

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Ninth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 5, 2018

beginning at Page 1

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit the Sale and Distribution of Flavored Tobacco Products"

S.P. 364 L.D. 1190

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-238)**.

Signed:

Senators:

CLAXTON of Androscoggin  
MOORE of Washington

Representatives:

HYMANSON of York  
CRAVEN of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
MADIGAN of Waterville  
O'CONNOR of Berwick  
PERRY of Calais  
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-239)**.

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

MEYER of Eliot  
STOVER of Boothbay

Reports **READ**.

Senator **GRATWICK** of Penobscot moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)** Report.

Same Senator moved to **TABLE** 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-238)** Report.

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Senate at Ease.

The Senate was called to order by the President.

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Senator **GRATWICK** of Penobscot requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)** Report and his motion to **TABLE** until Later in Today's Session.

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

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

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**ENACTORS**

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

**Emergency Measure**

An Act To Promote Clean Energy Jobs and To Establish the Maine Climate Council

S.P. 550 L.D. 1679  
(C "A" S-221)

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

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**Emergency Measure**

An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity

S.P. 577 L.D. 1735  
(C "A" S-214)

**THE PRESIDENT:** The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. This bill takes a somewhat unusual step when it comes to the Attorney General of permitting officers and directors personally to benefit from a conversion without a strict application of the fiduciary duties and conflict of interest prohibitions laid out in Maine Non-Profit Corporation Act. The reason this is acceptable under these unique circumstances is because the eight dispensaries covered by this bill have a unique blend of for-profit and non-profit corporation characteristics and because they are subject to provisions in the bill requiring some public benefits in exchange for converting to entirely for-profit form. Any perceived relaxation of the non-profit corporation code rules on fiduciary duties or conflict of interest should not be considered applicable to any other situation. I wish this to be entered in the record. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 3 Senators having voted in the negative, and 31 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, was presented by the Secretary to the Governor for approval.

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**Emergency Measure**

An Act To Clarify the Definitions of Consumer-owned Utilities  
H.P. 1207 L.D. 1683  
(C "A" H-478)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 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, was presented by the Secretary to the Governor for approval.

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**Emergency Measure**

An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources  
S.P. 595 L.D. 1763

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 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, was presented by the Secretary to the Governor for approval.

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**Emergency Measure**

An Act To Increase Land Permit by Rule Application Fees  
H.P. 1269 L.D. 1784  
(C "A" H-502)

This being an Emergency Measure and having received the affirmative vote of 22 Members of the Senate, with 12 Senators having voted in the negative, and 22 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT, in NON-CONCURRENCE.**

Sent down for concurrence.

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**Emergency Resolve**

Resolve, Establishing the Working Group on Mental Health  
S.P. 508 L.D. 1602  
(C "A" S-213)

On motion by Senator **VITELLI** of Sagadahoc, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

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**Emergency Resolve**

Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children  
H.P. 1289 L.D. 1809  
(C "A" H-500)

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

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**Acts**

An Act To Protect Schoolchildren by Providing Additional Enforcement and Prevention Options for Unlawful Passing of a School Bus  
S.P. 53 L.D. 166  
(C "A" S-207)

An Act To Impose on Mental Health Professionals a Duty To Warn and Protect  
H.P. 211 L.D. 287  
(C "A" H-450)

An Act To Protect Search and Rescue Volunteers Certified by the Maine Association for Search and Rescue from Adverse Employment Actions  
H.P. 660 L.D. 886  
(C "A" H-447)

An Act To Increase the Number of Franklin County Commissioners  
H.P. 695 L.D. 940  
(C "A" H-488)

An Act Regarding Short-term, Limited-duration Health Plans  
H.P. 921 L.D. 1260  
(C "A" H-476)

An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit  
H.P. 1015 L.D. 1400  
(C "A" H-495)

An Act To Prevent Wage Theft and Promote Employer Accountability  
S.P. 473 L.D. 1524  
(C "A" S-203)

An Act To Improve Highway Maintenance Safety  
S.P. 490 L.D. 1555  
(C "A" S-206)