

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

In Senate Chamber
Thursday
February 15, 2018

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

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

MR. WADDELL: Good morning. I am Tom Waddell and the
President of the Maine Chapter of the Freedom from Religion
Foundation. We support everyone's religious freedom by
advocating for separation of church and State. As you fulfill the
Senate's solemn responsibility of making decisions that will affect
every one living here in Maine, I urge you to rely on and trust in
the collective character, honesty, integrity of your colleagues for
guidance today and every day. The wisdom of our Founding
Fathers have much to rely on as well. I would like to invoke the
words of two American Presidents. Thomas Jefferson reminds us
that the purpose of government is to enable the people of a nation
or a state to live in safety and happiness. Government exists for
the interests of the governed, not for the governors. And John
Quincy Adams inspires us with: if your actions inspire others to
dream more, learn more, do more, and become more you are a
leader. Thank you for your sacrifices that each of you have made
to be a member of the Maine Senate. We, the people of Maine,
appreciate and rely on your collective wisdom and the personal
commitments you have made to Maine's future. Thank you.

Pledge of Allegiance led by Senator Andre E. Cushing, III of
Penobscot County.

Reading of the Journal of Tuesday, February 13, 2018.

Doctor of the day, Elisabeth Mock, M.D. of Holden.

Senate at Ease.

The Senate was called to order by the President.

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. 693

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, February 20, 2018 at 10:00 in
in the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, Directing the Secretary of State To Study the Revised
Uniform Law on Notarial Acts

H.P. 1171 L.D. 1691

In Senate, February 8, 2018, on motion by Senator **KEIM** of
Oxford, the Minority **OUGHT NOT TO PASS** Report **READ** and
ACCEPTED in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Majority **OUGHT TO PASS** Report was **READ**
and **ACCEPTED** and the Resolve **PASSED TO BE**
ENGROSSED.

On motion by Senator **MASON** of Androscoggin, the Senate
INSISTED.

House Papers

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

H.P. 1276 L.D. 1834

Comes from the House, **REFERRED** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ordered
printed.

Senator **HAMPER** of Oxford moved to **REFER** to the Committee
on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in
concurrence.

On motion by Senator **MASON** of Androscoggin, **TABLED** until
Later in Today's Session pending the motion by Senator
HAMPER of Oxford to **REFER** to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS, in concurrence.

Bill "An Act To Transfer Funds within the Department of Inland
Fisheries and Wildlife" (EMERGENCY)

H.P. 1277 L.D. 1835

Bill "An Act To Exempt from Hunter Safety Courses Certain Veterans and Persons Who Have Completed Firearms Safety Courses"

H.P. 1278 L.D. 1836

Come from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

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

Dear President Thibodeau and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Insurance and Financial Services from its review and evaluation of the State Employee Health Commission under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

The committee finds that the State Employee Health Commission is operating within its statutory authority.

Sincerely,

S/Senator Rodney L. Whittemore
Senate Chair

S/Representative Mark W. Lawrence
House Chair

READ and ORDERED PLACED ON FILE.

COMMUNICATIONS

The Following Communication: S.C. 844

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

February 13, 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, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of David M. MacMahon, Ph.D. of Poland for appointment as a member of the Board of Trustees, University of Maine System.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 848

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

February 12, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1509 An Act To Prohibit Retired State Employees and Teachers from Returning to Work While Collecting Retirement Benefits

This is notification of the Committee's action.

The Following Communication: S.C. 846

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

February 13, 2018

Sincerely,

S/Sen. James M. Hamper
Senate Chair

S/Rep. Drew M. Gattine
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 849

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

February 12, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1715 An Act To Ensure Rural Patient Populations Receive Safe and Effective Health Care

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Patricia Hymanson
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 850

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

February 12, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1667 An Act To Prohibit the Entry of Anadromous Fish Species into Sheepscot Pond for 3 Years and To Study the Consequences of the Presence of Anadromous Fish in Sheepscot Pond

This is notification of the Committee's action.

Sincerely,

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Robert S. Duchesne
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 847

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

February 12, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1541 An Act To Protect Certain Administrative Licensing Files

This is notification of the Committee's action.

Sincerely,

S/Sen. Lisa Keim
Senate Chair

S/Rep. Matthew W. Moonen
House Chair

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 851

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

February 12, 2018

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

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 1283 An Act To Modernize the Mining Excise Tax
- L.D. 1669 An Act Regarding Levies Placed on Accounts at Financial Institutions for Unpaid State Income Taxes

This is notification of the Committee's action.

Sincerely,

S/Sen. Dana L. Dow Senate Chair	S/Rep. Ryan Tipping House Chair
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READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 843

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

February 12, 2018

The Honorable Roger J. Katz, Senate Chair
The Honorable Anne-Marie Mastraccio, House Chair
And Members of the Government Oversight Committee
82 State House Station
Augusta, Maine 04333

The Honorable Michael D. Thibodeau, President of the Senate
and Members of the 128th Maine Senate
3 State House Station
Augusta, Maine 04333

The Honorable Sara Gideon, Speaker of the House
and Members of the 128th Maine House of Representatives
2 State House Station
Augusta, Maine 04333

Dear Government Oversight Committee Members, Senators and Representatives:

In accordance with 3 M.R.S.A. § 995.4, I respectfully submit OPEGA's Annual Report on Activities and Performance for 2017. OPEGA's service to the Legislature as a non-partisan resource is meant to provide support in overseeing and improving the performance of State government. The OPEGA staff and I are committed to continuing to earn the trust and respect of Maine's legislators and citizens as a trusted source of objective, credible information.

Sincerely,

S/Beth L. Ashcroft
Director

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 845

**MAINE'S PUBLIC UNIVERSITIES
UNIVERSITY OF MAINE SYSTEM**

1 February 2018

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

Dear President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the University of Maine System due by February 1, 2018.

As provided in law and corresponding University policy and practice, there are legitimate reasons for waiving competitive procurement as part of standard procurement policy, and all purchases in this report are consistent with established policy and practice. For example, a majority of the expenses for which waivers were granted involve purchases as required or provided for in a grant awarded to the University or a library acquisition as distinct from the University's purchases of general operating supplies and services.

Please contact me if you have any questions or require additional information.

Thank you.

Sincerely,

S/James H. Page, Chancellor
University of Maine System

READ and with accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 437

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

February 13, 2018

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby JOINT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES TO CALL A CONSTITUTIONAL CONVENTION UNDER ARTICLE V OF THE UNITED STATES CONSTITUTION TO PROPOSE AN AMENDMENT TO THE UNITED STATES CONSTITUTION TO RESTORE FREE AND FAIR ELECTIONS (S.P. 667) and accompanying papers were referred to the Committee on State and Local Government.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers **ORDERED PLACED ON FILE.**

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

Senate at Ease.

The Senate was called to order by the President.

SENATE PAPERS

Bill "An Act To Authorize a Prerelease Facility in Washington County" (EMERGENCY)

S.P. 694 L.D. 1841

Presented by Senator MAKER of Washington.
Cosponsored by Representative TUELL of East Machias and Senators: JACKSON of Aroostook, KATZ of Kennebec, LIBBY of Androscoggin, President THIBODEAU of Waldo, Representatives: ALLEY of Beals, Speaker GIDEON of Freeport, PERRY of Calais, TALBOT ROSS of Portland.

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

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Revise the Municipal Consolidation Referendum Process"

S.P. 692 L.D. 1840

Presented by Senator BRAKEY of Androscoggin.
Cosponsored by Representative ESPLING of New Gloucester and Representatives: BICKFORD of Auburn, GOLDEN of Lewiston.

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

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Ensure Stability for Certain Holders of Liquor Licenses"

H.P. 1205 L.D. 1725

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-585).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-585).**

Report **READ** and **ACCEPTED**, in concurrence.

Bill **READ ONCE.**

Committee Amendment "A" (H-585) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Funding for the Maine Bicentennial Commission"

H.P. 1176 L.D. 1696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-586)**.

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

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

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-586)**.

Reports **READ**.

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

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just very briefly on this bill. The Bicentennial Commission has been formed. We've had our first formal meeting. We have now constructed several subcommittees. Busy at work. The three people in this Chamber that represent - that are represented on the Commission are President Thibodeau, Senator Hamper, and myself, and we are very excited. It's going to be an exciting two years and you and your constituents are going to have a lot of opportunities and we

hope you all get involved and you'll be hearing updates from time to time. But it's really an exciting commission and I thank the President for putting us all on and I'm looking forward to a great two years and, please, all your ideas are welcomed. Thank you, Mr. President.

On motion by Senator **LANGLEY** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-586) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

The Chair noted the absence of the Senator from York, Senator **HILL**, and the Senator from Oxford, Senator **KEIM**, and further excused the same Senators from today's Roll Call votes.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Provide Meals to Homebound Individuals

H.P. 483 L.D. 692

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-578)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
SANDERSON of Chelsea

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-578)**.

Reports **READ**.

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

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

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, the economy is doing well in many parts of the State. However, as many of you may know, there are still significant problems with poverty and hunger and people going without food. L.D. 692 would shore up funding and make Meals on Wheels Program a sustainable program. Currently, there is a wait list of 257 individuals all across the state who are not able to get Meals on Wheels delivered. We're talking about homebound individuals, the elderly, and the disabled; the most vulnerable people in our state that are going without meals. This bill would simply provide \$500,000 a year in ongoing funding starting in the next fiscal year to make that program sustainable, to eliminate that wait list. Meals on Wheels isn't just about providing meals to people that need food. That's certainly one important piece of it. But it's also about having somebody go to the person's home, check in with the individual to bring them that meal. I just want to provide a short story about that check in piece because the check in is huge. There was an elderly gentleman who received Meals on Wheels and his wife is a primary caregiver. She was away at an appointment when the volunteer driver arrived to deliver the meal. No one came to the door. The driver knocked again and listened and thought she could hear someone yelling, 'Come in, come in.' So she opened the door a bit and asked for permission to enter and when she did she found the gentleman on the floor, unable to get up. She stayed with him and called 9-1-1 and sat with him and assured him everything would be okay until help arrived. If the meal was never being delivered to that person's home he could have very well died and that would have been a really tragic situation. So having someone bring a meal to someone's home who is vulnerable and not able to get out of their home is critical not just to provide the meal but so someone's

checking in with them once a day when that meal is delivered. So I hope that you will join me in voting yes on this bill in the roll call vote and I would appreciate that. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in a rare occasion to speak against my own motion since we are having a roll call vote on this. I made the motion because I got the sense of - I imagine it's the probable desire of this Body for this to go to the Appropriations Committee and to be - to compete for resources among other priorities. But I'm going to be voting no on the motion in front of us, and let me say first and foremost I think that the Meals on Wheels Program is a very good program. In fact, I've voted to support funding for the Meals on Wheels Program in the past and I don't disagree with anything that my good friend, the Senator from Cumberland County, has just said. This is a very good program and it's very deserving in many ways. That said, there are many priorities and many programs that are very deserving of funds, including huge wait lists we have in other programs, including the Section 21 wait list. For those of us on the Health and Human Services Committee who did not vote for the Ought to Pass Report, it really comes from the fact that we have a lot of priorities right now. We need to send a clear message, and when we have multi tens of millions of dollars in wait lists on the Section 21 wait list we want to send a clear message to the Appropriations Committee about what our priorities are. So while I anticipate this motion will most likely pass today, and Meals on Wheels is a very deserving program, I'll be voting no because it's just a simple matter of priorities. If you prioritize everything you're not really prioritizing anything.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, at Governor LePage's State of the State he prioritized the elderly and people with intellectual disabilities. Two critically important priorities. I think we can make priorities and I think, without a doubt, Meals on Wheels should be one of them. At the public hearing on this bill several of my constituents spoke who volunteer for Spectrum Generations, and I'm going to read a short excerpt from the testimony of Wendy Shaw of Winthrop. She's been a volunteer at Spectrum Generations for 4-1/2 years and she wrote: "I have been supportive of food programs in Maine for several years but it was not until I started delivering Meals on Wheels that I realized the impact food security has on the lives of our neighbors. Hunger in our communities is not about numbers, nor is it about statistics, although these are thought provoking and sometimes overwhelming. Hunger is about people. It's about the man living alone, recovering from heart surgery, who has only a previously frozen dried up pizza in his refrigerator. It is about the single woman who leaves her door open for me when she has gone to a doctor's appointment so I can deliver her meal to her. Her refrigerator only has small cartons of milk that were delivered to her two days ago. It's about the woman who came to her door disheveled, unclean, and confused who now receives home health care. It's about the 95 year old woman who starts to cry when I deliver her Christmas card made by a local elementary school student. It's about the woman living alone when I deliver a

few fresh tomatoes from a friend's garden who says, 'Oh, my God, thank you dear. I hope you kept enough for yourself.' It's about the couple who lives in a mobile home with only a blanket over the door in the winter. It's about the man who shares his Meals on Wheels with his dog because he has no access to dog food. It's about the woman, 80 plus, trying to survive alone, who cannot walk all the way to her mailbox, so I pick up her mail for her. It's about the woman whose porch is full of returnables that she begs me to bag up and return so she can donate back to Meals on Wheels. It's about the woman who literally empties her piggy-bank once a month to send a donation to Spectrum Generations for her meals." These are all, almost all of them, constituents of mine in this area. Seniors living on the margin, struggling. I urge you to vote Ought to Pass to the pending motion.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Breen.

Senator **BREEN:** Thank you, Mr. President. I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **BREEN:** Thank you. Mr. President, I'm curious if there's a wait list for folks waiting for participation in the Meals on Wheels Program? If there is, what that number might be. Thank you.

THE PRESIDENT: The Senator from Cumberland, Senator Breen, has posed a question through the Chair to anybody who cares to answer. The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator **LIBBY:** Mr. President, thank you. I rise in response to the question that was posed through the Chair. There are 250 seniors who are waiting on the wait list for not only meals but also a friendly conversation at the door, contact with the outside world, and the lifeline in the case of a medical emergency. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

THE PRESIDENT: The Chair would advise members that there is a technical issue going on here in the computer system and that we are going to take just a few minutes and then we will open up roll call again. So the Senate will be at ease for just a few moments here.

Senate at Ease.

The Senate was called to order by the President.

THE PRESIDENT: As folks may have assumed, we are having some technical difficulties with the computer system, so the Secretary is going to call the Roll manually. So this will be by a voice vote. The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. I just want to confirm that this will be a recorded vote?

THE PRESIDENT: That is correct.

Senator **CHIPMAN:** Okay. Thank you.

The Doorkeepers secured the Chamber.

The Secretary called the Roll with the following results:

ROLL CALL (#512)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BRAKEY, HAMPER, MASON

EXCUSED: Senators: HILL, KEIM, SAVIELLO

29 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Resolve **READ ONCE**.

Committee Amendment "A" (H-578) **READ** and **ADOPTED**, in concurrence.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senate

Ought to Pass As Amended

Senator DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Correct a Technical Error Pertaining to the Dairy Improvement Fund" (EMERGENCY)

S.P. 617 L.D. 1681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-356)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-356) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Visual Sexual Aggression against a Child"
S.P. 627 L.D. 1728

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-355)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-355) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Senator MASON for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Permit the Sale and Consumption of Alcohol in an Area That Is Not Contiguous to Licensed Premises"
S.P. 637 L.D. 1738

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-354)**.

Report **READ** and **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-354) **READ** and **ADOPTED**.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Off Record Remarks

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp" (EMERGENCY)

S.P. 567 L.D. 1611

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

Signed:

Senators:

DAVIS of Piscataquis
DILL of Penobscot
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town
ACKLEY of Monmouth
BLACK of Wilton
HIGGINS of Dover-Foxcroft
MARTIN of Sinclair
McELWEE of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-357)**.

Signed:

Representative:

CHAPMAN of Brooksville

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing the Lease of the Colonial Pemaquid State Historic Site
S.P. 638 L.D. 1739

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

Signed:

Senator:

DILL of Penobscot

Representatives:

DUNPHY of Old Town
ACKLEY of Monmouth
BLACK of Wilton
CHAPMAN of Brooksville
HIGGINS of Dover-Foxcroft
KINNEY of Knox
MARTIN of Sinclair
McELWEE of Caribou
SKOLFIELD of Weld

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-358)**.

Signed:

Senator:
DAVIS of Piscataquis

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I rise this morning to bring attention to L.D. 1739. I submitted this Resolve on behalf of those in my district who are seeking to manage the Colonial Pemaquid Historic Site. Following the example of other privately managed historic sites, including Plymouth Plantation and Strawberry Bank, the Friends of Colonial Pemaquid would have worked to make the site a popular tourist destination, creating financial benefits for the community and the Greater Mid-Coast region. I believe in this cause. I believe in the private enterprise taking over such an institution versus government run. Currently it runs in the red and I believe that some private enterprise and these people have the ability to improve this site even further and bring it to the forefront as a destination site, and I always think about what Fort Knox looked like when I was young compared to what it is like now. It is unfortunate that the Resolve did not receive a stronger committee report. This opportunity for a collaborative public-private partnership between the Bureau of Parks and the Friends of Colonial Pemaquid is important to my constituents and would have benefited the local economy of the area. However, I will be bringing this Resolve forward again next session so that my constituents will have a choice and a voice in Augusta. Thank you, Mr. President.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Large-scale Community Solar Procurement"

S.P. 499 L.D. 1444

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-359)**.

Signed:

Senators:
WOODSOME of York
DION of Cumberland

Representatives:
BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
HARVELL of Farmington
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-360)**.

Signed:

Representatives:
HANLEY of Pittston
O'CONNOR of Berwick
WADSWORTH of Hiram

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-359)** 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-359)** Report.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Resolve, Regarding Insurance Coverage for Alternative Therapies for Addiction and Recovery
S.P. 155 L.D. 453

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

Signed:

Senators:
WHITTEMORE of Somerset
DOW of Lincoln

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-353)**.

Signed:

Senator: CARSON of Cumberland

Representatives: LAWRENCE of Eliot, BROOKS of Lewiston, COLLINGS of Portland, MELARAGNO of Auburn, SANBORN of Portland

Reports READ.

Senator WHITTEMORE of Somerset moved the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Libby.

Senator LIBBY: Mr. President, I defer to the good Senator from Somerset.

Senator WHITTEMORE of Somerset moved the Senate ACCEPT the Majority OUGHT NOT TO PASS Report.

Senate at Ease.

The Senate was called to order by the President.

Senator WHITTEMORE of Somerset requested and received leave of the Senate to withdraw his motion to ACCEPT the Majority OUGHT NOT TO PASS Report.

On motion by same Senator, TABLED until Later in Today's Session pending ACCEPTANCE OF EITHER REPORT.

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

SECOND READERS

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

House

Bill "An Act To Clarify Definitions in the Laws Regarding the Licensing of Eating Establishments and Lodging Places" H.P. 1163 L.D. 1675

READ A SECOND TIME and PASSED TO BE ENGROSSED, in concurrence.

House As Amended

Bill "An Act To Update the Laws Governing the Department of Environmental Protection's Rule-making Authority Concerning Underground Oil Storage Facilities To Align with Federal Regulations" (EMERGENCY)

H.P. 1229 L.D. 1784 (C "A" H-582)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED, in concurrence.

Senate As Amended

Bill "An Act To Make Allocations from Maine Turnpike Authority Funds for the Maine Turnpike Authority for the Calendar Year Ending December 31, 2019"

S.P. 662 L.D. 1777 (C "A" S-351)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Acts

An Act To Update the Allowance Budget for the Regional Greenhouse Gas Initiative

H.P. 1142 L.D. 1657 (C "A" H-575)

An Act To Clarify the Law Governing the Separation of a Class A Restaurant and an Off-premises Retail Licensee Located on the Same Premises

H.P. 1173 L.D. 1693

An Act To Rename the Coast of Maine Wildlife Management Area as the Alan E. Hutchinson Wildlife Management Area

H.P. 1213 L.D. 1759

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

An Act To Create The Barbara Bush Children's Hospital
Registration Plate

S.P. 621 L.D. 1685
(C "A" S-348)

On motion by Senator **COLLINS** of York, placed on the **SPECIAL HIGHWAY TABLE** pending **ENACTMENT**, in concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess the Senate was called to order by the President.

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 (2/13/18) matter:

Bill "An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images"

S.P. 690 L.D. 1838

Tabled - February 13, 2018 by Senator **ROSEN** of Hancock

Pending - **REFERENCE**

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

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fund the Downeast Correctional Facility" (EMERGENCY)

H.P. 1184 L.D. 1704

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-593)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.

Report **READ**.

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.

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

Senator **MAKER:** Thank you, Mr. President. Men and women of the Senate, I know I'm not supposed to mention how sad I am with the vote that was in the other Body and I won't continue with that. But I will tell you that information that has been told to the other Body was not accurate. I heard that we - we're not funded for a year. I checked that out with the Chair of Appropriations and that was not true. They're trying to say that we intimidated, somehow, the Criminal Justice Committee to hurry up and vote again because we wanted to use it in court. Well, first of all, the County Commissioners brought that to court. It was not us. We were there, Washington County people were there, and if they had asked us if there was a bill in process we would have certainly said, 'Yes, there's a bill in process.' It didn't matter. You know, they voted unanimously whether they voted the other day or recently. It was some difference of things that they wanted added to the bill. So this is just not good, and then they passed out some information about Washington County which really proves that Washington County has been trying hard to solve our own problems in our county. We also tried, with no help, with doing a casino in Washington - the very first one in Washington County and we got turned down by the people of Maine. Not by Washington County, but the people of Maine. We also supported the East-West Highway because we knew that would be an avenue for us to come in to Washington County, that they would come. In fact, today the City of Calais is trying to get signs up to show that route. We know it's not going to happen, but if we have

the route showing that that was the route to take to get to Washington County it would be helpful. It is a bill. It's a law, and it hasn't been appealed, but we can't get anyone to act on it to get them to do it. So it's not we're sitting back and asking for help. You know, one person had said all they want is State jobs and welfare. I'm going to tell you, these people that are sitting here today in the back have worked hard all their lives and they will work harder in the future. This was a slap in the face of common sense and values. We talk about ethics and values. You know, what happened - no, I can't say it. I'll back off here. What is being said is not true and I understand we have a hard budget and I also understand the other rumor is that the prior Governors did not - wanted to take Downeast down as well. Well, I think that if you looked at the history of it, they had brought it to their attention and they worked on it. They had talked about a combination. In fact, I think Senator King, when he was Governor, he even had a bond issue to do that, to maybe combine the jail and the prison, and it didn't pass. Anything in Washington County doesn't pass. If it helps Washington County it doesn't pass. The other part was the Governor Baldacci, he also tried to work out some kind of thing. In the end, both Governors said this is a valuable place. Does it need work? Yeah, it probably needs some more money put in it. But these men and women, they worked on that prison. They put new windows in. They put a new heating system in. They were painting the buildings. It was not a bad place, no matter what anybody tells you. The kitchen area, it's a kitchen. It's been certified by the State of Maine. Are we saying the State of Maine, you know, doesn't know what they're doing when they certify kitchens? It was approved. So it's very difficult for me to listen and to hear things that people don't want to know the truth and that's what, you know, one of the things that I talked to you about the other day is that we sometimes listen to one side of an argument, and I've said that and it's been mentioned in the paper. I believe in both arguments, both sides. Somewhere in the middle is the truth. This, today, what happened, is not the truth and I hope you will join me in voting for this bill. It may not accomplish anything, but it will tell the faith of the people in Washington County. These men and women are going to lose their jobs and they're going to lose their jobs before the March deadline. If you look at the letter, they were given ten days. Ten days. So if they don't either retire or get unemployment, they're out in the cold. They're out in the cold. We funded this facility until June 30th. There was a better way he, the Chief Executive, could have handled this and he choose - I mean one of the criticism I've heard is that this bill is going too fast. So at 4:30 on Friday morning they went to that prison. Was that too fast? Was what was accomplished worthwhile? I say not. Thank you, everybody. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Rosen.

Senator **ROSEN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this afternoon I join my colleagues on the Criminal Justice and Public Safety Committee in supporting this bill to provide funding for Downeast Correctional Facility for an additional year. For some, this proposal satisfies the desire to display legislative muscle and political defiance. For some, this proposal buys time to run out the clock on this Administration and pin hopes of long-term support for funding on the next Chief Executive and next Legislature. For me, this proposal represents

the status quo. It is a proposal that is stuck in time. It is a proposal that fails to move the State, the Department of Corrections, and Washington County ahead. But I will support it today and I ask you to support it as well. I do so because I hope we can apply the heat, the focus, the attention of this moment to the work of developing and adopting this session, before we adjourn in April, a facility designed and functioned for the Downeast operation that meets the current and future requests for the State. Saving the status quo won't cut it. Putting the Department of Corrections, the Downeast Facility, and Washington County in limbo for another year doesn't cut it. Now is the time to commit to adopting a new, efficient, cost effective model that meets the needs of this State. Today's vote is only one step along that path. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in support of the pending motion. I've never been to Downeast Correctional Center and I don't really know if this facility should stay open long-term or not. I know there's a 13 - 0 vote from the Criminal Justice Committee to keep it open for the next year. I find that significant. But I'd like to address two things this afternoon, Mr. President, in support of the motion. The first is the importance of keeping a commitment and the second is the law. Just a little history. Those of us who were in the last Legislature, in the 127th, will remember very clearly that I was also the luckiest person then. Now I get to sit next to Senator Rosen. But in the last Legislature I got to sit next to Senator Burns who, like Senator Maker, was an outspoken advocate for his home county. During that Legislature we passed a Government Facilities Bond, and it turned out to be L.D. 1447, and the major focus of that bond was the revision of the Correctional Facility in Windham and spending well over \$100 million to do that. There was some controversy about that, but at the same time we knew we had to deal with Downeast and Senator Burns was a bulldog in making sure that before we went ahead with Windham at the same time we would be going ahead with investing money into a correctional facility in Washington County. In fact, the name of the bill originally did not include Washington County and the bill title was revised to An Act To Authorize the Maine Governmental Facilities Authority To Issue Securities To Pay for Capital Repairs and Improvements to the Maine Correctional Center in South Windham and a Facility Owned by the Department of Corrections in Washington County. That bill passed this Body and went on to the Facilities Authority specifically on the understanding that the Washington County investment would be part of the agreement. The clear understanding was that these things would be coordinated, that the correctional facility would be here now, maybe end up with a pre-release center later, and there would be a smooth transition for a couple of reasons. One, for the hardworking employees of the Downeast Correctional Center and, two, because of the economic impact of all of a sudden removing all those prisoners from Washington County and all the jobs that they do within that county. That agreement was made and that was made in this building. I think we all agree that when we make agreements within this building that we have an obligation to honor those agreements and that's part of what's at stake here today.

The other thing, Mr. President, I'd like to talk about is the legal environment in which we all make this decision. I want to

suggest that action taken by the Department of Corrections in closing this facility under the cover of darkness is - violated both our State Constitution and of Maine Statute. You know, the principle of separation of powers is an important one, but it's really stated much more clearly in our Constitution in Maine than it even is in the United States Constitution. If you look at Article 3, section 1 and 2, they don't talk about branches of government. They talk about departments of government, and section 2 says: "no person or persons belonging to one of these departments, branches, shall exercise any of the powers properly belonging to either of the others except in the cases herein expressly directed or permitted." So that's the Constitution. So if we look to, you know, Downeast Correctional Center didn't just appear out of the ether. It's there because the Legislature authorized it in statute, and that was in Title 34-A, section 3901, and that section set up the Department of Corrections and provided for the programing to go into that facility. In that section there is no delegation of any authority to the Executive Branch to be able to decommission that facility. It is only the Legislature which can do that. It is only the Legislature which can close that facility and only the Legislature which can end a program at that facility. That's not just my view of the situation, Mr. President, the Attorney General's Office last year in a letter to Senator Maker, the Deputy Attorney General Linda Pistner, said the Downeast Correctional Center's established by statute. The Governor cannot unilaterally amend statutes without violating the separation of powers provisions. Similarly, the current budget, talking about the previous budget, - I guess it is the current budget - establishes the Downeast Correctional Facility as a discrete program by making appropriations specific to that facility. A program so established cannot be eliminated by the Executive Branch. They refer, in that letter, to an opinion of a different Attorney General back in 1995, basically standing for exactly the same proposition. Clearly the Department of Corrections, I think Senator Maker pointed out, does have the authority to move prisoners around between facilities. No question about it. One, I guess, might argue that the Department is simply, by its actions, moving prisoners from one place, in this situation Downeast Correctional, to other facilities. But I think there are two things that are really wrong with that argument. First of all, you know, if it walks like a duck and quacks like a duck it's a duck. If you remove all of the prisoners from a facility it's kind of tough to argue you're not closing the facility. Secondly, and maybe more definitively, the termination notices to the employees that were sent out from the Department of Correction specifically says that their positions are being eliminated due to closure of the facility. That's not my word, that's the word of the Department of Corrections. Due to the closure of Downeast Correctional Facility. Now there's litigation going on, as I think we know now, brought by the County Commissioners of Washington County and many of the points I'm making here today I'm sure will be made in another venue. But we need to be heard too. I listened to my colleague, Senator Maker, Tuesday and she was talking about Washington County and I think she said, 'If we, the Legislative delegation of Washington County, doesn't speak for ourselves, who's going to?' I think that resonated with all of us. I think the same thing applies to us. When the separation of powers between the Executive and the Legislature is clearly at risk, when the constitutionally granted powers that we have are being taken away, if we don't speak up for ourselves, who will. This should not be a matter of political parties. I don't think that Republicans believe any more or less in the Constitution or the sanity of the laws of our State than

Democrats or vice-a-versa. So I urge bi-partisan support for the pending motion. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. Three points. One, as you just heard, we had an agreement. I was part of that agreement. The agreement was we would fund MCC in Windham to \$100 million plus. Senator Burns and I sat down more than once on the Senate end working this out. I will tell you the money for Maine Correctional Center would not have come had we not - and rightly so - had we not agreed to the Washington County piece, and that eventually would turn into a pre-release center. But the funding was part of that facilities bond. Would not have happened without Washington County and without that piece. We agreed. We shook hands. Became part of it. So a lot of us feel morally obliged, ethically obliged, to follow through on what we said. So, for me and I think others, there is no choice. That's what it is. We made the deal. We dangled Washington County as appearing to get MCC. Well, that's not how it works, at least not how it should work. So that's that piece. The eventual outcome for many of us, and I think Senator Burns as well, was to get a very functional pre-release center and have that work, as we know that it could and should. That's why we're obliged to do this and we have legislation coming, as you heard, that will do just that. Lastly, my third point, is the concern some may have had about the committee being intimidated. Ladies and gentlemen, that's a joke. First off, that committee's not going to be intimidated by anybody, one. Two, the vote, the original vote that was taken, was 10 to 2, everybody favoring keeping it open. It was just a little bit of a twist on how that would happen. So there already was, essentially, a unanimous vote. I had to leave at 2 o'clock for a personal matter, and the next day was a snow storm, so I didn't get a chance to vote. So yesterday I simply said, when we voted two days ago, I would like to reconsider so I can get on - have a chance to be on the record. The committee was very obliging. That's why we did it. It had nothing to do with anybody trying to use that vote for anything because, essentially, it had already been a unanimous vote well before any court proceedings had even started, as far as I know. So I just wanted to clear that up. There's no gamesmanship. No one was intimidated. That ain't going to happen. We were doing, as a committee, what we felt was the right thing to do and it turned out to be, again, another unanimous vote only all 13 of us had a chance to vote. So, Mr. President, I support this motion and I hope we all do in a strong bi-partisan manner because it's ethically right and it's morally right and we all believe what needs to be done and should be done. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Arostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, a lot of thoughts certainly swirling through my mind, you know, since this happened last Friday and I think Senator Diamond summed up a number of them before me. You know, the thought that the Legislature has debated this, the committee has debated it, last session we had a Joint Resolution that was unanimous in this Body supporting keeping Downeast Facility open. All those things he laid out, you know, very well.

We've already talked about this extensively and had great support for it and Senator Katz also laid out, you know, what are we doing here? If the Legislature's not willing to stand up and fight for issues that, you know, we've already debated and someone else, one figure, comes in and seems to swipe everything away and says that doesn't matter. I mean, we might as well all go home if we're not going to step up and fight for the things that we know we've all supported in the past and I do very much feel like that. It's so frustrating that, you know, this has already been decided. There shouldn't have been a 4:30 raid on a Friday morning to go and take that all away. I mean, what else is going to happen? What's next? I mean, what other thing have we decided that will go away because someone didn't agree with that? I mean, I heard the other night, you know, that 50 plus 1 is not a majority and you can't run a State like that. Well, I don't think that one is a majority either, and you can't run a State like that, and that certainly seems to be what's happening today, or this week anyways. So that was very frustrating, but more than anything, because I can't lay it out as well as Senator Diamond, Senator Rosen, or Senator Katz just did, but I certainly feel the emotion that Senator Maker does because many times, you know, in the rural communities you do feel like you're left behind, and that's not pointing fingers at any one person. It's just the way that it is sometimes and I am a long, long ways from Washington County, but when I go there, and we are very much different in a lot of ways but when I go there I certainly feel very much at home because I understand a lot of the issues that people deal with there and the feeling of you are on your own many times. Touring places like Jonesport and having those thoughts of all those basketball games against Jonesport-Beals, you know, it brings a closeness, a kinship, that, I mean I don't know if I feel it quite as strongly as with that county, but, you know, the question was asked, you know, if Washington County doesn't fight for us who else will. Well I think we all will. I think the Maine State Senate should and I can certainly tell the good Senator from Washington County that this Senator is going to because while I am a long ways away from it today I feel very much like I'm someone from Washington County. So I cast my vote very much in favor of you and everyone there.

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

Senator **DION:** Thank you, Mr. President. I rise in support of the pending motion. I don't choose to speak as a Senator today, though I occupy that seat. I'll speak as a Sheriff. I think this part has to be told. I'm angered by what happened to the men and women of that facility. I'm angered on behalf of their commitment, their sense of duty, to the State of Maine and to the people of Washington County. I had the opportunity for 12 years to lead men and women in corrections and I'm humbled by that experience because I got to see first-hand the commitment they make of soul and spirit to reform, to guide, to shape people that we have abandoned and punished and try to find a way home for them, emotionally and physically. In another time I chaired a committee as a member of the other Body and I will agree that an accountant's balance sheet does not bode well for Washington County. But that is the mission of corrections. It is not a business. It never gets reflected appropriately on a balance sheet because so much of what those men and women do cannot be quantified by numbers but by the reality of personal interaction and growth. It's a hard job. I was a police officer. I was told I

dealt with life and death and I say here today, before you, life and death is decided behind the wall by the men and women who carry a shield and call themselves correctional officers. The fact that they were treated, Mr. President, as targets of a police action is not only angering but it's an insult to everyone else in the system who has taken an oath to uphold the law of this State, that one day their own brothers and sisters would be called upon to turn themselves against them in order to secure a facility is an egregious act of the Executive Branch. There are many ways that that could have been disposed of, that would have respected and honored the commitment and duty of those officers and we, as a State, through our Executive Branch, chose not to do so and I'm ashamed. Had I carried out that mission, I would have turned in my resignation at the end of that day because I would not be able to look those officers in the eye and felt I could call myself their peer any longer.

THE PRESIDENT: Senator, if you would defer for just a second. I do have to remind the group that we are here today to debate whether or not we accept the report.

Senator **DION:** I do understand, but I think it's important, Mr. President, that this goes on the record on behalf of those men and women. So I'll sum up and I'll take your guidance on that. In that light, I'll throw my lot in with Senator Maker from Washington County.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand before you as a former corrections officer and I know that feeling that they're feeling. You know, they put their heart and soul into helping prisoners be able to get back into society and they put up with a lot and I don't think anybody realizes how much it is until you really lived it. Some have very tough lives and some suffer from many situations. Whether it's drug abuse, family situations, how they were raised, how they lived, their financial. There's a lot that goes to this and when you make a quick decision like this it really harms the whole community, but it harms these people that work and put their hearts and soul into it. I do feel that, you know, there was an agreement that Senator Burns had worked out with the Governor and it should have been stuck to and I believe that there should be some type of work program in that community in Washington. I think that Washington County is in need of jobs and I listened to the Governor the other night about 100 jobs in Millinocket. I thought that was very exciting. But to take 55 jobs away from Washington County, that's counterproductive. I think that, you know, I feel that this should have been worked out and I think it still can be and I know Criminal Justice took it very serious and that's why we're all on board. It's a unanimous decision to try to do what we can to help Washington County. This is not only about Washington County. This is about the state. We, as a Legislative Body, have to stick up and do what's right and moral. So thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Unanimous Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#513)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BRAKEY, CUSHING, HAMPER

EXCUSED: Senator: KEIM

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-593) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**, in concurrence.

Ordered sent down forthwith.

Off Record Remarks

Senator **MILLETT** of Cumberland was granted unanimous consent to address the Senate on the Record.

Senator **MILLETT**: Mr. President, I rise today with a heavy heart. As someone who works to help build brighter futures for our children, and as a parent, my heart breaks that we lost 17 innocent lives yesterday in the 18th school shooting this year. Eighteenth and we are only nearing the middle of February. So, Mr. President, I request that when the Senate adjourns today that it does so in remembrance and lasting tribute to the victims and families of the Marjory Stoneman Douglas High School in Parkland, Florida. Thank you, Mr. President.

THE PRESIDENT: The Senate will do exactly that.

Senator **DOW** of Lincoln was granted unanimous consent to address the Senate on the Record.

Senator **DOW**: I thank the Senator for her remarks on the school shooting and the request that we stand at the end for a moment of silence for those people. I'd like to offer a prayer for the Senate.

Heavenly Father, we ask You to bless all in this Chamber as we go our way, especially those Senators as we go about our committee work today. May You fill us with hope, peace, and joy, for in all things we are more than concurs through Him who loved us. We ask it all in Your name. Amen.

And I would ask that we rise for a moment of silence for those people.

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, February 20, 2018 at 10:00 in the morning in memory of and lasting tribute to those who lost their lives in the Parkland, Florida shootings.