

# MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Seventh Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 3, 2014

beginning at Page 1

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE**

In Senate Chamber  
Tuesday  
May 26, 2015

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

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Prayer by Mr. Navid Rohani, Member of the Baha'i Faith in  
Portland.

**MR. ROHANI:** Good morning. It's my pleasure to be here today.  
Before I offer my prayer I just wanted to say that in the Baha'i  
Faith we do not have priests or clergy. I'm here as a  
representative of the Baha'i. I do not have any rank or position.  
Before I say my prayer I'm just going to say the title. It's the  
*Prayer for America*.

O Thou kind Lord, this gathering is turning to Thee. These  
hearts are radiant with Thy love. These minds and spirits are  
exhilarated by the message of Thy glad tidings. O God, let this  
American democracy become glorious in spiritual degrees, even  
as it has aspired to material degrees, and render this just  
government victorious. Confirm this revered nation to upraise the  
standard of the oneness on humanity, to promulgate the most  
great peace, to become, thereby, most glorious and praiseworthy  
among all the nations of the world. O God, this American nation  
is worthy of Thy favors and is deserving of Thy mercy. Make it  
precious and near to Thee through Thy bounty and bestowal.

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Pledge of Allegiance led by Senator Eric L. Brakey of  
Androscoggin County.

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Reading of the Journal of Thursday, May 21, 2015.

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Doctor of the day, Beth Rockcress, MD of Bangor.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **LABOR,  
COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**  
on Bill "An Act Regarding Contract Indemnification"  
S.P. 203 L.D. 587  
(C "A" S-94)

Majority - **Ought to Pass as Amended by Committee  
Amendment "A" (S-94)** (7 members)

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

In Senate, May 19, 2015, on motion by Senator **VOLK** of  
Cumberland, the Majority **OUGHT TO PASS AS AMENDED**  
Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE  
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT  
"A" (S-94)**.

Comes from the House, the Minority **OUGHT NOT TO PASS**  
Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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**House Paper**

Bill "An Act To Establish the Affordable Heating from Maine's  
Forests Fund" (EMERGENCY)  
H.P. 949 L.D. 1397

Comes from the House, **REFERRED** to the Committee on  
**ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **MASON** of Androscoggin, **REFERRED** to  
the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**  
and ordered printed, in concurrence.

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

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**Joint Resolution**

The following Joint Resolution:

H.P. 973

**JOINT RESOLUTION  
RECOGNIZING MAY AS FOSTER CARE MONTH**

WHEREAS, National Foster Care Month originated in 1988  
when the National Foster Parent Association persuaded the  
United States Congress to introduce a resolution to proclaim May  
as National Foster Care Month and to recognize and show  
appreciation for the tremendous contributions of foster parents  
across the nation; and

WHEREAS, recognizing a Foster Care Month in Maine provides an opportunity for people to focus their attention on the year-round needs of children and youth in foster care and to raise awareness about foster care and encourages citizens to get involved in the lives of these children; and

WHEREAS, Maine is strongly committed to the important task of ensuring that our children grow up healthy and safe, and boys and girls in foster care too often go without the love, protection and stability of a permanent family; and

WHEREAS, during Foster Care Month, we recognize the foster parents and professionals who work every day to lift up the children in their care toward a bright, productive future; and

WHEREAS, there are many children in Maine who are looking for permanency with caring parents and meaningful, long-term relationships that will help them transition into adulthood; and

WHEREAS, in order to give foster youth the support they need, people in every Maine community are stepping up to serve as mentors, teachers, faith leaders, caseworkers, advocates and kinship caregivers to make a difference; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, pause in our deliberations to recognize May as Foster Care Month and we urge people in Maine to be supportive adults for children in need and we send our appreciation to the countless people who are answering that call to action.

Comes from the House, **READ** and **ADOPTED**.

**READ** and **ADOPTED**, in concurrence.

#### COMMUNICATIONS

The Following Communication: S.C. 348

#### STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY

May 21, 2015

Honorable Michael D. Thibodeau, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
127th Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

L.D. 1167 An Act To Modernize Maine's Broadband Standards

L.D. 1323 An Act To Expand Rural Broadband

This is notification of the Committee's action.

Sincerely,

S/Sen. David Woodsome  
Senate Chair

S/Rep. Mark N. Dion  
House Chair

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

The Following Communication: S.C. 349

#### STATE OF MAINE ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE COMMITTEE ON HEALTH AND HUMAN SERVICES

May 21, 2015

Honorable Michael D. Thibodeau, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
127th Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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. 133 Resolve, To Establish the Task Force on Independence from Public Assistance (EMERGENCY)

L.D. 452 An Act To Require a Work Search for Job-ready Applicants for Benefits under the Temporary Assistance for Needy Families Program

L.D. 1034 An Act To Prohibit the Use of EBT Cards for Cash Withdrawals

L.D. 1352 An Act To Facilitate the Delivery of Health Care Services through Telemedicine and Telehealth

L.D. 1356 Resolve, To Create a Working Group To Ensure a Stable Continuum of Care for Individuals with Intellectual Disabilities and Autism

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey  
Senate Chair

S/Rep. Andrew M. Gattine  
House Chair

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

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The Following Communication: S.C. 350

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

May 20, 2015

Honorable Michael D. Thibodeau, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
127th Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

L.D. 1264 An Act To Transfer Oversight of the Maine  
Quality Forum to the Maine Health Data  
Organization (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore S/Rep. Henry E. Beck  
Senate Chair House Chair

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

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The Following Communication: S.C. 351

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

May 21, 2015

Honorable Michael D. Thibodeau, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
127th Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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. 346 An Act To Require Shared Parenting of Minor  
Children When the Parents Separate

L.D. 349 An Act To Ensure Accountability of Guardians  
Ad Litem

L.D. 631 Resolve, Directing the Department of  
Professional and Financial Regulation To  
Conduct a Sunrise Review Regarding the  
Proposal To License Guardians Ad Litem

L.D. 864 An Act To Require Parenting Plans To Be  
Timely Filed

This is notification of the Committee's action.

Sincerely,

S/Sen. David C. Burns S/Rep. Barry J. Hobbins  
Senate Chair House Chair

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

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The Following Communication: S.C. 352

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON LABOR, COMMERCE, RESEARCH AND  
ECONOMIC DEVELOPMENT**

May 21, 2015

Honorable Michael D. Thibodeau, President of the Senate  
Honorable Mark W. Eves, Speaker of the House  
127th Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

L.D. 1188 An Act To Implement a Rental Assistance  
Program for Low-income Households and  
Individuals

L.D. 1201 An Act To Standardize and Simplify the  
Process for Employers To Have a Drug-free  
Workplace Policy

L.D. 1358 An Act To Support Innovation and  
Entrepreneurship in Maine through the Start  
Maine Up Program

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk  
Senate Chair

S/Rep. Erin D. Herbig  
House Chair

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

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Senate at Ease.

Senate called to order by the President.

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### SENATE PAPERS

Bill "An Act To Create the Office of the Public Defender and Amend the Duties of the Commission on Indigent Legal Services"  
S.P. 540 L.D. 1433

Presented by Senator BURNS of Washington. (GOVERNOR'S BILL)  
Cosponsored by Representative HOBBS of Saco and Senators: HILL of York, KATZ of Kennebec, Representatives: DION of Portland, FREDETTE of Newport, GUERIN of Glenburn, WINSOR of Norway.

On motion by Senator **BURNS** of Washington, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

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

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### REPORTS OF COMMITTEES

#### House

#### Change of Committee

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"  
H.P. 99 L.D. 141

Reported that the same be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

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

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, in concurrence.

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#### Ought to Pass Pursuant to Joint Order

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses"

H.P. 975 L.D. 1429

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 954.

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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#### Ought to Pass

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code"

H.P. 815 L.D. 1182

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality"

H.P. 347 L.D. 508

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

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

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

Under suspension of the Rules, **READ TWICE** and **PASSED TO BE ENGROSSED**, in concurrence.

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

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**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 144 L.D. 201

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-180)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-180)**.

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

**READ ONCE.**

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fully Fund the Family Caregiver Respite Program"  
H.P. 909 L.D. 1337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-173)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-173)**.

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

**READ ONCE.**

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **JUDICIARY** on Bill "An Act Regarding the Confidentiality of Railroad Carrier Cargo"  
H.P. 323 L.D. 484

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-181)**.

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

**READ ONCE.**

Committee Amendment "A" (H-181) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Text Messaging for Reporting Emergencies"

H.P. 439 L.D. 658

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

Signed:

Senators:

ROSEN of Hancock  
BURNS of Washington  
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro  
LAJOIE of Lewiston  
LONG of Sherman  
THERIAULT of China  
TIMMONS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-158)**.

Signed:

Representatives:

CHENETTE of Saco  
DAVITT of Hampden  
GERRISH of Lebanon  
NADEAU of Winslow  
WARREN of Hallowell

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (EMERGENCY)  
H.P. 472 L.D. 696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156).**

Signed:

Senator:  
MILLETT of Cumberland

Representatives:  
KORNFELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
HUBBELL of Bar Harbor  
PIERCE of Falmouth  
TIPPING-SPITZ of Orono

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

Signed:

Senators:  
LANGLEY of Hancock  
EDGECOMB of Aroostook

Representatives:  
MAKER of Calais  
McCLELLAN of Raymond  
POULIOT of Augusta  
STEARNS of Guilford

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-156).**

Reports **READ.**

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE.**

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis Screening, Prevention, Diagnostic and Treatment Services"

H.P. 442 L.D. 661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174).**

Signed:

Senators:  
HASKELL of Cumberland  
McCORMICK of Kennebec

Representatives:  
GATTINE of Westbrook  
BURSTEIN of Lincolnville  
HAMANN of South Portland  
HEAD of Bethel  
HYMANSON of York  
MALABY of Hancock  
PETERSON of Rumford  
STUCKEY of Portland  
VACHON of Scarborough

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

Signed:

Senator:  
BRAKEY of Androscoggin

Representative:  
SANDERSON of Chelsea

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-174).**

Reports **READ.**

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

**READ ONCE.**

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunters To Wear Hunter Pink Instead of Hunter Orange in October in Recognition of Breast Cancer Awareness Month"

H.P. 174 L.D. 242

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

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
LYFORD of Eddington  
MARTIN of Sinclair  
REED of Carmel  
SHORT of Pittsfield

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

Signed:

Representative:

WOOD of Greene

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Resolve, To Study the Need for a Standard Formula for the Horsepower of Motors Used on the Lakes and Ponds of the State

H.P. 395 L.D. 571

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

Signed:

Senator:

DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
HILLIARD of Belgrade  
LYFORD of Eddington  
MARTIN of Sinclair  
REED of Carmel  
WOOD of Greene

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

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec

Representatives:

CRAFTS of Lisbon  
SHORT of Pittsfield

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Anadromous Fish Passage through Beaver Dams"

H.P. 526 L.D. 773

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

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
CRAFTS of Lisbon  
HILLIARD of Belgrade  
MARTIN of Sinclair  
REED of Carmel  
SHORT of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-178)**.

Signed:

Representatives:

LYFORD of Eddington  
WOOD of Greene

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

Comes from the House with the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish the Maine Length of Service Award Program" H.P. 122 L.D. 164

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-151)**.

Signed:

Senators:

VOLK of Cumberland  
CUSHING of Penobscot  
PATRICK of Oxford

Representatives:

HERBIG of Belfast  
BATES of Westbrook  
CAMPBELL of Newfield  
FECTEAU of Biddeford  
GILBERT of Jay  
MASTRACCIO of Sanford  
STETKIS of Canaan  
WARD of Dedham

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

Signed:

Representatives:

AUSTIN of Gray  
LOCKMAN of Amherst

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-151) AS AMENDED BY HOUSE AMENDMENT "A" (H-177)** thereto.

Reports **READ**.

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

**READ ONCE**.

Committee Amendment "A" (H-151) **READ**.

House Amendment "A" (H-177) to Committee Amendment "A" (H-151) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-151) as Amended by House Amendment "A" (H-177) thereto, **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Family Caregivers in the Workforce" H.P. 659 L.D. 960

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-172)**.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast  
BATES of Westbrook  
CAMPBELL of Newfield  
FECTEAU of Biddeford  
GILBERT of Jay  
MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland  
CUSHING of Penobscot

Representatives:

AUSTIN of Gray  
LOCKMAN of Amherst  
STETKIS of Canaan  
WARD of Dedham

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-172)**.

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, under current law family medical leave may be taken by an employee to care for a child, domestic partner's child, parent, domestic partner, sibling, or spouse with a serious health condition. This bill adds to the list grandparent and great-grandparent and further provides that the family medical leave may be taken in connection with a serious health condition experienced by any of these listed individuals related to the employee by blood, adoption, legal custody, marriage, or domestic partnership. Mr. President, Maine is the oldest state in the nation and we should not worry about taking care of our grandparents, or great-grandparents. I don't know of many people that are blessed enough to have their great-grandparents still alive. I think it's important that they be added to the list of those that we should take care of. To me, it's a moral thing. I think any time that we can give our grandparents or great-grandparents the opportunity to have their children help them, or their grandchildren help them, live out their life in their home, if that's what their wishes might be, is a good thing. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Maine's economy is driven by small business. We've all heard of the large firms, but here in Maine if you have 50 employees or more you are very much in the minority, especially compared to the rest of the country. The federal Family Medical Leave Act, or FMLA, applies to employers with 50 or more employees in recognition of the fact that in the rest of the country that is sort of the majority of businesses. Maine's law, Maine's FMLA law, was changed. It applies to employers with 15 or more employees, 15, one five, as well as to

domestic partners, which differs from federal law. The vast majority of these employers in Maine treat their employees like family. They know their family situations. They know what's going on, when there is an illness in the family, when someone needs to leave work to care for someone. They do their best to accommodate whenever possible. L.D. 960 would be an administrative nightmare for these same employers. Even professional human resources people cite compliance with FMLA as burdensome, but most of Maine's employers don't have a professional HR department. They are left to fend on their own, to try to figure out the difference between Maine's law and the federal law, to try to make sure that they follow all of the statute correctly in order to avoid being penalized in any way, and also to make sure that they are treating their employees fairly and by the law. Small business owners, several of whom are here today, we've got Mr. Lamprin and we've also got the Benson's here today, don't have professional departments. They do treat their employees like family.

A couple of the things that we found out is that when someone stands in place of a parent, for example if there is a grandparent who is raising grandchildren, they are covered by FLMA on the federal level. Under FMLA they can also take off for a grandparent if they raised you. It sort of reciprocates as well. Passing L.D. 960 would just complicate all of the details that our small Maine businesses have to take into account and I urge you to follow my light.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought Not to Pass Report, in non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#87)**

**YEAS:** Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

**NAYS:** Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

**EXCUSED:** Senator: WOODSOME

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Taxpayers by Regulating Personal Services Contracts"

H.P. 800 L.D. 1166

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair  
BABBIDGE of Kennebunk  
BEEBE-CENTER of Rockland  
BRYANT of Windham  
DOORE of Augusta  
EVANGELOS of Friendship

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

Signed:

Senators:

WHITEMORE of Somerset  
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales  
PICKETT of Dixfield  
TUELL of East Machias  
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-170)**.

Reports **READ**.

Senator **WHITEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session pending the motion by Senator **WHITEMORE** of Somerset to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent Tax Haven Abuse"

H.P. 235 L.D. 341

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

Signed:

Senators:

McCORMICK of Kennebec  
DAVIS of Piscataquis

Representatives:

BICKFORD of Auburn  
CHACE of Durham  
SEAVEY of Kennebunkport  
SKOLFIELD of Weld  
SUKEFORTH of Appleton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-97)**.

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

GOODE of Bangor  
MOONEN of Portland  
RUSSELL of Portland  
STANLEY of Medway  
TEPLER of Topsham

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-97)**.

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **LIBBY**: Thank you, Mr. President. Men and women of the Senate, good morning. I rise in opposition to the pending motion. The bill before us requires that companies that file unitary income tax returns in Maine include income from certain jurisdictions outside the United States and net income when apportioning their total income for tax purposes. What I just said there is businesses that do business in Maine but have their corporate headquarters outside of Maine and outside of the United States and, in fact, in countries that have little to no tax law whatsoever, decide that they will locate their corporate headquarters in these off-shore, what we call, tax havens as a way to avoid paying taxes that business owners in this Chamber pay, the business owners throughout Maine pay, that all of us, as citizens, pay. All of us in Maine, we pay the taxes that we owe and not a penny more. Maine-based businesses do the same,

but there are a number of international companies that don't have that philosophy. This bill would address that.

Maine's tax code has not kept pace over the years with the creative accounting practices that are used by some of these very large companies. In fact, some of the departments within these companies have staffs of highly skilled and trained tax attorneys that would outnumber the entire staff of most of Maine's independent businesses. The problem lies in the company's ability to declare their Maine-based profits in a country that has no or nominal taxes. This bill proposes to fix this problem by keeping a water's edge reporting system intact with an addition of a requirement to report liability proportional to activities in Maine that is currently sheltered in a tax haven country. If we were to pass this bill, and vote against the pending motion and this bill became law, over the biennium we would see an increase of about \$10 million in tax revenue. That's \$10 million in tax revenue that's not being paid by these companies today and these very same companies are competing with Maine-based companies who don't have that off-shore tax sheltering advantage. Therefore, Maine-based companies are competing at a disadvantage because they don't have a team of high priced tax attorneys to help them skate our tax laws.

Mr. President, I'll end by saying that Maine would not be blazing the trail in this regard. Two states in particular, Alaska and Montana, have actually gone forward with this approach because they recognize it's not fair to their state's businesses when large, multi-national companies can avoid substantial tax payments. Men and women of the Senate, I'd ask you to vote against the pending motion and, Mr. President, when the vote is taken I'd ask that it be taken by the yeas and nays.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Majority Ought Not to Pass Report, in non-concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#88)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

EXCUSED: Senator: WOODSOME

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

#### Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow a Sales Representative To Serve Spirits or Wine at a Tasting Event"

H.P. 251 L.D. 364

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-175)**.

Signed:

Senators:

CYRWAY of Kennebec  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
DILLINGHAM of Oxford  
GOLDEN of Lewiston  
HANINGTON of Lincoln  
KINNEY of Limington  
LONGSTAFF of Waterville  
MONAGHAN of Cape Elizabeth  
SAUCIER of Presque Isle  
SCHNECK of Bangor  
TURNER of Burlington

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

Signed:

Senator:

PATRICK of Oxford

(Representative BEAR of the Houlton Band of Maliseet Indians - of the House - supports the Majority **Ought To Pass as Amended** Report.)

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-175) AS AMENDED BY HOUSE AMENDMENT "A" (H-185)** thereto.

Reports **READ**.

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

**READ ONCE.**

Committee Amendment "A" (H-175) **READ**.

House Amendment "A" (H-185) to Committee Amendment "A" (H-175) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-175) as Amended by House Amendment "A" (H-185) thereto, **ADOPTED**, in concurrence.

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

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**Senate**

**Ought to Pass As Amended**

Senator WOODSOME for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Concerning Membership on the Board of Directors of the Lewiston-Auburn Water Pollution Control Authority"

S.P. 495 L.D. 1362

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-112)**.

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

**READ ONCE.**

Committee Amendment "A" (S-112) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Vision Care Patients and Providers"

S.P. 310 L.D. 865

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

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

**READ ONCE.**

Committee Amendment "A" (S-114) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Update the Maine Veterinary Practice Act"

S.P. 288 L.D. 814

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-116)**.

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

**READ ONCE.**

Committee Amendment "A" (S-116) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Patients Who Need Eye Care"

S.P. 453 L.D. 1271

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115)**.

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

**READ ONCE.**

Committee Amendment "A" (S-115) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Senator BAKER for the Committee on **MARINE RESOURCES** on Bill "An Act To Improve Enforcement of Maine's Marine Resources Laws"

S.P. 438 L.D. 1233

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

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

**READ ONCE.**

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

S.P. 245 L.D. 652

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

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro

CHENETTE of Saco

DAVITT of Hampden

LAJOIE of Lewiston

NADEAU of Winslow

WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-119)**.

Signed:

Senators:

ROSEN of Hancock

BURNS of Washington

Representatives:

GERRISH of Lebanon

LONG of Sherman

THERIAULT of China

TIMMONS of Cumberland

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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**Divided Report**

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Protect Young Bucks"

S.P. 298 L.D. 849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110)**.

Signed:

Senators:

DAVIS of Piscataquis

CYRWAY of Kennebec

DUTREMBLE of York

Representatives:

SHAW of Standish

ALLEY of Beals

CRAFTS of Lisbon

HILLIARD of Belgrade

MARTIN of Sinclair

REED of Carmel

WOOD of Greene

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

Signed:

Representatives:

COREY of Windham

LYFORD of Eddington

SHORT of Pittsfield

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought To Pass as Amended** Report.)

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

**READ ONCE**.

Committee Amendment "A" (S-110) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner"

S.P. 108 L.D. 294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-120)**.

Signed:

Representatives:

BATES of Westbrook  
CAMPBELL of Newfield  
FECTEAU of Biddeford  
GILBERT of Jay  
LOCKMAN of Amherst  
STETKIS of Canaan  
WARD of Dedham

LYFORD of Eddington  
MARTIN of Sinclair  
REED of Carmel

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-117).**

Signed:

Representatives:

CRAFTS of Lisbon  
SHORT of Pittsfield

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-118).**

Signed:

Representative:

WOOD of Greene

(Representative DANA of the Passamaquoddy Tribe - of the House - supports Report "B", **Ought To Pass as Amended by Committee Amendment "A" (S-117).**)

Reports **READ.**

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

Sent down for concurrence.

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

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**Divided Report**

Ten members of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Sunday Hunting for Coyotes in Northern Maine"

S.P. 249 L.D. 691

Reported in Report "A" that the same **Ought Not to Pass.**

Signed:

Senators:

DAVIS of Piscataquis  
CYRWAY of Kennebec  
DUTREMBLE of York

Representatives:

SHAW of Standish  
ALLEY of Beals  
COREY of Windham  
HILLIARD of Belgrade

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**ORDERS OF THE DAY**

**Unfinished Business**

The following matters 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 (5/21/15) matter:

Bill "An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act" (EMERGENCY)

H.P. 968 L.D. 1422

Tabled - May 21, 2015, by Senator **BRAKEY** of Androscoggin

Pending – **REFERENCE**



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

(In House, May 20, 2015, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.)

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/21/15) matter:

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Change Municipal Campaign Contribution Limits"

H.P. 430 L.D. 617

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-167)**

Tabled - May 21, 2015, by Senator **CYRWAY** of Kennebec

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, May 20, 2015, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.)

(In Senate, May 21, 2015, Report **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#89)

YEAS: Senators: **ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO**

NAYS: Senators: **BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU**

EXCUSED: Senator: **WOODSOME**

15 Senators having voted in the affirmative and 19 Senators having voted in the negative, with 1 Senator being excused, Report **REJECTED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/21/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund the Maine Diversion Alert Program" (EMERGENCY)

S.P. 475 L.D. 1307

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-106)** (7 members)

Minority - **Ought Not to Pass** (5 members)

Tabled - May 21, 2015, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 21, 2015, Reports **READ**.)

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

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Willette.

Senator **WILLETTE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to preface my speech with an acronym for you to think about. The acronym is ROI. Most of you know what that means. For those who don't, I'll let you know and show you how it applies to the Diversion Alert Program in just a bit. Some of you may be asking the question, "What is Diversion Alert?" Let me explain. This description comes straight from the Diversion Alert Program website, so I'm quoting. "Diversion Alert addresses the national prescription drug abuse epidemic with an innovative tool that provides instant access to drug arrest data for healthcare providers so they can identify and respond to patients engaged in illegal drug related activities." It started in 2008 with the ASAP, or the Aroostook Substance Abuse Prevention Coalition in Aroostook County, when they heard of a prescription drug arrest registry that was distributed to prescribers in the Waterville area by the Waterville Police Department. Observing the need for a similar program in the County, the ASAP Coalition formed a work group, which included healthcare providers and law enforcement personnel. The work group developed a way to gather drug related charges from multiple law enforcement agencies and created a format for a regional drug charge report for prescribers, pharmacists, and law enforcement. Diversion Alert launched in Aroostook County in January 2009. It expanded to Penobscot, Piscataquis, Washington, and Hancock Counties in 2011, and, with grant funding from the Maine Attorney General's Office, it launched statewide in June 2013.

The funding for this program is now gone and the current AG's Office has chosen not to fund Diversion Alert and that is why this bill is before you today. Diversion Alert provides over 2,000 Maine healthcare professionals with monthly drug arrest reports. That's roughly 25% of all healthcare professionals in the state of Maine. The monthly report shows individuals charged with

prescription and illegal drug related crimes in the previous month. Diversion Alert also maintains a password protected on-line searchable database which contains an 11 month historical record of drug charges submitted to the program and provides research-based tip sheets on how to respond to patients charged with drug crimes to all program registrants. In 2013 - 2014 Diversion Alert conducted a pre and post study with comparison groups. The purpose of the study was to measure Diversion Alert's outcomes by comparing medical professional's perceptions and prescribing behaviors before they started receiving Diversion Alert resources with perceptions and prescribing behaviors after program participation. To strengthen the capacity of the study, and to tease out Diversion Alert's outcomes from those of the prescription monitoring program, most people know it as the PMP, the study included healthcare providers from New Hampshire and Vermont. At the time, New Hampshire did not have a PMP while Vermont did. Neither state has Diversion Alert.

Diversion Alert is a unique resource for identifying patients in need of addiction treatment or who are illegally selling prescriptions. Rather than take the time to give you the statistics about the magnitude of the problem of prescription drug abuse in Maine, I would like to tell you why this program is an essential solution. First, Diversion Alert helps identify individuals either struggling with addiction or illegally selling or diverting prescription drugs that have been prescribed to them by their doctors. According to the study's post-test findings, Maine healthcare providers have significantly higher awareness of patients arrested for prescription drug related crimes when compared to providers in the other two states. This finding provides evidence that Diversion Alert helps identify individuals abusing or diverting prescriptions. Moreover, 59% of Maine doctors who responded to the Diversion Alert post-survey said they used Diversion Alert to intervene with patients they discovered abusing or diverting prescriptions. This finding provides further evidence for the program's role in identifying individuals in need of intervention for prescription abuse or diversion. Diversion Alert's tristate study indicates the following improvements are associated with the program. One, increased communications with other care providers about shared patients and, two, increased use of professional practices that prevent illegal access to prescriptions. These practices include use of urine toxicology screening, patients' agreements or contracts, and addiction screening tools. Significantly, Diversion Alert also helps prescribers be more attentive to their prescribing for all their patients. Eighty-four percent of Maine participants in the post-survey said they are more attentive to their prescribing for all patients as a result of Diversion Alert.

Back to the acronym that I gave you at the beginning. ROI simply means Return On Investment. Simply put, Diversion Alert is an investment that saves money for the State. In 2014 at least 383 patients were discovered on Diversion Alert installments. Each Medicaid patient who abuses prescription pain killers costs the State an extra \$6,650. If half the patients discovered in 2004 were prescribed pain killer users and half were on Medicaid the savings to the State in 2004 was \$1,276,800. That's an ROI of almost 13 - 1. Those estimates are low. It is thought that the savings could range from anywhere from \$1.5 to \$3.1 million in savings to the State annually. That would give you a 23 - 1 ROI. Not a bad deal and a great investment of the \$95,000 a year it costs to run the program. However, it is likely that the cost savings to Maine are higher than these estimated since the 383 patients were reported by a sample of only 204 Diversion Alert

registrants who completed the 2014 post-survey. Since there are 2,000 program registrants, the number of patients discovered annually is probably much larger. Also, as the healthcare professional participation rate increases from the 25% currently using Diversion Alert, the ROI should only increase in years to come.

Let's not lose sight of why this program was started in the first place. Its main goal was to stem the diversion and abuse of prescription drugs, ultimately saving lives. Another fact found in a 2014 study conducted by the University of Maine and the New England School of Pharmacy found that 76% of prescription drug trafficking cases reported to Diversion Alert in 2014 did not have matching records in Maine's PMP. Diversion Alert, therefore, fills an important data gap for healthcare providers who struggle every day to determine whether their patient has a legitimate need for a controlled substance prescription. The program provides information which helps disrupt the illegal supply of controlled substances in our state and communities.

At the Public Hearing in front of the HHS Committee we had 14 people provide written testimony or came to speak in favor of the bill, with not one person or group speaking in opposition, with one testimony offered neither for nor against. During the Public Hearing all committee members, I feel, saw the value of having the Diversion Alert Program in place in our state. The only pushback came from Legislators who then, ultimately, voted against State funding for the Diversion Alert. The feeling of those who voted in the minority was the program should be run as a for-profit business and charge healthcare providers a subscription fee for the monthly drug test arrest reports that they currently receive for free. Here is the reason why that wouldn't work. It is important to know that 53% of healthcare providers who currently receive Diversion Alert said they would not pay a subscription fee for the program. By charging a subscription fee for the program, it is very likely to lose over half of its registrants and, thereby, lose its overall impact and benefit to the State of Maine.

Mainers are dying from prescription drug abuse. For the past 7 years 90% of drug overdose deaths in Maine have been pharmaceutically related. Mr. President and ladies and gentlemen of the Senate, I would hope that you all see the value of having the Diversion Alert Program in place in our state and the good it has done so far and the good it will continue to do. It is a rare occasion when in State government we can fund something that yields such positive results on all levels. I ask you please to follow my light and vote in favor of the pending motion.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, there are very few things that the good Senator from Aroostook said that I would disagree with. This program has been successful. This program is a 501C3 corporation. It is not a part of State government. It received a grant. 2011 or 2012 I believe was the year that Attorney General Schneider, at the time, used some consumer settlement funds to support the Diversion Alert Program in order to help it get off the ground and get running. Attorney General Mills agreed and maintained Attorney General Schneider's commitment for two years, with the clear understanding that this separate, private entity, the 501C3, would be seeking its own funds in order to operate. This is a great business model. They provide services to some of the great companies that we know here in the state of

Maine like Rite-Aid and Walgreens and drug stores all across our state, as well as physicians, doctors, dentists, and prescribers. With 2,000 people on their list, when I asked the owner of this private business what it would cost if each one of these individuals had an annual subscription to this free service her answer was between \$15 and \$25 per year would be the cost. Here's one more opportunity for us to subsidize drug stores, physicians, pharmacies across the state. I don't think this is the right approach for us to be using with a company that two years ago said they would be seeking their funding and has refused to make even the most modest rate provided for this service available to all of these companies who certainly, the ones that I spoke to, said, "Well, that would be such a small amount, it certainly would be no problem at all for us in order to fund this." The Attorney General indicated that, and I would agree, this is an appropriate, perhaps, program to apply for grant funds through SAMHSA, our substance abuse service. That would be an appropriate way in order to fund this. To continue to fund it through the Attorney General's Office leaves some questions out there as well. The Diversion Alert, again, a private entity, though all of its funds come from the State, could be held liable for any mistakes in the information transmitted if it's publically funded. Are its records subject to the Freedom of Access Act and who in State government will oversee its functions? This is information on people who have been arrested, not on people who have been convicted. These are people who have been arrested. This is public information. It's available on-line. I think Diversion Alert does a very good job of compiling it, but to say that the Attorney General's Office ought to be continuing to support a private entity, which is providing a free service to the public, does not seem to me to be an appropriate use of State funds. Again, while I support the concept that this private entity is doing, I don't believe that it ought to continue to be supported under the Attorney General's Office. Thank you.

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

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#90)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, ROSEN, SAVIELLO, VOLK, WHITEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, MILLETT, MIRAMANT, PATRICK, VALENTINO

EXCUSED: Senator: WOODSOME

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

**READ ONCE.**

Committee Amendment "A" (S-106) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/21/15) matter:

Bill "An Act To Improve Attendance at Public Elementary Schools"

S.P. 126 L.D. 311

Tabled - May 21, 2015, by Senator **LIBBY** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, May 7, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In Senate, May 21, 2015, Veto Communication (S.C. 331) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, the veto before you today is on a bill that will allow school districts to enforce truancy laws among 5 and 6 year olds who have enrolled in public schools. Mr. President, I'm concerned with chronic absence among 5 and 6 year olds who have taken that step, and their families have taken that step, to enroll in public education. Unlike truant students in high school, who are making their own decision to skip school, truant students in kindergarten and first grade are typically not making the conscience decision to skip school and, in many cases but not all, there is an indication of troubled situations at home. Unlike most students' families, this group of 5 or 6 year olds are often, but not always, suffering from completely unengaged parents. We have truancy laws on the books that already provide for a long, specific process for school districts to follow in working with the parents of truant students, but only for students age 7 and older. The degree to which school districts need to enforce truancy laws varies greatly by districts. I've spoken with many members of this Body about this issue. In Lewiston, a city that I represent, the second largest city in the state of Maine, we're seeing a truancy rate of 15% in our kindergarten classes and 10% in our first grade classes. One of seven, or one out of eight, Lewiston students in those grades meet the definition of truant, which is missing more than 10 days of school unexcused.

My original bill sought to give local authority to the school districts to make their own decision about the minimum age of attendance and this was in recognition of the fact that in many parts of rural Maine school districts are not seeing the problems with truancy that we're seeing in some of the urban areas of the state. The thinking was that if a district so wanted they could, by local vote, decide to lower the minimum age of attendance for public school and, in so doing, enable administrators to enforce the laws of truancy that are already on the books. This kind of approach, though, brought, I think, some strong opposition from folks who advocate for homeschooling, for private schooling, and alternative methods of education. Given the very legitimate concerns of these folks, we worked in the Education Committee to scrap the original bill and go with a completely different approach. The bill before us, and the veto that you are considering, is very different and says, in effect, the laws of truancy only apply to students age 5 and 6 whose families have voluntarily enrolled them after a 45 day grace period has passed. If a family makes that decision to enroll their child in kindergarten and, for whatever reason, it doesn't work out, the family has the option, with no questions asked, of withdrawing that student and keeping them at home for another year for further development, seeking an alternative program for that child, with no questions asked. After that 45 day period, if the family decides it isn't going to work out, all this legislation requires is a meeting with the school board or their designee, likely a superintendent, to discuss the decision and to formalize that decision.

Parents, under this legislation and under current law, may follow the process that is already in statute for withdrawing or transferring or homeschooling their children for students 7 years or older, and this legislation makes no changes in that regard. With the final product, educators, homeschool advocates, school administrators all agreed on the approach that was laid out in this bill, and so did the Education Committee. In a unanimous vote, the Education Committee voted this bill Ought to Pass as Amended. It was Enacted in both Chambers, under the hammer, and has come back to us today for our first official vote.

Just to reiterate, Mr. President, I'd like to say that the Lewiston School Department, along with several others that I am aware of, Biddeford, Sanford, Auburn in particular, have been struggling to address chronic absence among young students. In our case, in Lewiston, the School Department employs a truancy officer who spends their day in the field, checking in on truant students and their families to problem solve the underlying causes of chronic absence. Our School Department wants to do everything it can under State and federal law to ensure that students enrolled in public school are attending as many days of the year as possible. Certainly the several school teachers in this Body know what it's like to have to work with students who have missed 30 or 40 days of school. They certainly have seen, with their own eyes, how a student who has missed that many days of school is at a severe disadvantage from the very early instruction around reading and writing and arithmetic to socializing, to learning how to be a successful and productive student. These young children, who are missing that many days of schools this early, are being set up for failure. Lewiston's truancy program that I described earlier is a component of addressing this problem, as is the legislation you see before us today. This bill is a component of addressing the problem. I'd just like to reiterate, Mr. President, that, at this age, the kids we're talking about aren't making the decision to skip school. It is often a sign of trouble at the home front and for these kids getting to school every day,

getting encouragement, having structure, socialization, being read to, learning to read, a hot meal or two, these are things that many of these students don't experience at home and aren't fortunate enough to have at home.

Mr. President, this bill seeks only to address chronic absenteeism among our youngest students. Nothing more and nothing less. A parent's right to make decisions about student attendance in public schools, or in private schools, or in homeschool, must be preserved. The bill before you struck that balance. Men and women of the Senate, I'll close by saying in reading the Chief Executive's veto letter it was disappointing to see that there was a great deal of misunderstanding about what this bill would and wouldn't do. For the record, I'd just like to say that this bill does not lower the minimum age of attendance. This bill does not impact a parent's right to choose when their child starts school. This bill does not lower the age of enrollment or force kids to enroll earlier or when they are not ready. Parents whose children are not ready at 5 and 6 are not required to send their children to school if this veto is overridden and it is Enacted. In the Chief Executive's veto letter he says that this bill would interfere with the rights of parents to decide when their children are ready to go to school. Even after meeting with the Chief Executive, I couldn't seem to impart that this bill does not do what he suggests, but the veto came nonetheless.

Mr. President, I appreciate your consideration of these remarks and I request a roll call.

**THE PRESIDENT:** The Chair would advise the Senator that a roll call is already in order. The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll keep this brief. We, in the Education Committee, recognize the critical role of early childhood education in reducing the achievement gap that we are witnessing here in the state of Maine. That achievement gap has real consequences: lower lifetime earnings, higher rates of incarceration, frequent dependency on public assistance programs. We are endeavoring working with the Department of Education and our educational professionals throughout the state of Maine to reduce this achievement gap. This bill is one way to help us do that. While it's true parents continue to have control over whether their youngsters enroll at this early age, we are simply asking that once they do make decision they work to engender good habits and an engrained understanding about how important school is. That's really what we're looking for. I would ask for you to Override this veto. Mr. President, I ask that the Secretary read the Committee Report.

At the request of Senator **MILLETT** of Cumberland, Reports **READ.**

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

Senator **ALFOND:** Thank you, Mr. President. I would pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose his question.

Senator **ALFOND:** Thank you, Mr. President. The Committee Report usually has all of the Senators and Representatives who

have signed onto the bill, passing the bill. Unless it's a 1 - 0 report, which I doubt, I'm certain there must be other Representatives and good Senators that must have signed on or not signed onto the bill.

**THE PRESIDENT:** The Chair would advise the Senate that it was a unanimous report, therefore the Chair of the Committee signed for the Committee. That's why there was simply one individual that was read.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#91)

YEAS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK

NAYS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, MASON, MCCORMICK, ROSEN, SAVIELLO, WHITTEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

EXCUSED: Senator: WOODSOME

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, and 18 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

#### PAPERS FROM THE HOUSE

##### House Paper

Bill "An Act To Consolidate the Investigation of Out-of-home Child Abuse and Neglect"

H.P. 977 L.D. 1432

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed, in concurrence.

#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS – from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (EMERGENCY)  
H.P. 472 L.D. 696

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-156)** (7 members)

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

Tabled – May 26, 2015, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**

(In House, May 21, 2015, 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-156).**)

(In Senate, May 26, 2015, Reports **READ**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#92)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

EXCUSED: Senator: WOODSOME

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

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Off Record Remarks

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

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Off Record Remarks

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On motion by Senator **KATZ** of Kennebec, **ADJOURNED** to Wednesday, May 27, 2015, at 10:00 in the morning.