give us an opportunity to ensure that people do have an opportunity at a second chance and we can make a step in that direction. I believe that once someone has paid their debt to society they should be allowed to move on and we do know that one of the most important ways to prevent recidivism is by allowing people to lead a productive and successful life moving forward. So I just urge you to consider second chances as we get through the rest of our work in this session and would hope that we can all consider not just those who have crossed the line legally in our society but even in our own personal lives. Giving people second chances and forgiving others is very, very important. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** I was going to request to speak. Thank you, Mr. President Pro Tem. Today is Maine Chamber of Commerce Day on the second floor, if we have time some of you can go down. Great stuff. A special person has been honored today. His name is Craig Pendleton. He is the Executive Director of the Biddeford/Saco Chamber of Commerce and received the

Professional of the Year Award from the Maine Chamber. I just want to speak a little bit about Craig. I know Craig for many, many years. Both he and his wife, Susan, are good friends. Craig is also - I served with him. He is Chair of the People's Choice Credit Union, of which I am a board member. But I want to speak about the Chamber of Commerce and their relationship to businesses. It's no secret that the Biddeford and Saco region is really booming and it's no less the reason for Craig to have become involved in this. But there's more to Craig than being the Executive Director of the Chamber. However, Craig is a perfect match for the Biddeford/Saco Chamber. He is a native of Saco and has adopted Biddeford as his sister. It's no accident that the Chamber is located on the Saco River that divides both communities. However he has made a bridge to both communities. He has been in leadership roles in both cities and he has implemented programs such as Buy Local and Choose A Chamber Member First campaigns. He has cast the net in Biddeford and Saco, and I'm saying that loosely because he is also a very long-time commercial fisherman and shrimping. So he knows about casting a net. He has brought in 125 new members and, Senator Woodsome, he has extended the Chamber to Waterboro. He is welcomed in both communities in that Craig is a leader in forming a workforce development community that bridges - again bridges - educators and businesses to enhance and employ the talented local workforce. I just want to touch briefly, before he was Chamber, you know I'm almost going to use the word a renaissance man but it's funny. If you know Craig, that's a funny term to be using for him but he is a little bit of everything. He is a founding member of the Northwest Atlantic Marine Alliance. He has successfully organized and developed a tri-state agreement for the disbursement of \$5 million in disaster relief funds for commercial fishing and he has co-authored the Gulf of Maine Inshore Fisheries Conservation and Stewardship Plan. There are many other things he has done. To sell your boat and give up commercial fishing, go back to college, get your business degree, still maintaining his position - a volunteer position - in moving forward a credit union, and then becoming an Executive Director, all the while having a great personality also. I just want to conclude that Larry Yee, he is the founding director of the Food Commons - and this speaks volumes about his past life as a fisherman - 'Craig Pendleton is a wealth of knowledge and experience with 40 years at sea blended strategically with training and hands-on experience from world renowned business leaders, environmental advocates, and elected officials.' We are very pleased and honored and just love him in our area and want to keep him for a little bit longer, and I am so pleased that he is honored by my colleagues here today. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Craig Pendleton of Old Orchard Beach. He is the recipient of the Maine Chamber Professional of the Year Award and is accompanied by his wife, Susan Pendleton. They are the guests today of the Senators from York County, Senator Deschambault and Senator Chenette. Would Craig please rise and accept the greetings of the Maine Senate.

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age" S.P. 713 L.D. 1870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-457).**

Signed:

Senators:

- LANGLEY of Hancock
- MAKER of Washington
- MILLETT of Cumberland

Representatives:

- KORNFIELD of Bangor
- DAUGHTRY of Brunswick
- FARNSWORTH of Portland
- FULLER of Lewiston
- McCREA of Fort Fairfield
- PIERCE of Falmouth
- SAMPSON of Alfred

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-458).**

Signed:

Representatives:

- GINZLER of Bridgton
- STEWART of Presque Isle
- TURNER of Burlington

Reports **READ.**

Senator **MAKER** of Washington moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)** Report.

All matters thus acted upon were ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

Unfinished Business

The following matter in the consideration of which the Senate was engaged at the time of Adjournment had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/18) matter:

JOINT RESOLUTION - 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

Tabled - April 12, 2018 by Senator **MASON** of Androscoggin

Pending - **ADOPTION**

(In House, April 11, 2018, **READ** and **ADOPTED**.)

The Joint Resolution was **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you. Ladies and gentlemen of the Senate, I just wanted to take just a few minutes to remember the life of Mert Henry. It certainly was an eventful life. He played such a key role in Maine politics, and I'm not talking about Republican politics, I'm talking about Maine politics. What a tremendous man. I had the good fortune of meeting Mert over the past winter. Certainly an iconic name when it comes to Maine politics. The Chief of Staff for Margaret Chase Smith. You know, none of us are successful without really, really good people helping us and, make no mistake, I think that Senator Smith benefited greatly from Mert Henry and his advice, his council. You know, I got to meet with Mert last winter and spent probably close to an hour with him. Ninety-two years old, sharp as a tack. Knew everything that was going on at the State House, far more than probably even I did, which was amazing. No it's not that amazing. But just a wonderful guy, and while we were visiting he told me, he said, 'Yah,' he says, 'If you have a few minutes,' he says, 'downstairs, Ken Curtis lives down there.' I thought, 'Wow, Mert Henry and Ken Curtis in their 90s still friends.' You know something, pretty amazing guy. He sent me an e-mail, actually. It was dated March 27, 2018, so just a few days ago. I just want to read you just one little snippet out of it. It says, 'At 92 I know there is more to life than politics, to say the least.' I would

challenge each and every one of you to think about that for just a few minutes. We've got a rugged week in front of us and I think Mert gave us something to really remember on - to remember - and something to work with here. There is more to life than just politics. We're going to work hard. We're going to make sure we, you know, do our best to pass the best bills that we can. But at the end of this coming week - when maybe I'm 92 and Senator Deschambault's in her 80s, she'll live downstairs and we'll still be friends. Okay? So pretty amazing guy. I didn't think that it was appropriate that we pass this without remembering the life of somebody that really shaped the State of Maine in so many ways. Mert Henry was a wonderful man. Thank you.

Off Record Remarks

The Joint Resolution was **ADOPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/18) matter:

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, that Body **INSISTED** on its former action whereby the Bill and accompanying papers were **INDEFINITELY POSTPONED**.)

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Diamond.

Senator **DIAMOND:** Mr. President and ladies and gentlemen of the Senate, I'm deeply concerned about what I see happening, and that is the change regarding how we handled Citizen Initiatives. I think we all should be very concerned about this change. For decades Citizen Initiatives were routinely referred to Legislative Committees. Public hearings and work sessions and reports from committees. In fact, from 1977 through 2011, 34 years, 41 Citizen Initiatives, 41 were referred to committees for public hearings and it didn't matter which party was in the majority. They both - both parties adhered to that routine because it was very important about how we handled transparency. A process was designed to inform the public, inform legislators, just like all other legislation that we deal with, making it transparent and making sure that the priority was the public's right to know. It was a routine process that was suddenly stopped, the door slammed, in 2012. From 2012 to 2017 there have been 11 Citizen Initiatives and none of them had a public hearing except one, and that was the York Casino. Look at the

problems that were discovered there. I would also point out to you that those that did not have public hearings, those initiatives, there were a lot of problems that we had to deal with, and I hold up as Exhibit A the marijuana initiative. Thirty pages. Yes or no vote. No public hearing. No discussion. No debate. Why would we want to be part of stifling such a discussion? Why would we want to put a stop to information for the public? Why on earth would we do that? There are no arguments. I've not heard one argument that we should close public hearings. This is about the public's opportunity to express their concerns, raise their questions, and also for legislators to do the same. It's about work sessions and the opportunity for certain officials that are critical to us, our non-partisan professional staff, to provide information for us to see and for the public to see.

The initiative before us, Mr. President, is L.D. 1864. This is a 3.8% tax on earnings and income above the Social Security tax level of \$128,400. The preliminary fiscal note prepared last fall, before the petition signatures were gathered, estimates the bill would raise approximately \$310 million. Imagine one of us putting in a bill like that that would raise over \$300 million in revenue and we, at the same time, blocked any public hearings, any comments. Doesn't make sense. Without a public hearing, the public won't know what members, we, think about this particular initiative, what the committee members think, because there will be no record; what the proponents feel, very helpful; the opponents feel, very helpful. We won't know what - how this proposed legislation would fit into our existing laws. We won't know what the Health and Human Services Committee would feel about this; about how the Taxation Committee would feel about this; about LCRED. All of these committees have interest in this bill. Or what Appropriations would think about how it affects our finances.

Ladies and gentlemen, we have a process for informing ourselves and the public on details about legislation, the very process that we find and see and believe is vital to good decision making, and we've used that same process for decades, for decades until 2012. I believe we should always give the voters the benefit of a public hearing to ask questions, to make sure that everything is out in the open. It's a matter of good legislative process. It's a matter of good government and we owe the public nothing less, and we owe ourselves nothing less. How could we possibly deny that? Thank you, Mr. President.

Senator **MASON** of Androscoggin moved the Senate **INSIST**.

On further motion by same Senator, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief. Echo the - emphasize the words of my seatmate, Senator Diamond. I think the first time we began to see the multiple flaws in the York County Referendum was at the public hearing. It was the first time we began to dig into the source of the funding. It was immensely helpful, and don't underestimate the value of having our non-partisan, incredibly professional staff dig into these bills. And if the voters of Aroostook County return me here for the next term, I would propose legislation that not only will require there be a public

hearing but require that there be two public hearings in each Congressional District, out in the hinterlands, so the folks who are going to vote on these initiatives can hear and see what's going on. The press would accompany those, if you had one in Presque Isle and one in Lewiston in the Second District, and one in Portland and one in Bath in the First District, I think it would be immensely helpful. Also it would take away from the folks who oppose the particular initiative saying, 'Well, they didn't know what they were voting for. They didn't know what they were voting for.' We hear that all the time and it's not fair. Not fair to the people of Maine. So I would urge you to join in sending this bill to a public hearing as soon as possible so we can begin to understand what this initiative is about. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President and men and women of the Senate. I rise in agreement with my two colleagues about the importance of the public hearing process, and as we were talking about two giants of the Republican and Democratic party earlier in Mert Henry and Ken Curtis that the President had a chance to meet with I can't help but think that both of them would say this is a no brainer. You know, we use public hearings to give us a better understanding of what we're expected to vote on when a bill shows up on our calendar. I think, in the same way, we owe it to the voters to provide a public hearing so they'll have a better understanding when an initiative shows up on the ballot and, as Senator Diamond pointed out, we did this routinely until a few years ago. I think when all of us see a legislative proposal a few questions pop into our heads. Why is this being proposed? What problems is it attempting to fix? How is it fixing the problem? How will this effect Maine people and what will it cost and where will the money come from? It's the best way to fix the problem, and so forth, because most bills which come before us are not no brainers. They require a great deal of thought. I've heard it said in the era of social media and YouTube and other information outlets that we don't have to have public hearings anymore to inform the public about a referendum proposal. I really disagree with that. It's more important than ever. Hearings are important exercises even when we don't pass a bill. I'm going to say something which I think is true, that all of us agree, hearings uncover facts. TV ads distort facts.

It'd be easy to talk about the recent referendums and the lack of hearings and what that's meant for policy making for the State. But I think, as my colleagues have, it's more constructive to talk about the lone, single referendum that has had a public hearing in the last few years, the York County Casino one, and how much we really learned as a result of that. With 20-20 hindsight, would anybody today seriously argue that the York County Casino hearings were a waste of time? I don't think so.

So talking about this particular referendum, I'm not arguing in favor of it or against it, but it's a complicated, complicated subject. The referendum sets up a brand new State Board to run a brand new State program funded by a brand new State tax. I don't know how it gets any more complicated than that. We've never had hearings on any of that stuff. We need input, as the good Senators said, from DHHS, from the Department of Labor, from Maine Revenue, as well as professional and financial regulation. There are so many questions and, again, I'm not suggesting the answers. But with respect to the tax piece, what about people who make less than the Social Security cut-off. Do they still have

to pay the tax if they file jointly? Does it apply to pensions and other retirement income that our elderly rely on? Does it really force independent homecare givers to be represented by the State Union? Are family caregivers required to be represented by the State like individual providers are? I'm asking these questions because the answers are not apparent from reading the referendum. There's a whole new board which is created. Does the board conform with Maine's laws on how new boards are organized? Is there really - it doesn't appear to be - but is there really no prohibition on self-dealing like there is for other boards? Is there really no requirement for a third party independent audit of how the \$300 million in taxpayer money is being spent?

With respect to the private health information, I'm getting into this, there are significant HIPAA issues here and I'm not saying that they are to the point where this becomes a legal problem or not, but there are significant HIPAA issues that I don't think any of us really understand completely. Is the information going to DHHS or this board or both? Can that private information really be shared for the purposes other than providing care and is it even legal? I think that the voters have a right to have our assistance in creating the forum to answer these questions.

You know, referendum voters are angry and they have a point. I don't think anybody has defended the role of the Legislature and the responsibilities of the Legislature to responsibly implement referenda, not just blindly take exactly what we get, more than I have. But we've heard the cry over the last 18 months or so that the Legislature doesn't respect the will of the people and, while I defend the Legislature and the role we play, the voters do have a point. We aren't voters on notice that there are problems with a referendum question. We aren't being fair to the voters in the same way we're fair to ourselves. We're not providing them with the traditional method of airing the pros and cons of a referendum question in a public hearing. The time to respect the voters is not just after the vote. I think it's just as important before the vote. You know, public policy through 30 second TV ads is a lousy idea. At least let's do our job and do what we here in the Legislature and our staff does best, which is to engage in a thorough and public vetting of an issue before we decide. So I hope that this will have the support, Mr. President, of members on both sides of the aisle. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President Pro Tem. You know, I rise in agreement with everything that's been said today and disappointment that we are not in concurrence with the other Body. You know, I - none of us are mind readers. We can't know why we're in this situation and, you know, but we do have before us a referendum which purports to be one of, if not the biggest, tax increase in Maine history. I know in my work on the Health and Human Services Committee, working with some of the homecare providers, I've heard from some of those homecare providers that they don't even support that. You would think that they did support this but I've heard that they don't. There are a lot of outstanding questions and I don't know why we are in this situation of non-concurrence. I'm going to extend the benefit of a doubt to everyone that's not, you know - that no one wants less transparency. Perhaps it's they don't - perhaps there's a lack of agreement about what committee it should go to. If that is the case, then I'm sure that we will be happy to hold the public hearing in the Health and Human Services Committee because

this does deserve a public hearing. There are unanswered questions that need to be answered and I think we all, and the Maine people, deserve better than this. Thank you very much, Mr. President.

Off Record Remarks

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President Pro Tem. Men and women of the Senate, I don't disagree with our stand on this bill. I just believe that it's - each bill probably should be looked at individually and that's why I may not support a grander change to what we have right now. I talked to many members of the public who feel that sometimes our hearing process isn't as open as it could be. We know that it seems like it, but when we get crunched near the end our time period for giving notice about public hearings first diminishes and then goes away. Hearings can pop up quickly. If I hadn't sat through several hearings in different committees over the years and listened to people lie to us because they're not sworn in, maybe unintentionally, sometimes not, but I've caught a couple of people at it and called them on it, then I would think that our hearings were the place where great information was passed and the best decision was made. If I had not been one of the people - one of the eight people who brought minimum wage bills and watched what that committee did with them I might now think that it would be better to skip that committee if that's where that bill had to go and then watch some competing measure come out against them. Also what I heard out in the public. It's hard for some people who really believe in this to get time off from their jobs to come up during the week to a hearing. You'd say, 'Well, if it's that important to them.' Well so is the day that they need to take off to take care of their kids or a sick spouse or parent. They might just save it for that, as important as they think this is. So that might not be the best way to get all the information for whether a bill will pass. I believe many of - maybe the increase in these referendums, again what I've heard, is that the Legislature is not responding to the community in what it thinks is important and so maybe they should be out there. So the final part that I heard, and believe, is that when we put something out to referendum it not only goes out to the whole state, it doesn't restrict it to Monday through Friday 10 to, well sometimes midnight, but hopefully 10 to 3 or 4. It doesn't restrict it to one person's opinion or any particular lawyer's opinion. Our own are great and they know how to fit things into Maine law but so do a lot of other lawyers, and then they'll all disagree with each other anyway because that's what you're trained to do when you're a lawyer, to kind of keep digging in. So they have TV ads, meetings, letters to the editor, home parties. Many of us are invited to them, to express our opinion even if we disagree with what's going on. We get to express that. I don't think there's a better public hearing than a citizen's referendum and I don't think we have the final say in getting perfect language for bills, from what I've experienced here in my six years now. So to say that it will be better once a committee looks at it, it's another great thing to think about when we're sitting here and it all sounds good and we're

going our best. That's what I'll say. We're all doing our best, everyone. On this one, I think we are. We sit there and we mean to and we let someone come up with a lot to say and we only give them three minutes to speak when they're the one person who might with 30 minutes clear up everything, but they get three minutes and see ya. I don't know that we always do, and I don't know that the citizen's referendum without that review is the best either. So I will keep saying don't change the rules, let's keep bringing it to the Bodies to decide which ones should go to committee and which ones should go straight out and thank you for listening.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** Thank you, Mr. President Pro Tem. I rise in opposition to the pending motion. I'd like to echo some of the statements of Senator Miramant and address some of the concerns we've heard here in this Chamber. So we're told if we don't send this to committee we're somehow stifling discussion and debate. Last time I checked, it's called a campaign. Plenty of time to debate the merits of the legislation of the citizen led referendum. I encourage my colleagues to hold town halls in their districts like I do and have a one-on-one conversation about those merits, good or bad. Let's break down what happens in a public hearing, especially this late in session. Last time I checked, statutory adjournment is next week, folks. So what happens in a public hearing this late? We don't adequately notify the public, corporate lobbyists and special interest groups ship up their advocates to camp out in our committee, the average citizen gets lost in translation, and it's a media spectacle. That's what it is. If that is "discussion and debate," I'm sorry folks, that's not what I would consider that. That's both sides arguing at each other in front of Legislators. That's what that is. Let's not kid ourselves, this isn't about transparency. This is about thwarting the public's ability to use the citizen led referendum process to hip check their government. We work for them when inaction and gridlock fails Maine people. This bill is about using our power to silence voters and I will not stand for that. Please oppose the pending motion. I'm done.

THE PRESIDENT PRO TEMPORE: For what purpose does the Senator rise?

Senator **KATZ:** I rise for the purpose of reminding everybody about the rule against imputing the motives of anybody who speaks on a motion.

THE PRESIDENT PRO TEMPORE: The Chair will advise members that we are dealing with the issue of Insisting on the current motion and would request that members refrain from remarks that distance themselves from that action. The Chair now recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I will be voting against this motion and wanted to just briefly explain why. I feel like the voters, when they do vote, they do know what they're voting on, contrary to what we've heard here from time to time. There were four referendums on the ballot November 2016. I don't believe any of them had a public hearing here, but over the course of several months there were a lot of forums and debates all around the state and I think people

did know what they were voting on. They were sending a strong message on a number of issues that we didn't act on for a number of years and I understand the point that we had hearings up until the '90s or the early 2000s on every bill that was brought forward by citizen initiatives, but I've been here for 8 years and almost every referendum that's come here we haven't had a public hearing on. We didn't have a public hearing on marriage equality or a number of other really contentious issues. There was no hearing here, but I do think the voters know what they're voting on because of what happens in the communities and all of the stuff that they hear through the media, the campaigns. I think Senator Chenette hit the nail on the head on that. So I will be voting against this because we have not had consistence. Now if we had a bill here to require a public hearing on everything that comes to us, I'd probably vote for that. But we haven't had that. We don't have that in policy and we haven't been having hearings on many initiatives over the last 8 or 10 years. So that's why I'll be opposing this motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. Pro Tem. Ladies and gentlemen of the Senate, when I hear that they knew what they were voting on I think you could ask them one question: how much is this going to cost the State? And I don't believe many of them could answer that. Thank you, Mr. President Pro Tem.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. I just want to respond to a comment made by my good friend from Kennebec, Senator Cyrway, in terms of the cost of referendums. That's printed on the petition sheets. When people sign the petitions the cost is right at the top in terms of what that initiative would cost if it's passed. It's also posted in every polling place across the state. So I think there is plenty of information out there about what these things cost and people are aware of that when they vote. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair will update the Chamber. The motion before us is to Insist. Is it the pleasure of the Senate? A roll call having been ordered. Is the Senate ready for the vote?

The Chair noted the absence of the Senator from Hancock, Senator **ROSEN**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#623)

Representatives 7

Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Sampson of Alfred

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

NAYS 0

ABSENT 3 Rep. Pierce of Falmouth, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

NAYS: Senators: CHENETTE, CHIPMAN, DION, MIRAMANT

EXCUSED: Senators: LANGLEY, ROSEN, SAVIELLO

28 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **MASON** of Androscoggin to **INSIST PREVAILED**.

Ten 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 Anne R. Devine of Portland, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

Out of order and under suspension of the Rules, the Senate considered the following:

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

COMMUNICATIONS

The Following Communication: S.C. 992

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

April 12, 2018

The Secretary opened the vote.

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

ROLL CALL (#624)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

Dear Mr. President:

EXCUSED: Senators: LANGLEY, ROSEN, SAVIELLO

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Anne R. Devine of Portland, for appointment to the Maine Maritime Academy, Board of Trustees.

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:

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Anne R. Devine** of Portland for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

YEAS Senators 3 Langley of Hancock, Maker of Washington, Millett of Cumberland

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 993

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

April 12, 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 Education and Cultural Affairs has had under consideration the nomination of Brandon St. Germain of Ellsworth, for appointment to the Maine Maritime Academy, Board of Trustees.

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	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	5	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, McCrea of Fort Fairfield
NAYS		0	
ABSENT		5	Rep. Ginzler of Bridgton, Rep. Pierce of Falmouth, Rep. Sampson of Alfred, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

Eight 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 Brandon St. Germain of Ellsworth, for appointment to the Maine Maritime Academy, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#625)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

EXCUSED: Senators: LANGLEY, ROSEN, SAVIELLO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Brandon St. Germain** of Ellsworth for appointment to the Maine Maritime Academy, Board of Trustees was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 990

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

April 12, 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 Education and Cultural Affairs has had under consideration the nomination of Jaylee E. Rice of St. Albans, for appointment to the State Board of Education.

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	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	6	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield
NAYS		0	
ABSENT		4	Rep. Pierce of Falmouth, Rep. Sampson of Alfred, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

Nine 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 Jaylee E. Rice of St. Albans, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#626)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

EXCUSED: Senators: LANGLEY, ROSEN, SAVIELLO

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Jaylee E. Rice** of St. Albans for appointment to the State Board of Education was **CONFIRMED**.

The Secretary has so informed the Speaker of the House of Representatives.

The Following Communication: S.C. 991

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

April 12, 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 Education and Cultural Affairs has had under consideration the nomination of Dr. Fernande Desjardins of St. Agatha, for appointment to the State Board of Education.

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	Langley of Hancock, Maker of Washington, Millett of Cumberland
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Representatives 5 Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton

The Secretary has so informed the Speaker of the House of Representatives.

NAYS 0

The Following Communication: S.C. 989

ABSENT 5 Rep. McCrea of Fort Fairfield, Rep. Pierce of Falmouth, Rep. Sampson of Alfred, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON TAXATION**

April 10, 2018

Eight 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 Dr. Fernande Desjardins of St. Agatha, for appointment to the State Board of Education be confirmed.

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

Signed,

Dear President Thibodeau and Speaker Gideon:

S/Brian D. Langley Senate Chair S/Tori P. Kornfield House Chair

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

READ and ORDERED PLACED ON FILE.

L.D. 1758 An Act To Strengthen Maine Families with Children by Changing the Income Tax Laws

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

This is notification of the Committee's action.

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

Sincerely,

The Doorkeepers secured the Chamber.

S/Sen. Dana L. Dow Senate Chair S/Rep. Ryan Tipping House Chair

The Secretary opened the vote.

READ and with accompanying papers ORDERED PLACED ON FILE.

ROLL CALL (#627)

YEAS: Senators: None

All matters thus acted upon were ordered sent down forthwith for concurrence.

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, THIBODEAU, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE CUSHING

Out of order and under suspension of the Rules, the Senate considered the following:

REPORTS OF COMMITTEES

House

Divided Report

EXCUSED: Senators: LANGLEY, ROSEN, SAVIELLO

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force
H.P. 1296 L.D. 1861

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of Dr. **Fernande Desjardins** of St. Agatha for appointment to the State Board of Education was **CONFIRMED**.

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-757)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
STEWART of Presque Isle

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

Signed:

Representatives:

SAMPSON of Alfred
TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**.

Reports **READ**.

Senator **MAKER** of Washington moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

ENACTORS

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

Emergency Measure

An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists

H.P. 1325 L.D. 1892
(C "A" H-744)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 115: the Credentialing of Educational Personnel, a Late-filed Major Substantive Rule of the Department of Education

H.P. 1289 L.D. 1852
(C "A" H-739)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Ensure the Continued Provision of Services to Maine Children and Families

H.P. 1307 L.D. 1874
(C "A" H-738)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Stabilize Vulnerable Families

S.P. 658 L.D. 1771
(C "A" S-449)

An Act To Increase Youth Mental Health Awareness in Schools

H.P. 1302 L.D. 1866
(C "A" H-740)

PASSED TO BE ENACTED and, having been signed by the President Pro Tempore, were presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act To Broaden Educational Opportunities to Members of the Maine National Guard and Provide Financial Assistance to Veterans

S.P. 635 L.D. 1736
(H "A" H-743; H "B" H-748
to C "A" S-445)

On motion by Senator **MASON** of Androscoggin, supported by a Division of one-fifth of the members present and voting, a Roll Call was ordered.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Cushing.

Senator **MASON** of Androscoggin requested and received leave of the Senate to withdraw his request for a Roll Call.

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Support Lead Abatement in Older Residential Properties

H.P. 1063 L.D. 1542
(C "A" H-628)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Amend the Laws Regarding Aggravated Trafficking of Scheduled Drugs

H.P. 1228 L.D. 1783
(C "A" H-736)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans

H.P. 1315 L.D. 1882
(C "A" H-741)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts

S.P. 720 L.D. 1885

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

Resolve

Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services

H.P. 1191 L.D. 1711
(C "A" H-737)

On motion by Senator **HAMPER** of Oxford, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **FINAL PASSAGE** in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

COMMUNICATIONS

The Following Communication: S.C. 994

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

April 13, 2018

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

Dear Secretary Priest:

Pursuant to Senate Rules, I hereby appoint the Senator from Penobscot, Senator Cushing to preside from the rostrum over the legislative business conducted in the chamber for the session to be held on April 13, 2018. This temporary assignment shall commence at the beginning of that daily session, and expire at the end of that daily session if not sooner by the return to the rostrum of the President or the Senator with the standing appointment on March 29, 2017 to otherwise serve as President Pro Tempore.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and **ORDERED PLACED ON FILE.**

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **MAKER** of Washington, the following Joint Order:

S.P. 736

ORDERED, the House concurring, that "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, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

The Joint Order was **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Mr. President Pro Tem and ladies and gentlemen of the Senate, we are calling this bill back because there is an error on the date for the telephone set up. It was brought to our attention. It was mentioned as October that this telephone system would be set up. That's not possible to be done. We need to put the language in 'pending the grant funding received' because that date may throw it all off. So thank you very much.

On motion by Senator **MAKER** of Washington, the Joint Order was **PASSED**.

Sent down for concurrence.

All matters thus acted upon were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Tuesday, April 17, 2018 at 10:00 in the morning in memory of and lasting tribute to Merton G. Henry of Scarborough.