

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
Friday
May 29, 2015

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

Prayer by Reverend David R. Clark, Court Street Baptist Church
in Auburn.

REVEREND CLARK: Let us pray. Almighty God, we thank You
for the gift of this new day, for the opportunities You give us to
serve You and others. We thank You for the privilege of living in
this beautiful part of Your world. I thank You for the men and
women of the Maine State Senate, for the responsibility that they
have assumed and that the voters of this state have entrusted to
them. I ask that You would protect them, provide for them, and
use them to the benefit of our state. Guide their deliberations and
decisions this day and in the days to come and continue to bless
the citizens, the families, the institutions, and the communities of
the state of Maine. We offer our prayers to You in Your holy
name. Amen.

Pledge of Allegiance led by Senator Brian D. Langley of Hancock
County.

Reading of the Journal of Thursday, May 28, 2015.

Doctor of the day, Senator Geoffrey M. Gratwick, MD of
Penobscot County.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND
LOCAL GOVERNMENT** on Bill "An Act To Allow York County To
Better Provide Rescue and Ambulance Services"

H.P. 124 L.D. 166

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (H-124)** (2 members)

In House, May 14, 2015, Bill and accompanying papers
COMMITTED to the Committee on **STATE AND LOCAL
GOVERNMENT**.

In Senate, May 20, 2015, on motion by Senator **WHITEMORE** of
Somerset, the Majority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **WHITEMORE** of Somerset, **TABLED**
until Later in Today's Session, pending **FURTHER
CONSIDERATION**.

House Papers

Bill "An Act Regarding Ethanol-free Motor Fuel"
H.P. 979 L.D. 1435

Committee on **ENVIRONMENT AND NATURAL RESOURCES**
suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ
TWICE** and **PASSED TO BE ENGROSSED**, without reference to
a Committee.

Under suspension of the Rules, **READ TWICE** and **PASSED TO
BE ENGROSSED**, without reference to a Committee, in
concurrence.

Ordered sent forthwith.

Bill "An Act To Amend the Laws Governing Law Enforcement's
Access to, and Access to Information about, Certain Persons in
Hospitals and Mental Health Facilities"
H.P. 978 L.D. 1434

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

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

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

Bill "An Act To Better Serve the Seasonal Tourist Market during
the 2015 Summer Season and Early Autumn with a Pilot Program
To Extend the Authorized Hours during Which Liquor May Be
Served" (EMERGENCY)

H.P. 980 L.D. 1436

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

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 378

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

May 28, 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 Education and Cultural Affairs has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1152 An Act To Amend the Definition of "Property Fiscal Capacity" in the School Funding Law To Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Victoria P. Kornfield
House Chair

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

The Following Communication: S.C. 376

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

May 20, 2015

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

Dear President Thibodeau and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Sen. Saviello of Franklin, to report the following bill Leave to Withdraw:

L.D. 588 An Act To Revise the Mining Laws

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. Joan W. Welsh
House Chair

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

The Following Communication: S.C. 379

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

May 28, 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 Environment and Natural Resources has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 948 An Act To Harmonize Maine's Laws Governing Toxic Chemicals in Children's Products with Those of Other States

This is notification of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello
Senate Chair

S/Rep. Joan W. Welsh
House Chair

READ.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to make a statement, read into the records, what agreement has been reached related to the Children's Safe Act and the Toxic Chemicals Act. As many of you know, I've worked for seven years with my good friends in this Legislature and, having a lot of experience with this bill, felt in the 125th Legislature we had fixed it only to have continual attempts to have it changed and new chemical added to the list without using the process. We had a monumental discussion on May 19th where Representative Gideon, Representative Duchesne, myself and Beth Leherm from the Alliance for Clean and Healthy Maine met and came to a resolution, if you will, for reasonable progress under Title 38, Chapter 16B. I would like to read that into the record. "The members of the Alliance for Clean and Healthy Maine, in consultation with Representative Sara Gideon, Representative Bob Duchesne, and Senator Saviello have agreed the following steps for implementing the Kid's Safe Act would represent reasonable progress between now and the end of 2016. We ask that the DEP and other interested parties give us feedback on how to determine whether we can agree upon a common set of benchmarks," which we have. They are: one, adopt the rules that are already on the table, adopt the pending phthalates rule as amended by the scheduled June deadline and adopt the pending formaldehyde rule as amended by the appropriate deadline. Two, review and expand the list of chemicals of concern and chemicals of high concern. DEP should use the already scheduled review of the list of chemicals of concern and high concern as opportunities to add new chemicals to the list the department determines to meet the criteria of hazard to human health and exposure. Examples of chemicals that could be added to the list are DINP, and I'm not going to try to pronounce that, which was another chemical of the Phthalates family commonly used and unsafe replacement for plasticizers, DEHP and BPS, used as replacement for BPA on some hard plastics. Three, take new actions on at least one priority chemical by 2016. New action could include either of the following two steps, A or B. A, gather new information on at least one priority chemical, name the new priority chemical or new class of priority chemicals, and require reporting of these chemicals and products sold in Maine or the department could, instead, gather new information on existing priority chemicals. For example, require reporting use of Phthalates from products that had been excluded from the current revised rule. The requirements should be used to gather mostly new information, using the law's existing waiver authority to exempt products that are already reported in other states. B, gather new alternative assessment reports for at least one existing priority chemical. This would include requiring manufacturers using an already named priority chemical to submit alternative analysis reports. Personally, Mr. President and ladies and gentlemen of the Senate, I hope the citizens of this state realize that we have tried to make the system work and they will give us time to prove that and there will not be any petitions in front of the DEP for changes to this law or rule. We, as a Legislature, as we let L.D. 948 die, will commit not to make any changes in this law. I know we cannot commit one legislature to the other, but I ask that that be considered. Finally, I promise to this Body that if this agreement does work, or changes are to be made, I will lead the charge. Thank you very much, Mr. President.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I just want to commend the good Senator from Franklin County for the extremely hard work that he's put into this program. He was very wise to bring the parties together, to put some agreements in place so we can keep track of this very important issue and make sure there's some headway made on it in the next few years and make sure that we're doing the right thing for Maine kids. Thank you.

With accompanying papers **ORDERED PLACED ON FILE.**

The Following Communication: S.C. 377

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

May 27, 2015

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

Dear President Thibodeau and Speaker Eves,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Hymanson of York, to report the following bill Leave to Withdraw:

| | |
|----------|--|
| L.D. 473 | Resolve, Directing the Department of Education and the Department of Health and Human Services To Jointly Adopt Rules To Protect Children's Health |
|----------|--|

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Andrew M. Gattine
House Chair

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

The Following Communication: S.C. 380

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

May 28, 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. 606 | An Act To Remove the Philosophical Exemption from the Immunization Requirements for School Students and Employees of Nursery Schools and Health Care Facilities |
| L.D. 1385 | An Act To Enable a Foster Child To Remain in a Daycare Facility Selected by a Foster Parent |

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.**

The Following Communication: S.C. 381

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

May 28, 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 Inland Fisheries and Wildlife has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- | | |
|----------|--|
| L.D. 887 | An Act To Prohibit Hunting Bear Using Dogs and Trapping Bear |
|----------|--|

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis
Senate Chair

S/Rep. Michael A. Shaw
House Chair

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

The Following Communication: S.C. 382

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

May 28, 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 State and Local Government has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- | | |
|----------|---|
| L.D. 494 | An Act Regarding the Maintenance of Easements |
|----------|---|

This is notification of the Committee's action.

Sincerely,

| | |
|---|---|
| S/Sen. Rodney L. Whittemore Senate Chair | S/Rep. Roland Danny Martin House Chair |
|---|---|

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

The Following Communication: S.C. 383

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

May 28, 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 Taxation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1269 An Act To Restore Some Progressivity and Fairness to the State Income Tax

This is notification of the Committee's action.

Sincerely,

S/Sen. Earle L. McCormick S/Rep. Adam A. Goode
Senate Chair House Chair

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

The Following Communication: S.C. 384

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

May 28, 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 Transportation has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 982 An Act Requiring a Permit and Motor Vehicle Liability Insurance for Transportation Network Companies

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins S/Rep. Andrew J. McLean
Senate Chair House Chair

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

The Following Communication: H.C. 174

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

May 28, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Transportation on Bill "An Act To Eliminate the Requirement That Truck Campers Be Registered" (S.P. 476) (L.D. 1308)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 164

**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 22, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 464, "An Act To Improve Science and Engineering Education for Maine's Students."

While I support the desire to ensure that Maine students are well equipped with the best science and engineering education to prepare them for future careers that demand this vital knowledge, this bill would require every school in Maine to rewrite its science curriculum to adapt to a new set of standards without allocating a single dollar either to the Department of Education or to the schools that must carry out this significant, time consuming work.

This unfunded mandate would place additional burden on our schools while they are already dealing with a new system of annual assessment, working to raise the standards of proficiency needed for graduation and adjust to new teacher evaluation rules all in the same year.

If state government is to make such demands on our local schools, it should only do so while also providing the funding necessary to carry out the work demanded of them.

For this reason, I return LD 464 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Improve Science and Engineering Education for
Maine's Students

H.P. 303 L.D. 464

Comes from the House, 106 members having voted in the affirmative and 42 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I would rise today to ask you to join me in voting to Override this veto of L.D. 464. While I was working a floor speech for this particular veto override, I kind of scrapped it and I want to read to you an e-mail that came to me from a science teacher turned registered nurse because I believe she captures the essence of this issue very, very well, probably perhaps much better than I could. "Dear Senator Langley. I'm writing to you to request your support of L.D. 464. First, and perhaps most importantly, NGSS is not synonymous with the common core. While both are national sets of standards, the common core is a set of standards which only addresses math and English language arts. Next Generation Science Standards reflect a set of standards only for science and engineering education. Although MEA does not support NGSS, the science teachers of Maine do. Unlike MEA, the Maine Science Teachers' Association polled its membership prior to making public statements and the support was resounding. Adopting NGSS standards, or any standards for that matter, does not diminish local control or a teacher's autonomy in his or her classroom. NGSS is a set of science and engineering standards which are rigorous, dynamic, and engaging for students. They provide a comprehensive set of science ideas and create a framework foundation on which science curriculum builds through a student's K-12 experience. The content is organized to support student learning. Built into the factual content of any given subject matter, it teaches students how to ask questions, define problems, plan and carry out investigations, analyze and interpret data, and learn to engage in argument or debate from evidence."

It's common knowledge, and we heard testimony in our committee, that many school districts across Maine have already adopted these standards ahead of the State. They have done so largely for two reasons: one, so they would not need to create proficiency based education system around the Maine Learning Results only to recreate it a few years down the road around these Next Generation Standards; two, they recognize, and most importantly, that the standards are much richer than the Maine Learning Results for science and technology. For instance,

according to the Maine Learning Results, a kindergarten student would be asked to describe what it takes to start objects moving, keep objects moving, or stop objects from moving. In the Next Generation Science Standards they are asked to explore and investigate the effects of different strengths and directions of pushes and pulls on the motion of an object. What that means for a classroom teacher is "describe" is something you passively do while you're sitting down and to "demonstrate and explore and investigate" means you are actually up and doing. You tend to remember those things better when you are active investigators and learners. Rather than being a dry lesson of mere facts, it fully engages the learner to discover their world and encourages them to be lifelong learners.

This nurse goes on to say, "While I have not talked about what I call the heart of the bill, I can easily tout references to documents which clearly, concisely discuss Next Generation Science Standards and its instructional standards, but I believe I can better address the core of what Next Generation Science Standards can do for teachers with a few examples. I'm a former teacher, I taught in high school for 16 years prior to leaving education to pursue a career in the medical field. I am currently a trauma nurse and serve as a preceptor for new nurses entering emergency room nursing. When I taught high school my challenge was to present material in a way that was engaging, with as much hands-on involvement as I could possibly build into a lesson. One of the disturbing and disquieting realizations was that by the time students entered secondary education they either lost their desire or ability to enquire, hypothesize, or even synthesize information without much guidance or direction. To translate that, students say, "Tell me what you want me to know. Tell me what you want me to spit back to you on the test and that's what I'll learn." Students simply expected information to be given to them and wanted to be groomed concerning what might be on the test. While I would certainly attempt to build solving problems into my lessons, these older students had missed the opportunity to both be instructed and practice those key skills. As a preceptor of nurses," and for me this is the bridge of why this e-mail was so important, going from the classroom to the real world, "as a preceptor of nurses, I find a similar disturbing pattern. New graduate nurses may be able to regurgitate facts. However, the ability to critically think, synthesize information, define a problem, and sometimes interpret data is woefully lacking. I experienced this first hand as an adult learner who returned to school. Most of the information that was taught was presented in Powerpoint presentations, void of opportunities which generate critical thinking and evaluation or analysis. With more and more job and careers requiring a rigorous STEM education, we must prepare our students better. By voting in favor of L.D. 464, you can raise the bar for science education for all students across the state of Maine. The greater loss is for our students who are waiting for the right time or the right way. Thank you. Jane Dunstan, R.N."

Mr. President and men and women of the Senate, I would ask that you would vote to Override. Thank you very much.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to encourage everyone to Override the veto. As you may remember, I was previously, and quite extensively, in support of this bill. I will not subject everyone to that again, but I would just like to say in response to the

communication from our Chief Executive as to that there's no capacity within the department to handle this workload. Indeed, here in this Chamber we amended this bill to provide an additional year so that the department can have the appropriate resources available to implement this curriculum and, in fact, their current staff is provided to handle such activities. They have a regular schedule of curriculum review and the Science Standards are going to be up for review in a year or two. They are actually fully staffed and prepared to deal with this work.

I just would like to remind everyone that we did not receive any testimony in opposition to this bill. It came out unanimous out of committee. We had testimony from the Director of Midcoast Career and Technical Education High School, Maine STEM Collaborative, Maine Math and Science Alliance, Maine STEM Council, Maine Science Teachers' Association, and Texas Instruments. I'll just read briefly from Texas Instruments' testimony. "Science and engineering professionals are essential to our ability to innovate, grow, and succeed. Lacking student interest and achievement in science, technology, engineering, and math," which is long for STEM, "threatens the talent pipeline in the United States and hinders future innovation. Texas Instruments strongly supports efforts to foster STEM education and school improvement, particularly in communities where they have a presence. We encourage high standards and accountability designed to improve student achievement in K-12 education, including the voluntary State-led Next Gen Science Standards." Thank you, Mr. President.

Off Record Remarks

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate your indulgence in this debate on an important subject. Obviously, all of us here care deeply about the education opportunities for our students in the state of Maine. I think we also are concerned with many of the changes that have taken place in policy in recent years, what impact that has had on students, what burden that may have put on our classroom teachers, on our administrators, to properly comply with a variety of changes. I have great respect for my colleagues who serve on the Education Committee. I listen very carefully when the good Senator from Hancock rises to speak on issues because I put value in what thought and what work he has put in as a career educator, somebody who has spent a lot of time in these areas. I regretfully have to rise today, Mr. President and ladies and gentlemen of the Senate, to oppose the effort to Override the Chief Executive's veto on this. Some information has just been provided this morning to me that I find extremely disturbing. I know some of you have just recently received this. Today is the last day that testing is being done at the high school level. It's very disturbing to find out, as of today, only 60% of high school students opted in to take the test, down from the 90s. We're looking at 40% of our high school students, through these policy changes, that are not going to be included in the testing. I ask, Mr. President, what does that mean to education policy in Maine? What does that mean when it comes to the manner in

which those policies are being assessed on a national basis? What impact does that have to the state of Maine as we struggle with the funding issues that affect us in our communities, in our educational systems, when the federal government does not have the appropriate numbers to allow us to be considered nationally in some of the funding models? What is that going to mean going forward?

The issue here today, Mr. President, in my opinion, is not a question of whether we need to continue to look at these policies and debate whether or not they're good for Maine students. The question is: is this the year to do it? Is this the mechanism by which we, as policy makers, want to inflict upon our educational community another series of changes that could have adverse effects? As I understand it, Mr. President, the department did speak in regards to this bill. They did not oppose it. They were respectful of the committee process. They support the changes that are being considered, but they said this is not the year, Mr. President. They are willing, and they are committed, to continue to seek the best policy for the students and those who teach our students here in the state of Maine, but to not support the effort of the Chief Executive, I think, would be unfortunate on many levels. I ask you to seriously consider this issue on the merits and vote with me in Sustaining the Chief Executive's veto. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm sorry to rise again, but I would like to address a couple of comments that were just made. In fact, many Maine educators were involved in the writing and revising of these standards, along with educators from 20 other states. In Maine this was led by our very own Department of Education. In fact, we had probably the highest number of teachers come to our committee asking us to pass this bill. In fact, I would say many of us on the committee were quite surprised by that and pleased to see such enthusiasm from our education community in support of this bill. Indeed, there have been many changes that have been put upon them, oftentimes without their request or their participation. This is a bill that is an example of one that reflects our educators' desires and passion for changes. In regards to not this year, well, indeed, we heard that testimony from the department and in this Chamber we made an amendment to push it off another year to give them that time to prepare and make sure their staff was ready and aligned. I hope, again, everyone will vote to Override the veto. Thank you.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just a couple of things to add. We all are very proud of our public schools and we know that when our schools are innovating parents are excited, children are excited, teachers are excited, especially when they are involved in the whole process. A lot of the rhetoric that we hear in Maine and around the country is about competition, competition, competition. Competition for entrepreneurs to come to your state. Competition for businesses to grow. When you look around the country and you look at Maine, what's the biggest challenge that most businesses have? It's an educated workforce. The idea that we

would sit on our heels and not move in a very, very methodical and thoughtful way, already delaying this for a year, making sure that we are doing it correctly, to me, seems counterproductive. It seems like it's sending another giant message to the country, saying Maine doesn't want to be competitive. Maine doesn't want to be competitive because we don't want to innovate and make sure that our students have every single skill and ability, and our teachers to promote science, technology, engineering, and math. When you have a company like TI, Texas Instruments, going around and saying, "This is good for our company." Our Chief Executive talks all the time about how companies talk. Well, if TI goes out and says, "You know what? Maine, once again, took a diversion or took a step backwards." That doesn't help. That doesn't help when TI is talking to all of their big businesses around the country when they go to different conferences. They are like, "What's happening in Maine around education?" "Well, Maine, once again, did not do what we thought needed to be done to help our workforce." I'm telling you, folks, this is a good idea. The Senator from Hancock, the Senator from Cumberland, the committee, the folks in the community, teachers; all were involved. This is something we should do. I really hope you can follow my light and Override this veto.

THE PRESIDENT: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. I'm going to add, ladies and gentlemen of the Senate, two quotes that were sent to me by Next Gen teachers. "Next Gen, universally viewed as a step forward for Maine students." The second comment, "Adoption is a good move for the education of our students." I hope, too, that you will Override this veto.

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

Senator **JOHNSON:** Thank you, Mr. President. Fellow Senators, I, too, heard from science teachers and former teachers in my own district. I think the most exciting thing that I heard is how they're extremely enthusiastic about how this is, as was briefly mentioned earlier, hands-on learning, exploring, critical thinking, learning to solve problems; the kinds of things that our youth need before they enter the business world. In fact, they are some of the most sought after skills from industry. That's what they're so excited about, what the Next Generation Science Standards, which they had a strong part in producing, brings into the classroom. It's long overdue. They are very excited about what this means for their student's learning and enthusiasm for learning science. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be very brief. I rise to support Sustaining the veto on this measure. I just want to say I think there's been a lot of discussion from our colleagues here about whether or not these are good standards or poor standards. Frankly, myself personally, that's a secondary consideration for me. I haven't, unlike some of the members of the Education Committee, reviewed the standards completely in-depth and I can't say definitively whether they are strong standards or poor standards or what have you. What I can say is

that when I campaigned to represent the people in my district I said I support local control of our schools. I think that these are decisions and these recommendations should be made on the local level by our local school boards. My understanding is that there is nothing standing in the way of our local municipalities adopting these standards for themselves if they choose. I don't think we should be here in Augusta doing things that would seem to suggest that we don't believe in local control of these decisions. Thank you very much and I appreciate the time to speak.

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 (#104)

YEAS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

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

ABSENT: Senator: LIBBY

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, and 19 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.

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Regarding Legislative Review of Portions of Chapter 21: Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, a Late-filed Major Substantive Rule of the Department of Agriculture, Conservation and Forestry, Bureau of Forestry (EMERGENCY)
H.P. 957 L.D. 1408

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

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

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

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

The Committee on **MARINE RESOURCES** on Bill "An Act To Provide for Improved Reporting of Marine Resources Landings"
H.P. 845 L.D. 1227

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.

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Strengthen the Maine Agriculture Protection Act"
H.P. 411 L.D. 598

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-200)**.

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

READ ONCE.

Committee Amendment "A" (H-200) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Study Allocations of the Fund for a Healthy Maine"
H.P. 624 L.D. 905

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-204)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-204)**.

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

READ ONCE.

Committee Amendment "A" (H-204) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act Regarding Maine's Power of Sale Foreclosure Law"
H.P. 194 L.D. 276

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-201)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201)**.

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

READ ONCE.

Committee Amendment "A" (H-201) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Allow Personal Representatives of Children Access to Certain Documents of the Department of Health and Human Services Regarding Child Protective Activities"
H.P. 222 L.D. 328

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-202).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-202).**

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

READ ONCE.

Committee Amendment "A" (H-202) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Trespass Laws Pertaining to Railroad Property"
H.P. 563 L.D. 829

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-203).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-203).**

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

READ ONCE.

Committee Amendment "A" (H-203) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **MARINE RESOURCES** on Bill "An Act To Create a Spat Collection License"
H.P. 450 L.D. 669

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-218).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-218).**

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

READ ONCE.

Committee Amendment "A" (H-218) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Exempt Military Pensions and Survivor Benefits from Maine Income Tax"
H.P. 198 L.D. 280

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-211).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211).**

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

READ ONCE.

Committee Amendment "A" (H-211) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2015-16" (EMERGENCY)
H.P. 666 L.D. 967

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-210).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-210).**

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

READ ONCE.

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Enhance Equity and Efficiency for Off-track Betting Facilities"
H.P. 572 L.D. 838

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-206).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-206).**

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

READ ONCE.

Committee Amendment "A" (H-206) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Reasonable Accommodations for School Attendance for Children with Disabilities for Whom Medical Marijuana Has Been Recommended"

H.P. 381 L.D. 557

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-207).**

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
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:

Representatives:

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-207).**

Reports **READ.**

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Allow for Collaboration in Public Charter Schools"

H.P. 716 L.D. 1047

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

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
FARNSWORTH of Portland
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
STEARNS of Guilford
TIPPING-SPITZ of Orono

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-208).**

Signed:

Representatives:

DAUGHTRY of Brunswick
HUBBELL of Bar Harbor
POULIOT of Augusta

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change the Individualized Education Program Notice Requirements"

H.P. 742 L.D. 1081

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

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-209)**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
PIERCE of Falmouth
TIPPING-SPITZ of Orono

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-209)**.

Reports **READ**.

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

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 PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to ask you to vote against the pending motion. L.D. 1081 helps to ensure that parents of students with disabilities have a meaningful opportunity to object to significant changes in their child's education placement. Decisions about changes to the program or placement of a child with a disability are to be determined by the IEP, or the Individualized Education Program, team which must include the parent as well as staff from the school administrative unit. The majority of the time the IEP team can reach agreement on the changes being discussed, but sometimes the school district seeks a change to a student's program or placement that is opposed by the parent. In Maine, current special education regulations provide that if the team cannot reach consensus the SAU must provide the parent with prior written notice of the school's proposals or refusals, or both, regarding their child's education program. The parents have the right to seek resolution of any disagreements, and this is the important part, by initiating an impartial due process hearing or a State complaint investigation. Maine's special education regulations currently allow a school district to convene an IEP team meeting, propose to remove a

student from their neighborhood school to a segregated private day treatment placement, which can be 45 minutes or more from their home, and make the placement over the objection of the parent so long as the parent receive written notice seven days prior, seven days prior, to this change in placement. Currently, the parent must initiate a complaint or due process proceeding to stop this change and preserve the last agreed upon placement. Many parents in Maine are unable to find an attorney or an advocate to assist them in challenging a placement, especially within seven days of receiving notice. In many other states decisions to change a student's educational placement can only be made with the consent of the parent. In those states, in the event of a disagreement, the school districts retain the right to utilize due process procedures to seek an order for the change in placement. During these proceedings the student has a right, under the Stay Put Provision in IDEA, to remain in the last agreed upon educational placement. These consent states include two states closest to Maine. L.D. 1081 makes clear that schools remain free to seek a change of placement over the objection of the parent. It requires them to initiate the due process proceedings. I hope that you will vote against this motion and then allow us to pass this commonsense bill. Thank you.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, as a parent of a child with special needs, I'm very fortunate that I have never found myself, or my child, in the predicament of having a disagreement between the Special Ed team, our daughter, and ourselves, as parents. However, if that were to happen, I would certainly want the protection of the State of Maine to fall on the parents' authority. The parents know the child, know the child's needs, better than anyone. As the parents of kids with special needs, their plates are already quite full. They have a lot of extra demands on them at home and out in the world. Putting the onus on the parents to fight this sort of change is unreasonable. If the school district decides they want to go with their recommendation above the objection of the parents then I think most properly the onus should be on the school district and that parents should retain control. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I moved the Majority Ought Not to Pass Report because we had spent an awful lot of time, prior to this bill coming up, working to make sure that timeframes for services would be maintained in an orderly fashion and in a timely fashion. This bill, at first, would extend that and put some undue pressure on meeting this timeline. Currently, there is a seven day notice to parents of the school's intent to implement a change in the program, although they may waive the seven day prior notice if they want something to happen sooner, and it can happen sooner. This now extends it to fourteen days.

The most telling testimony we had come from the people who actually work in special ed. These are the main administrators of service for children with disabilities. These are the special ed directors from around the state. In the midst of this bill it shifts, just subtly, from the ability to be able to have mediation and hearings to work out differences to going right to litigation. This

bi-passes a process that currently works when there is a disagreement with proposed changes, which is not often in the IEP team, when they work together, and the SAU and parent would probably meet again to try to iron out those differences if they could not. They may ask for a stand-alone mediation before going to costly litigation. This bill would not allow mediation to occur and the school would only have one recourse, and that is to ask for a due process hearing. The end result would be to increase special education litigation and the money made by attorneys representing parents and attorneys representing schools should be better spent on meeting our children's needs. Thank you, ladies and gentlemen.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to clarify the record that the Minority Ought to Pass as Amended Report that would be before us if we were to defeat this motion includes a change that puts it back to seven days. It would not be a fourteen days. The committee was respectful of maintaining that timeframe. I would just like to refer to the fact that the Supreme Court, in a case that was before them, stated that school districts can seek hearings as Congress has clarified in the 2004 amendments. They may do so if they wish to change an existing IEP if the parents do not consent or if the parents refuse to allow their child to be evaluated. In addition, the rules apply with equal effect to school districts. If they seek to challenge an IEP, they will, in turn, bear the burden of persuasion. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley 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 (#105)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock 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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove from the Maine Medical Use of Marijuana Act the Requirement That a Patient's Medical Condition Be Debilitating"

H.P. 22 L.D. 23

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

Signed:

Senators:

BRAKEY of Androscoggin
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
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:

MCCORMICK of Kennebec

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Hire Health Inspectors

H.P. 491 L.D. 715

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-199)**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

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-199)**.

Reports **READ**.

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

Senator **HASKELL** of Cumberland requested a Division.

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, I would urge you to reject the pending motion, to go on and accept the other motion. The purpose of this bill is to simply have the department abide by the law which is in place which requires inspection of restaurants every two years. It used to be inspection of restaurants every year, but we weren't meeting that goal. I believe it was 2000, I'll get to that date. We changed it to every two years in order to give them more leeway, give them an opportunity to inspect all of these restaurants where many of us went last night and gobbled down the salad and had our burgers or piece of chicken. There are about 9,000 establishments which currently require inspections; 6,000 of those are food and 3,000 non-food. In 1989 the department had 19 health inspectors. In 1992 the number of health inspectors was decreased to 10. In 2009 the program converted to the administrative health inspector to a field inspector for a total of 11. In 2011 we went down from every year that restaurants were to

be inspected to every two years. Even with the lowering inspection frequency since 2011, the current staffing levels don't support that volume. The program currently has a backlog of 1,400 restaurants that have not been inspected in a timely manner. Those are overdue inspections at this point. This is a service that is paid for by these restaurants and they are not getting that service because we have made a decision not to have the appropriate number of inspectors. In talking with some of the restaurants, and asking them when was the last time they had an inspection, some of those answers were, I thought, shocking. Some of them had been four or five years since they'd seen anybody up there. That would appear to be, to me, inappropriate and of concern when you consider the number of people who are being fed in restaurants and eating food out of restaurants. What this bill simply does is say the State of Maine will have to comply with the requirement that's in place to inspect these restaurants in a timely manner. Again, this is paid for by the restaurants themselves. There is not a fiscal note to the State budget on this one. For the sake of health, I would encourage you to reject this Ought Not to Pass and go on an accept the Ought to Pass and get our standards up to where they should be. Thank you.

At the request of Senator **HASKELL** of Cumberland a Division was had. 20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Concerning the Ability of On-premises Liquor Licensees To Dispense Liquor in Sealed Refillable Containers"

H.P. 459 L.D. 678

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

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
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 To Pass as Amended by Committee Amendment "A" (H-205)**.

Signed:

Representative:
DILLINGHAM of Oxford

(Representative BEAR of the Houlton Band of Maliseet Indians - 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 **CYRWAY** of Kennebec, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Senate

Ought to Pass

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Laws Governing the Bureau of Rehabilitation Services"

S.P. 426 L.D. 1199

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Add Acetylfentanyl to the List of Schedule W Drugs"

S.P. 259 L.D. 729

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-145)**.

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

READ ONCE.

Committee Amendment "A" (S-145) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Task Force To End Student Hunger in Maine" (EMERGENCY)

S.P. 324 L.D. 933

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-147)**.

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

READ ONCE.

Committee Amendment "A" (S-147) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create Community Schools"

S.P. 336 L.D. 956

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-131)**.

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

READ ONCE.

Committee Amendment "A" (S-131) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create a Digital Portal for Education" (EMERGENCY)

S.P. 435 L.D. 1230

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-146)**.

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

READ ONCE.

Committee Amendment "A" (S-146) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator McCORMICK for the Committee on **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory

S.P. 479 L.D. 1327

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-133).**

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

READ ONCE.

Committee Amendment "A" (S-133) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Better Inform the Public of Election Results"

S.P. 302 L.D. 858

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130).**

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

READ ONCE.

Committee Amendment "A" (S-130) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require the Prevailing Wage To Be Paid on All Public Works Projects for Which State Funding Is Used"

S.P. 50 L.D. 117

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-140).**

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

Reports **READ.**

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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, for over 100 years many state and local governments have required that companies that want to contract for public works must pay their workers a wage that reflects wages commonly received in the area. The federal government adopted its own prevailing wage requirement with the Davis-Bacon Act of 1931. At the heart of these laws is the conviction that government, as a major buyer in the construction sector, should not act to drive down wages. Indeed, the civic minded reformers who initially pushed for prevailing wage laws believed that the government ought to use its buying power to enhance the welfare of workers and their families. Mr. President, that's why I'm standing up in opposition to this motion, because I believe in prevailing wages. In reality, the bill wanted to strike the \$50,000 contract limit but what I was looking to do was to actually try to get it so that any projects that were funded by any amount from a state funding transfer to a school district or municipality or any other of those prefaces would be covered under the prevailing wage laws because, basically, Mr. President, I think there are a number of benefits to prevailing wage laws. In addition to ensuring that the government is not driving down wages in prevailing wage laws, we could encourage a better trained and more productive workforce by attracting more

experienced workers and by encouraging training, capital investment, better labor management practices, foster positive economic development impact for workers, local communities, local businesses, and state and municipal government. Prevailing wages ensure that workers receive their fair compensation, which translates into additional spending in the local community, greater support for our local businesses, and more revenues for state and local governments.

Mr. President, what does prevailing wages do? We look at the stand point, Henry Ford got it. Years ago Henry Ford actually realized that his workers weren't making enough money to buy their products and he gave them all a \$5 raise. When you take a look at it, in my statement the buying power to enhance the welfare of workers and their families, if you look at the taxpayers, the taxpayers who may complain, the reason they complain is because they don't have the wages to do it. I think this prevailing wage law is a fair and balanced way of looking at doing it. Mr. President, I would ask all of you to vote against the pending motion and move on and follow my light. Thank you very much.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, L.D. 117 may sound good but what really happens with prevailing wage is a large amount of confusion, documentation, and review that has to happen by not just the employer and the employee who is being paid, but also by the State and by any other involved municipalities and so forth. Prevailing wage is what happens when you sometimes have a contractor who is building a bridge across a river that spans two counties. In one county the worker may need to be paid at one particular wage and in the other county the worker may need to be paid at an entirely different wage. The spending on either side of the bridge has to be calculated by the employee and the employer to ensure that they're paid properly. It has to also then potentially be verified by the State or whoever the government of oversight is. Passing L.D. 117 would result in hundreds of public works projects potentially being subject to this sort of burdensome documentation and review. The current \$50,000 threshold limits the burden of meeting these requirements to large companies which can actually afford HR professionals to actually track these kinds of wage and hour issues. A change to our law would cripple the ability of small contractors, which make up 96% of our building sector, to compete and to comply on small local jobs. I urge you to support the pending motion and defeat L.D. 117 yet again. Thank you.

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. 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 (#106)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Residential Drinking Water Arsenic Testing" S.P. 328 L.D. 937

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-139)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford
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
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Minimum Wage Consistency"
S.P. 494 L.D. 1361

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

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 To Pass as Amended by Committee Amendment "A" (S-142)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Provide a Tax Credit to Maine Residents for Turnpike Tolls"
S.P. 53 L.D. 120

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

Signed:

Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis

Representatives:
GOODE of Bangor
CHACE of Durham
MOONEN of Portland
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-137)**.

Signed:

Senator:
LIBBY of Androscoggin

Representatives:
BICKFORD of Auburn
RUSSELL of Portland

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **BRAKEY** 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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in opposition to the Ought Not to Pass motion before us. While I have no illusions that the motion will fail, this legislation seeks to address a very real issue which deserves to be addressed. A double tax disproportionately hits the people of my area, and it's painful to all Maine citizens who rely on the Maine Turnpike. In order to maintain the roads here in our state we all pay a gas tax each and every time we fill up at the pump. The gas tax was chosen as the funding source for our roads because it is a tax on those who use the roads. It is in essence a user fee, albeit a clumsy one. There is one Maine road, however, that is not maintained with the use of these gas tax revenues and that is the Maine Turnpike. Instead of the gas tax, the Maine Turnpike's maintenance is paid for with revenues collected through tolls, its own user fee on all those who use the highway. A big problem occurs with this system when Maine drivers pay their user fee for using the Turnpike, which is the tolls. They are also burning gasoline, which they've paid non-Turnpike user fees on, gas taxes. Maine drivers are paying twice for every mile they drive on the Turnpike.

In the Lewiston/Auburn area we're hit harder than anywhere else in the state. A round trip drive between Auburn and Portland on the Maine Turnpike costs \$5.50 in tolls. In terms of cost per

mile, that's the most expensive round trip drive to Portland in the state. Compare that to a round trip between Biddeford and Portland, approximately the same distance but costs only \$2 in Turnpike tolls, Auburn area drivers pay 275% more than Biddeford drivers and they both pay infinitely more than a Brunswick driver, which is also roughly the same distance to Portland but with 295 they pay nothing. Add to this Lewiston and Auburn, Maine's second and fifth largest cities, is the only major urban area without access to a free four-lane highway paid for with the gas tax. Portland, South Portland, Bath, and Brunswick have 295. Scarborough, Biddeford, Saco, Rockland, Houlton, and Caribou have Route 1. Belfast and Ellsworth have Route 3. Bangor, Brewer, Waterville, Old Town, and Augusta have toll free access to 95, with multiple exits. Lewiston/Auburn not only pays the most to use 95, we have one exit per city. The closest we have to a free four-lane highway is Route 4, going to Turner. That stretch of road is considered the deadliest stretch of road in Maine. Lewiston, our second biggest city, doesn't even get to have a deathtrap. They get nothing.

This disproportionate situation has unintended consequences in other communities as well. Just talk to the people of New Gloucester, who will tell you about the 16-wheel trucks barreling through the town down Route 100, getting off the Turnpike in Gray and reentering in Auburn just to avoid the Gray/New Gloucester tollbooth. This creates a dangerous situation for many of the residents of this small town.

This legislation, an income tax credit for up to \$100 a year for an individual Maine resident's Turnpike tolls, is one proposal to address this very real problem. Mr. President, thank you for the opportunity to address the motion on the floor.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Sometimes, on rare occasions, during a leap year with a full moon, the stars align and an Auburn Libertarian and a Lewiston Democrat agree on a piece of legislation. The Minority Report is one of those bills. My friend from Auburn, Senator Brakey, is correct. Lewiston/Auburn bears a unique burden in this state, having no toll free four-lane highway system for residents of our communities to travel throughout the state. It costs more per mile for a Lewiston/Auburn resident to travel north or south than any of our two cities counterparts in other parts of the state. Lewiston being the second largest city in the state and Auburn being the fifth largest city in the state, our communities make up 65,000 residents. In Androscoggin County our 115,000 residents have to pay this unfair toll to travel throughout our state. Folks in Augusta, folks in Bangor, folks in Portland and Brunswick do not bear the burden of paying tolls like the people of Lewiston/Auburn. The people of Lewiston/Auburn have long asked the State to address this inequity and by defeating the motion before us we can get on to an item that may address that. The Minority Report out of the Taxation Committee creates a \$100 credit on your Maine State Income Tax for anyone who keeps their toll receipts or keeps their Easy Pass invoice and would like to claim credit for those expenses. It's not a perfect fix to the problem, but it's a step in the right direction. I'd ask you, men and women of the Senate, to vote Ought Not to Pass on the pending motion so we can get to the Minority Report. Thank you, Mr. President.

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. 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 (#107)

YEAS: Senators: ALFOND, BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, MCCORMICK, MILLETT, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: BRAKEY, BREEN, GERZOFKY, LIBBY, MASON, MIRAMANT, PATRICK

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, the motion by Senator

MCCORMICK of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Refund the Sales Tax Paid on Fuel Used in Commercial Agricultural Production and Commercial Wood Harvesting" S.P. 104 L.D. 290

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-138)**.

Signed:

Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis

Representatives:
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
SUKEFORTH of Appleton

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

Signed:

Senator:
LIBBY of Androscoggin

Representatives:
GOODE of Bangor
MOONEN of Portland
RUSSELL of Portland
TEPLER of Topsham

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#108)

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-138) **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 **TAXATION** on Bill "An Act To Extend to Certain Fruit and Vegetable Growers the Manufacturing Facility Fuel and Electricity Sales Tax Exemptions"
S.P. 208 L.D. 592

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-136)**.

Signed:

Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:
BICKFORD of Auburn
CHACE of Durham
RUSSELL of Portland
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
TEPLER of Topsham

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

Signed:

Representatives:
GOODE of Bangor
MOONEN of Portland
SUKFORTH of Appleton

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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 Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, one of the great things we do in the legislature year after year is to continually give tax exemptions, which really is the income the State has. There has been many, many times, over the last 15 years that I've been here, that exemptions have come up. I think it was in 1954, when I was born, I think out of everything that could be taxed 7.5% was exempt. Now the exemptions that we have on the books right now relate to about 39.5% of our taxable income for the State. We're continually fighting as to whether or not we're going to be able to fund needed programs. I just kind of wonder sometimes when these come forward. Every one of them has a good idea and maybe we should exempt everything and have no income to do anything, to do the good things that we want to do. I'm just a little confused as to what program will be affected by the lack of income that this tax exemption has. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick 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 (#109)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT – MICHAEL D. THIBODEAU

NAYS: Senators: COLLINS, DUTREMBLE, MIRAMANT, PATRICK, VALENTINO

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-136) **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 **TAXATION** on Bill "An Act To Allow the Creation of a Local Option Sales Tax by Referendum" S.P. 211 L.D. 594

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

Signed:

Senators:
McCORMICK of Kennebec
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:
GOODE of Bangor
BICKFORD of Auburn
CHACE of Durham
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-135)**.

Signed:

Representatives:
MOONEN of Portland
RUSSELL of Portland

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to remind the Chamber of something that was said earlier today, which I absolutely agree with. The good Senator from Androscoggin said at one point that we should do nothing up here in Augusta that gets in the way of our local decision makers. This bill in front of us really, really exemplifies why he is so correct. We should be allowing our local communities to make decisions around taxes. They are closest to the people. They understand their businesses. We get up here, we hear stories about what happening in our downtowns. They are actually living in their downtowns every single day as city councilors, as business owners. I just want to remind the Chamber of the good Senator from Androscoggin's quote and statement, which I completely agree with. Thank you, Mr. President.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Annuity Considerations from Tax" S.P. 237 L.D. 644

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-134)**.

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 Not to Pass**.

Signed:

Senator:
LIBBY of Androscoggin

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Support Maine's Tourism Marketing Promotion Program by Eliminating the Sales Tax Exemption for Casual Rentals for Fewer Than 15 Days a Year"

S.P. 247 L.D. 689

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

Signed:

Senators:
DAVIS of Piscataquis
LIBBY of Androscoggin

Representatives:
GOODE of Bangor
BICKFORD of Auburn
CHACE of Durham
MOONEN of Portland
RUSSELL of Portland
SEAVEY of Kennebunkport
SKOLFIELD of Weld
STANLEY of Medway
SUKEFORTH of Appleton
TEPLER of Topsham

The Minority of the same Committee on the same subject reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-132)**.

Signed:

Senator:
McCORMICK of Kennebec

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That 5 Percent of Signatures on a Direct Initiative of Legislation Come from Each County
S.P. 272 L.D. 742

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

Signed:

Senators:
CYRWAY of Kennebec
COLLINS of York

Representatives:
LUCHINI of Ellsworth
DILLINGHAM of Oxford
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
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

Representatives:
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth

Reports **READ**.

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Majority **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 Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

Six Members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require Large Employers To Report Compensation Information"

S.P. 355 L.D. 1015

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-141)**

Signed:

Senator:

PATRICK of Oxford

Representatives:

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

Six Members of the same Committee on the same subject reported in Report "B" that the same **Ought Not to Pass.**

Signed:

Senator:

CUSHING of Penobscot

Representatives:

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

Reports **READ.**

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** Report "B", **OUGHT NOT TO PASS.**

Senator **PATRICK** of Oxford requested a Division.

THE PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Patrick.

Senator **PATRICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I put this bill in because I think everyone in America knows that there is an income equality problem. Senator Ted Cruz, in January 2015, said we're facing, right now, a divided America when it comes to the economy. It is true that the top 1% are doing great under Barack Obama. Today the top 1% earn the higher share of national income than any year since 1928. President Obama, December 4, 2013, said economic inequality is a defining issue of our time. Whereas in the past the average CEO made about 20 to 30 times the income of the average worker, today's CEO now makes 273 times more than the average worker. Meanwhile, a family in the top 1% has a net worth 288 times higher than that of a typical family, which is a record for this country. Even now, since 2013 when President Barack Obama made his statement, that 243 times has now jumped up to 273 times a CEO has gained compared to an average worker. There is also widespread agreement, I think, that the staggering levels of inequality we face come with serious consequences for all of us. Just to name a few: massive inequality is bad for our economy. It translates into lower wages and reduces purchasing power, which is a poison pill for our economy in which consumer spending is

70% of our economic activity. Growing inequality undercuts upward mobility and undermines a shared core value of equal opportunity. There is a large body of research showing that increased inequality translates into reduced upwards mobility. Inequality also undermines democracy, as former Supreme Court Justice Louis Brandeis famously said, "We can have democracy in this country, or we can have great wealth concentrated in the hands of a few, but we can't have both."

This bill aims to have the highest paid executive salaries of a company with 100 employees or more compared to the lowest worker. In Maine, all you have to do is look around and it's pretty prevalent. What's the pay of CEOs in hospitals? Some of them are up to \$2 million to \$3 million. When we take a look at our corporate executives and our CEOs, one comes to mind. Before my mill in Rumford was sold the owners were NewPage. I was so fortunate to have our CEO of NewPage Corporation drive us into bankruptcy and he got a \$12 million bonus for bringing us into bankruptcy and bringing us out of it. It was a good deal because we stiffed the bond holders for \$1.8 billion, which I'm glad we were able to come out of it that way and we were sold. I'm hoping that we're better off for it because we now have a paper company that owns us. If we continue to bury our head in the sand and not look at income equality, and what it's doing to us, because I've never met a 1 percenter and I don't think anyone here, although some of you may have done well along the road through life, fit within that. I think it's a good thing to shine some light on the disparity between those that have and those that have not. 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, honestly, this bill is practically not even worth addressing, but I will address it. First of all, the Wall Street Reform and Consumer Financial Protection Act of 2010 does stipulate that when there is a publically traded company that that company does have to disclose CEO pay. Secondly, Senator Patrick is very fond of bringing a lot of his personal issues here to the State House. He mentions NewPage. NewPage, I'm guessing, the CEO probably did not live in the state of Maine. Would the State of Maine have jurisdiction over someone living outside of the state of Maine? My guess is no. We would have no authority to require them to report to us. In the United States of America we value privacy. In the case of privately held corporations, I would say that this bill really violates a lot of what we hold dear. I ask that you follow my light. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I've been reading different articles because of information like this that show that there is a line of instability that occurs in the greater wealth inequality. I won't get into details of it. The other part I'm noticing, I try to go to different committees and listen to bills being heard, listen to the debate, so I can bring some information to my votes here, some knowledge that comes from it. I just noticed that bringing the personality divides is not helpful to this debate. I've seen that only in the LCRED Committee, and I hate to report that. Now I see it appearing on the floor and I hope that Leadership will do something about it.

At the request of Senator **PATRICK** of Oxford a Division was had. 23 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "**B**", **OUGHT NOT TO PASS**, **PREVAILED**.

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:

Emergency Measure

An Act To Allow a Sales Representative To Serve Alcoholic Beverages at a Tasting Event

H.P. 251 L.D. 364
(H "A" H-185 to C "A" H-175)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 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 his approval.

Ordered sent down forthwith.

Emergency Resolve

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

H.P. 144 L.D. 201
(C "A" H-180)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senators having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act Regarding the Confidentiality of Railroad Carrier Cargo
H.P. 323 L.D. 484
(C "A" H-181)

An Act To Amend the Laws Governing the Number of Agency Liquor Stores Allowed in a Municipality
H.P. 347 L.D. 508

An Act Regarding Write-in Candidates in Municipal and City Elections
S.P. 219 L.D. 626
(C "A" S-107)

An Act To Expand Turkey Hunting Opportunities
S.P. 279 L.D. 781
(C "A" S-103)

An Act To Exempt Certain Agricultural Buildings from the Maine Uniform Building and Energy Code
H.P. 815 L.D. 1182

An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses
H.P. 975 L.D. 1429

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

Ordered sent down forthwith.

An Act To Establish the Maine Length of Service Award Program
H.P. 122 L.D. 164
(H "A" H-177 to C "A" H-151)

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

An Act To Fund HIV, Sexually Transmitted Diseases and Viral Hepatitis Screening, Prevention, Diagnostic and Treatment Services
H.P. 442 L.D. 661
(C "A" H-174)

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

An Act To Fully Fund the Family Caregiver Respite Program
H.P. 909 L.D. 1337
(C "A" H-173)

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

HELD MATTER

Bill "An Act To Authorize the Carrying of Concealed Handguns without a Permit"

S.P. 245 L.D. 652
(C "A" S-119)

(In Senate, May 28, 2015, On motion by Senator **ROSEN** of Hancock, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).**)

On motion by Senator **ALFOND** of Cumberland, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119).**

Senate at Ease.

Senate called to order by the President.

On motion by Senator **VOLK** of Cumberland, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-119).

On further motion by same Senator, Senate Amendment "B" (S-153) to Committee Amendment "A" (S-119) **READ**.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I thank you for your indulgence this afternoon. I really do want to recognize the concern that many people have that criminals and bad actors are going to find access to firearms, and handguns in particular, and potentially use them and probably not pay too much attention to the laws of our state. My concern is for the law abiding folks and not wanting them to get themselves into any trouble. I have presented this amendment. It is somewhat similar to the amendment you heard about yesterday except that this amendment does not require any sort of form to be kept on sight by the dealer. This amendment

would simply add to the safety brochure that people already receive under state law now when they are purchasing a handgun. They would get the basic firearms safety information as well as information on where it is not permissible to carry. One of those things that some of us may not realize is that it actually is not permissible to carry at a slot machine facility. It's not permissible to carry at a union strike. Those are a couple of things that people would be able to learn from this information. The other bit of information that they would be able to learn, that they would be given, are the parameters around which it is permissible to use a handgun in self-defense. This would be part of that basic safety brochure which they currently are receiving. They would sign that in the presence of the dealer and then they would actually take the entire thing with them, including the piece of paper with their own signature on it. There would be nothing kept on file. It would simply call attention to the fact that perhaps this is something that may be worth reading. I think when you are asked to sign something, even if it's a document that you're going to take with you, there's a little more weight given to that rather than having it be shoved in a drawer or, even worst, put in the recycle bin. I present my amendment for your consideration and ask that you add it on to L.D. 652.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be very brief. I just wanted to state for the record that I have no objection to this amendment and, considering it's a preexisting brochure and we're adding information to it and there does not appear to be any added cost to it and considering that anything signed by the purchaser will be able to be taken home by the purchaser, I just want to state for the record that I have no objection to this amendment. I'll be supporting the amendment and I hope this Body will follow my light.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "B" (S-153) to Committee Amendment "A" (S-119) **ADOPTED**.

Committee Amendment "A" (S-119) as Amended by Senate Amendment "B" (S-153) thereto, **ADOPTED**.

Senate at Ease.

Senate called to order by the President.

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 (#110)

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

NAYS: Senators: ALFOND, BREEN, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-119) AS AMENDED BY SENATE AMENDMENT "B" (S-153)** thereto.

Sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 983

ORDERED, the Senate concurring, that Bill, "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest," S.P. 93, L.D. 255, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** to Monday, June 1, 2015, at 10:00 in the morning.