

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
Monday
June 15, 2015

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Senator Brian D. Langley of Hancock County.

SENATOR LANGLEY: Let us be in the spirit of prayer. Dear God, Your divine wisdom and power are abundantly sufficient for our many needs. Endow the members of this Body with the loyalty that never waivers and the courage that never falters as they seek to fulfill the high and holy mission which has been entrusted to them. Hear us, O God, we pray, that we may soon begin the summer months as we desperately need to be refreshed and renewed. Give new rigor to our efforts. Help us to always be mindful of the guiding hand of providence as we seek to better our state, country, and the world at large. Let us remember that we are not always the best arbiters of our own good, that we can be wrong about what is best for us, and that our own desires can sometimes bring us harm. Confident in Your assistance, we turn to You for Your protection and ask You to save us from the difficulties that we bring upon ourselves. Amen.

Pledge of Allegiance led by Senator John L. Patrick of Oxford County.

Reading of the Journal of Friday, June 12, 2015.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 439

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 15, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Androscoggin, Senator Mason to serve as President Pro Tempore. With this appointment Senator Mason will serve as President Pro Tempore for the start of the regularly scheduled session on June 15, 2015.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Focus Energy Laws on Energy Cost"

S.P. 521 L.D. 1400
(C "A" S-217)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-217)** (6 members)

In Senate, June 11, 2015, on motion by Senator **WOODSOME** of York, 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-217)**.

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

On motion by Senator **WOODSOME** of York, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Start a Pilot Program for Medical Substitution Treatment in a Local Community Setting"
S.P. 193 L.D. 524

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-203)** (8 members)

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

In Senate, June 11, 2015, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203)**, in **NON-CONCURRENCE**.

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

Senator **GRATWICK** of Penobscot moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#220)

YEAS: Senators: ALFOND, BREEN, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WOODSOME

NAYS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, THIBODEAU, WHITEMORE, WILLETTE, THE PRESIDENT PRO TEM - GARRETT P. MASON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **GRATWICK** of Penobscot to **RECEDE** and **CONCUR PREVAILED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates

S.P. 507 L.D. 1377
(C "A" S-212)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-212)** (6 members)

In Senate, June 11, 2015, on motion by Senator **WHITEMORE** of Somerset, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-212)**.

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

On motion by Senator **WHITEMORE** of Somerset, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Campaign Finance Reform"

S.P. 419 L.D. 1192

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-154)** (6 members)

In Senate, June 11, 2015, on motion by Senator **CYRWAY** of Kennebec, 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-154)**.

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

On motion by Senator **CYRWAY** of Kennebec, the Senate **ADHERED**.

Sent down for concurrence.

SENATE PAPERS

Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project (EMERGENCY)
S.P. 546 L.D. 1445

Presented by Senator **HAMPER** of Oxford.
Cosponsored by Representative **ROTUNDO** of Lewiston and Senators: **CUSHING** of Penobscot, **KATZ** of Kennebec, Representatives: **GRANT** of Gardiner, **MARTIN** of Eagle Lake. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

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

Senator **BREEN**: Thank you, Mr. President. I'm here to present a Legislative Sentiment this morning and I would request that the Secretary read the Sentiment.

Expressions of Legislative Sentiment recognizing: AJ Yarn, of Cumberland, who is the recipient of the 2015 EqualityMaine Young Leader Award. AJ is a senior at Waynflete School in Portland and has worked with Seeds of Peace and EqualityMaine and created a project called Faces for Equality, which is popular at Waynflete and at other New England schools. We extend our congratulations and best wishes to AJ on AJ's receiving this honor;

SLS 461

Sponsored by Senator BREEN of Cumberland.
Cosponsored by Representative: TIMMONS of Cumberland.

At the request of Senator **BREEN** of Cumberland, **READ**.

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

Senator **BREEN**: Thank you again, Mr. President. Men and women of the Senate, I'm proud to rise today to honor AJ Yarn, the 2015 winner of EqualityMaine's Young Leader Award. Since 1984 EqualityMaine has worked to secure full equality for lesbian, gay, bisexual, and transgender people in Maine through political action, community organizing, education, and collaboration. EqualityMaine envisions the day when lesbian, gay, bisexual, and transgender persons and their families have full equality in the hearts and minds of Maine people, as well as in all areas of law. Living in Cumberland, AJ just graduated from Waynflete High School in Portland. AJ has worked with Seeds of Peace and EqualityMaine for most of AJ's high school career. Also AJ joins Students for Safe School's leadership team at the beginning of the sophomore year and after three years on the team became the team's student leader. The summer before, junior year, AJ attended the Maine session of the Seeds of Peace International Camp, learning how to resolve conflict locally and globally. AJ also attended a Harvard mediation training this past year and last summer interned for EqualityMaine as a communications intern and took part in their new leader's project. During junior year of high school, AJ created a project called "Faces for Equality", which became popular not only in AJ's school but in others throughout New England. The project consists of students and faculty being photographed holding signs with their identity; bisexual, gender queer, transgender, and so on. The purpose of the project was to show that anyone could be queer and that no one is truly alone. The project also consisted of people holding a sign that said "Allies" to show their support for all the people in the school community. Faces for Equality is now an organization

with over 50 volunteers and they hosted a fashion show in Monument Square last month. AJ is smart in many ways, including picking an excellent climate in which to attend college. AJ will be going to the University of California at Santa Cruz in the fall and will focus on studies relating to running a non-profit, law, and gender and civil rights. Mr. President, I hope you will join me in extending the Senate's congratulations and in wishing AJ continued success in all future pursuits.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber AJ Yarn and Claire Yarn. They are the guests today of the Senator from Cumberland, Senator Breen. Would they please rise and accept the greetings of the Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines"

H.P. 775 L.D. 1124

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-406)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-406)**.

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

READ ONCE.

Committee Amendment "A" (H-406) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Child-resistant Packaging for Products Containing Liquid Nicotine"

H.P. 290 L.D. 423

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-405)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405)**.

Report **READ**.

On motion by Senator **BRAKEY** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"

H.P. 270 L.D. 404

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**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm just going to briefly go over what this bill does or doesn't do. This bill would

make it illegal for public sector union members to pay their dues through payroll deductions, even though members negotiate this through collective bargaining with their employers. Payroll deduction is an efficient, 21st Century method of making payments and it is how union members chose to pay their dues. This bill does nothing to prevent workers from contributing to other organizations via payroll deductions, such as the United Way or other charitable organizations. The bill is solely designed to single out unions and would not survive a court challenge. Please vote against the pending motion. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Colleagues of the Senate, I rise today in support of the pending motion. While I recognize the value that people place on membership in organizations, and certainly the professional relationship that many people have with their unions, I question whether or not the State should be the agent to automatically deduct from someone's paycheck a portion of funds that they worked hard for, funds that are provided through the taxes assessed on the citizens of this state, to go to causes that promote, predominately through their efforts, a political agenda when it comes to the activities in this Body and in the campaign world. I think that it is appropriate for any organization to have the right, as do organized labor unions, to express themselves and their opinions. I think it is within their right to hold accountable elected officials for how they vote on issues that are important to them. The question I have, Mr. President, is whether the State of Maine should act as the mandatory unit to withdraw from peoples' pay those funds. There are, I believe, unions in the State of Maine, I believe the Maine State Troopers Association is one of those, where the membership in that is valued by the members because they have to voluntarily agree to participate in that. I recognize that in this state you cannot be compelled to be a member of a union, but you are compelled to pay the cost associated with that and I think, Mr. President, it's time that we give close to 25% of the State employees who may not wish to participate in this method the right to decide whether the values they see from that organization should be paid for with their hard earned money. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, that's a good argument except that it's not quite what happens. We're talking about payroll deduction for an improved service and not talking about eliminating payroll deduction. You're not required to belong to a union, but if your union negotiates for all employees the federal courts have recognized that right and your obligation if you are getting a benefit to pay for it. They have to keep strict accounting of the time that they spend on negotiations only and only that part can be passed on to non-members. No part for their lobbying. No part for any union benefit. Because of bills like this, the accounting of that small part is very precisely accounted for and it's a very small part that they have to pay for and it's conveniently collected. That's all we're talking about at this point. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought 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 (#221)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, EDGECOMB, HAMPER, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, 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.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"

H.P. 328 L.D. 489

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" (H-367)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot

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

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

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

Senator **PATRICK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in opposition to this bill. L.D. 489, An Act to Ensure the Right to Work Without Payment of Dues or Fees to a Labor Union as a Condition of Employment. This bill would make Maine a so-called right to work state for both private and public sector workers. Federal law states clearly that no one can be forced to join a union. Currently union members can negotiate with employers that all represented employees pay the cost of negotiating representation since unions have an obligation to represent all workers in the bargaining unit. This bill interferes with the collective bargaining with the employer - worker - labor relationship. I would say, Mr. President, this bill has been before this legislature over the last 30 years numerous times and I know, myself, in the 125th when I started my Senate career in the Minority, that these bills came forward in committee and I don't even think they made it out of committee when the Republicans had the House, Senate, and Governor's Office. I am thankful that commonsense prevailed over these bills in the past and I would say that I don't believe anything has changed, Mr. President, and I would ask everyone to follow my light and vote in opposition to this pending motion. Thank you, Mr. President.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise in support of the pending motion and I want to take the opportunity to dispel some of the myths and half-truths we hear about right to work laws. Right to work laws make union dues voluntary. Without right to work laws unions negotiate contracts that force workers to pay dues or get fired. Right to work laws protect workers' freedom. The National Labor Relations Act also protects the right of workers and right to work states to unionize. Unions currently represent 4.4 million workers in 24 right to work states, including highly unionized Nevada, Iowa, and Michigan. Some argue that right to work laws undermine unions. The truth is right to work laws make union bosses work to earn workers' support. In the long run this can strengthen unions. Without right to work laws unions can take their members' dues for granted and provide lower quality representation. Gary Casteel, the Southern Regional Director for the United Auto Workers, explains, "This is something I've never understood, that people think right to work hurts unions. To me, it helps them. You don't have to belong if you don't want to. So if I go on an organizing drive I can tell these workers, 'If you don't like this arrangement you don't have to belong,' versus 'If we get 50% of you then all of you have to belong, whether you like it or not.' I don't even like the way that that sounds because it's a voluntary system and if you don't think the system's earning its keep you don't have to pay." Again, that's Gary Casteel, the Southern Regional Director for the United Auto Workers.

Some argue that right to work laws allow non-union members to free ride on the benefits of union representation without paying its cost. The truth is that unions voluntarily represent non-members. The Supreme Court has repeatedly ruled that the National Labor Relations Act allows unions to negotiate contracts covering only dues paying members. As Justice Brennan wrote in *Retail Clerks vs Dry Line Goods* in 1962, "Members only contracts have long been recognized." Unions represent non-members only when they act as exclusive bargaining representatives which requires non-members to accept the union's representation. In that case, the law requires unions to represent non-members fairly. They cannot negotiate high wages for their supporters and minimum wage for non-members, for example. Unions can avoid representing non-members by disclaiming exclusive representative status. Some argue that right to work laws provide no economic benefits, however we have seen that companies consider right to work laws a major factor when deciding where to locate. Organizing victories bring in a lot more money for a union in a jurisdiction with compulsory dues. Consequently, unions organize more aggressively in places without right to work laws. Companies, in turn, want to know they can avoid being targeted by union organizers if they treat their workers well. Right to work laws makes that more likely. Economic development consultants report that roughly half of all major businesses refuse to consider locating in jurisdictions with compulsory dues. The Bureau of Labor Statistics data shows that between 1990 and 2014 total employment grew more than twice as fast in right to work states as in states with compulsory dues. Some put out the claim that right to work laws lower wages. Again, when we look at the data, workers have the same or higher buy-in power in right to work states.

Opponents often derive voluntary dues as right to work for less. Average wages in right to work states are indeed slightly lower than in non-right to work states, but this occurs because almost every Southern state has a right to work law and the South has a lower cost of living. Studies that control for differences in

cost of living find workers in states with voluntary dues have no lower and possibly even slightly higher real wages than workers in states with compulsory dues. Finally, we hear that right to work laws divide Americans, but Americans overwhelmingly support right to work laws. Recent Gallop Polling finds that Americans support right to work laws by a 71% to 22% margin, better than 3-1. Independents support right to work 77% to 17%. Republicans support them 74% to 18%. Democrats support them 65% to 30%. Polling also shows that union members, themselves, support voluntary dues by an 80% to 17% margin. Voters also reward politicians who support voluntary dues at the polls. Not a single Michigan legislator who voted for right to work laws in 2012 lost in the November General Election. Right to work laws remain controversial primarily among union officers, not the general public. The arguments against right to work laws do not withstand scrutiny. Right to work laws give workers a choice over where their money goes. This freedom forces unions to earn their members' support. It also attracts businesses and jobs. The law should not force anyone in Maine to pay union dues as a condition of employment. Thank you very much, Mr. President. I appreciate the time.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought to Pass as Amended 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 (#222)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, DAVIS, EDGEComb, HAMPER, LANGLEY, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Conform Maine Law Regarding Persons Prohibited from Possessing Firearms with Federal Law"

H.P. 413 L.D. 600

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-389)**.

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
LAJOIE of Lewiston
NADEAU of Winslow
WARREN of Hallowell

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

Signed:

Representatives:

GERRISH of Lebanon
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

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-389)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-389) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure That Wages and Benefits of Maine State Employees Serve a Public Purpose"

H.P. 897 L.D. 1319

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" (H-346)**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

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

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

Senator **CUSHING**: Thank you, Mr. President. Colleagues of the Senate, I rise today to reflect on the pending motion. This is a Resolve to allow for the review of the different benefits that have been negotiated previously for State employees as it relates to time off, particularly in relationship to activities that may benefit membership in their union or activities that may have personal time that would permit the use of that in political activities. These men and women who work for the State of Maine are fine individuals, many of whom believe passionately in the principles of their organization. I respect that. I may not believe in some of the same goals that they seek to promote, but in this case we're talking about whether or not we owe it to the citizens of Maine to review and provide transparency to how collective bargaining arrangements provide benefits to those who are involved in

organizations that perpetuate activities for their own good. Mr. President, if we were also including the United Way, the YMCA, fraternal organizations, Boys and Girls Clubs, maybe we could have an honest discussion about the community service aspects of this but, honestly, in my opinion, Mr. President, this serves the goals of furthering the objectives of an organization that many times works adverse to the benefits of all citizens of Maine. I would like, Mr. President, to encourage my colleagues to follow my light in support of the pending motion. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this bill would make it illegal for any public employee to conduct any labor management activity during work time. This bill is unworkable. Many managers appreciate a prompt fix to a problem as they arise and would prefer to deal with issues immediately rather than waiting until after work to address concerns or emergency issues that arise during the course of a work day. This has to do with public employees. I understand that, but I can give you my explanation as a private employee. I'm a former shop steward. I'm a former union president. In many of the times that I had to work to adjust grievances or help the company solve problems was beneficial to the company. As an employee, we would much rather do our job, but if you have 11,000 or 13,000 union employees in the State of Maine there's an awful lot of labor management issues that come forward. This bill actually looks to take away the ability of those shop stewards and other union officials to work with the State in order to solve problems and some of the things that are at issue. When I become a shop steward I knew nothing about it. They sent me to shop steward training. That was invaluable to me and to the company because if I know how to settle grievances and gripes and problems it's most cost effective to the company because if I have an employee that's disgruntled with a company, and there's a potential violation, it actually is counterproductive to both the employee and the employer. I would ask those that have followed my light in the previous bills to also follow my light and vote in opposition to the pending motion. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. I just want to remind members of the Body that this motion that we're voting on is actually an amendment which just creates a Resolve to direct the department to study the issue of how much union release time there actually is in our State contracts, what's that costing our state taxpayers and ourselves. This does not make any changes to State law at this time. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought to Pass as Amended 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 (#223)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, EDGEComb, HAMPER, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

H.P. 176 L.D. 244

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-395)**.

Signed:

Senator:
LIBBY of Androscoggin

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

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

Signed:

Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:

GREENWOOD of Wales
PICKETT of Dixfield
TUELL of East Machias
TURNER of Burlington

Sent down for concurrence.

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-395)**.

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator **EDGECOMB** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend the Maine Spruce Budworm Management Laws"
S.P. 315 L.D. 870

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

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

READ ONCE.

Committee Amendment "A" (S-252) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator **BURNS** for the Committee on **JUDICIARY** on Bill "An Act To Update Maine's Family Law"

S.P. 358 L.D. 1017

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-254)**.

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

READ ONCE.

Committee Amendment "A" (S-254) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Lower Energy Costs and Increase Access to Solar Energy for Agricultural Businesses"
S.P. 376 L.D. 1073

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

Signed:

Senators:

MASON of Androscoggin
HILL of York

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
O'CONNOR of Berwick
RYKERSON of Kittery
WADSWORTH of Hiram

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-253)**.

Signed:

Senator:

WOODSOME of York

Representative:

HIGGINS of Dover-Foxcroft

Reports **READ**.

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senate at Ease.

Senate called to order by President Pro Tempore
GARRETT P. MASON of Androscoggin County.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Base the Excise Tax Imposed on the Purchase of a Motor Vehicle on the Price Paid"

H.P. 77 L.D. 94

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-327)** (5 members)

Tabled - June 9, 2015, by Senator **MCCORMICK** of Kennebec

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 8, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 9, 2015, Reports **READ**.)

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

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

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is that hideous tax that we've all heard about. It's been called the irritating, frustrating, unfair tax, of the IFU tax. What basically that does, what everybody complains about, all of our people back home, is this is the excise tax that when you buy a vehicle at a car lot there's a tag on that called the Monroney tag. The Monroney tag gives you the price and the mileage and all these things we want. It also has the sticker price. When you buy that vehicle, say it's \$25,000, you work a deal and you pay \$19,000, and when you go to pay your excise tax you pay on the full sticker price. That is what is so irritating. That's why people complain about this so much. The Taxation Committee decided to have a sub-committee, which I was honored because they asked me to serve on the sub-committee to look at this because in my previous life we worked on this several times and tried to find a way to overcome the loss

of money to local municipalities. We understand excise taxes are very important. What this will simply say is it'll reduce the sticker price, that is the price you pay the excise tax on, by 10%. If you buy a vehicle for \$20,000 your excise tax, instead of being \$20,000 even though you paid \$15,000, would at least be deducted by 10%. Again, this is the tax that people really get furious about, and I don't blame them. If we could pass this then maybe we can find a way, that 10% I know is significant, to make this work. At least the fairness aspect of this has to be discussed and I think for us simply to kill the bill without another some sort of an effort would be less than appropriate and I think our people back home would really want us to do something with this. Again, you talk with anybody and say, "You're going to be charged an excise tax on the price you did not pay." Anything else you buy you pay the tax on what you pay. This one is different. You pay on the Monroney price. You pay on the sticker price. It really is something that needs to be aired out a little bit more and hopefully get your consideration. Thank you, Mr. President.

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

Senator **MCCORMICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do not disagree. This is a perennial bill and a tax that many people feel is unfair. I would caution people, though, as we discuss forever the impact on property taxes. The fiscal note to the municipalities for this bill would be \$20 million. That would definitely affect your property tax also. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Kennebec, Senator McCormick to Accept the Majority Ought Not to Pass Report, in 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 (#224)

YEAS: Senators: ALFOND, BREEN, DUTREMBLE, EDGEComb, GRATWICK, HASKELL, KATZ, LIBBY, MCCORMICK, PATRICK, VALENTINO, VOLK

NAYS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, GERZOFKY, HAMPER, HILL, JOHNSON, LANGLEY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/15) matter:

JOINT ORDER - Joint Study Order Establishing a Work Group To Plan the Transition to Funding Fifty-five Percent of Education Costs and One Hundred Percent of Special Education Costs as Mandated by the Voters at Referendum
S.P. 529

Tabled - June 8, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **VOLK** of Cumberland to **ADOPT** Senate Amendment "A" (S-208)

(In Senate, May 14, 2015, **READ**.)

(In Senate, June 8, 2015, Senate Amendment "A" (S-208) **READ**.)

On motion by Senator **VOLK** of Cumberland, Senate Amendment "B" (S-246) to Senate Amendment "A" (S-208) **READ**.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to speak for a moment about the Joint Order which this would amend and comment on the nature of this amendment. The Maine School Finance and Tax Reform Carry-over Measure, known as Question 1, was on the June 8, 2004 ballot in Maine as an automatic ballot referral where it was approved with 55.08% of the votes. Question 1, Do you want the State to pay 55% of the cost of public education, which includes all special education costs, for the purpose of shifting costs from the property tax to State resources? That measure required the State to pay 55% of the total cost of public education for kindergarten through grade 12 and 100% of the cost of special education services that are mandated by federal or state law. It directed the Taxation Committee of the State Legislature to report out legislation that would generate the additional revenue necessary to achieve these funding levels. After nearly 11 years, this initiative has yet to be implemented. Clearly, doing so isn't easy or we would have achieved it long ago, but I submit that 11 years is long enough and there are more fundamental reasons why this clear mandate of the people has not yet been achieved. First, like all difficult achievements that take time, it needs a real plan, not wishful thinking. Second, the voter mandate must be honored by then following the plan, or even improving on it, not undermining it. Remember, the voter mandate is to lower property taxes through those State education funding targets. That means this Legislature and Chief Executive must make doing so a higher priority than lowering other taxes, which is not a voter mandate, and a higher priority than funding tax spending programs, also not voter mandated. Any vote for net reduction in State revenues instead of assigning those revenues to education

towards achieving what Maine voters decided 11 years ago, is a vote that expresses contempt for Maine voters.

Honoring the 2004 Question 1 commitment starts with a plan, a plan that identifies what revenues will be made available to get us to the 55% of education funding and 100% of mandated special education services. That is exactly what this Joint Order, without the amendment, is all about. It puts in place a bi-partisan working group of members from Taxation, Education, and Appropriations to create the plan. Each of us here are here because of a will of the people expressed through the ballot box. If you truly believe in that will of the people and fundamentally believe, as I do, that we are here to represent Maine people, then you will vote for the Joint Order in its original form. This is our chance to show true leadership by correcting the failure of this and prior legislatures to meet this obligation to the people of Maine. Let's pass this Joint Order, a clean Joint Order, and plan how to get the job done. Our percentage of K-12 public education funding was at its highest at 52.9% when the law took effect. It's been as low as 44.9% since then. It's now poised to be 45.5% in the proposed budget. A little higher if we succeed this week in passing a different budget. Meanwhile, Damariscotta and Jefferson, in my district, and other towns in Maine have serious budget problems due to the high cost of special education not reimbursed by the State in accordance with this Maine law. The students need services and towns are mandated to provide under federal law and many towns in Maine are struggling to pass school budgets just because of the 10% shortfall in overall State funding of education. In the last session there was a lot of talk about paying our bills to hospitals and we got it done. Our balance due for underfunding education, failing to pay what the Question 1 law requires, is cumulatively over \$1.2 billion since fiscal 2008. How long are we going to ignore that obligation?

We all know balanced budgets are constitutionally required. Within that restraint, tax reforms or changes that are not net revenue neutral or positive are one thing, but reducing net revenues through income tax cuts, reduction in estate tax and corporate tax rates are something else entirely. I would like to know, on behalf of the voters of Maine, how any legislator can justify reducing revenues instead of applying those revenues towards meeting our legal obligation to fund 55% of K-12 public education, including 100% of special education, so municipalities can lower property taxes. The cost to do so in the present budget would be roughly \$200 million, but I'm not asking you to accomplish all of that right now. I'm asking for a good faith planning process to get there. Wishful thinking instead of planning is not the kind of leadership expected by the people who sent us here. After 11 years of still not complying with the law, how can any of you view our failure to do so as anything other than an act of contempt for their wishes? The question before you is not difficult to understand. Maine people are watching what we do here today and I'm telling you it's time we figured out how to pay the bill for education.

What do these amendments have to do with fixing this? Nothing. The change of purpose and membership are irrelevant to the EPS funding calculation, which is the basis for figuring out what 55% is for the State to fund. If a school system negotiates and pays a wage higher than a regional labor cost the EPS formula scales down the labor cost, the funding, for teaching staff in that school to that regional value. The amendment presumes facts not in evidence regarding what drives school costs and relevance to the State EPS formula. I urge you to vote with me in opposition to these amendments. Thank you.

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

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Adopt Senate Amendment "B" (S-246) to Senate Amendment "A" (S-208). 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 (#225)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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 **VOLK** of Cumberland to **ADOPT** Senate Amendment "B" (S-246) to Senate Amendment "A" (S-208) **PREVAILED**.

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 PRO TEMPORE: The Chair recognizes the Senator from Cumberland, Senator Millett.

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be very brief. I'm requesting a roll call on Senate Amendment "A", just to be clear, because we just had a roll call on Senate Amendment "B". I'm in opposition to both amendments. I concur with my good colleague that this issue is very critical. We, in the Education Committee, have spent numerous and calculable hours discussing how underfunding of education has left our schools and our administrators struggling to address things such as professional development, implementing policies that this good Body have voted in support of, and until we address funding we are really tying the hands of our educators behind their backs. The amendments, as proposed, do nothing to address that issue at hand. In fact, I'm quite distressed with the Senate Amendment "B" that took away the bi-partisan nature of a taskforce that would serve. With this amendment, now that is no longer required. If anybody follows the work of the Education Committee, a lot of our work happens on that basis and results in some very strong policy discussions and decisions. Lastly, I would just say that, to

address the issue of teacher negotiations, I certainly would welcome addressing that issue in a bill on its own. Thank you.

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

Senator **MILLETT** of Cumberland requested and received leave of the Senate to withdraw her request for a Roll Call.

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 (#226)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, Senate Amendment "A" (S-208) as Amended by Senate Amendment "B" (S-246) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246) thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Patient-directed Care at the End of Life"

S.P. 452 L.D. 1270

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass** (6 members)

Tabled - June 10, 2015, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, June 10, 2015, Reports READ.)

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **KATZ:** Thank you very much, Mr. President. Men and women of the Senate, some issues are easier than others and I suspect that this one will be a very personal decision for each of us and we will view it through the lens of our own personal experiences. I think all of us remember Brittany Maynard. She was the beautiful, poised, and accomplished 29 year old whose story captivated all of us over the past year. As you may remember, in 2014 Brittany was diagnosed with a particularly aggressive form of breast cancer. She went through treatment but the cancer returned and her diagnosis was changed to terminal and she was given only a few months to live. She bravely and publicly announced her intention to become a resident of the State of Oregon, which has an End of Life Law, so that she could participate in their process. Her words are profound. With her husband by her side, she wrote, "Goodbye to all my dear friends and family that I love. Today is the day I have chosen to pass away with dignity in the face of my terminal illness; this terrible brain cancer that has taken so much from me but would have taken so much more. For people to argue against this choice for sick people really seems evil to me. They try to mix it up with suicide and that's really unfair because there is not a single part of me that wants to die, but I am dying," she said.

This premise for this legislation, ladies and gentlemen, is very simple; a competent adult ought to have control over his or her own life, generally free from government interference. We already honor that principle in many ways now. We have the right to make medical decisions for ourselves and to refuse treatment if we choose to refuse it. Even if others think that that treatment might help us and be best for us, we get to decide what's best for ourselves. These libertarian ideals are engrained in our society and in our law, but life is a continuum and just as we respect a person's right to make their own decisions during their own life that same ability should extend to decisions at the end of life as well. It's about dignity. It's about self-determination. It's about the right to choose one's own path. Admittedly, this path is not without its challenges, but we can deal with those challenges as other sister states have.

Again, Mr. President, this bill is simple in its goal. If a competent terminally ill patient, who doesn't have long to live, makes an informed decision to end his or her life sooner rather than later a willing physician should be able to assist that person with an appropriate prescription to be administered only by the person who is dying, not by anybody else, but only by the person who is dying. I suggest it should be each individual's right to decide because it is their life and no one else's. For a cancer patient whose palliative care doesn't curb their incredible pain despite the best efforts of doctors and hospice, for the ALS

patient who wants to make his or her own end of life decisions, that right ought to exist.

Let me quickly walk through the bill with you, a bill which really comes from the experience in other states and is carefully crafted over years by people in other states. First of all, Mr. President, it's important to note all the safeguards which are built into this bill. A patient first has to orally request this life ending medication from a doctor. The doctor has to certify that the patient is terminally ill. The doctor has to refer the patient for a second opinion on terminal illness. That's not it though. A second request now has to be made by the patient, at least two weeks after the first request. Even after that that's not enough. A written request has to then be made by the person, acknowledged by two witnesses who don't have anything to do with the patient, are not interested, are not heirs, not the doctor himself or herself, but disinterested witnesses. Then, and only then, Mr. President, if a physician is willing to, and again I emphasize a willing physician, they can write that prescription for phenobarbital or some other similar drug that can be filled by a willing, and I again emphasize willing, pharmacist. There are plenty of protections which have been built into the law to make sure that it is appropriately used.

I know that this proposal elicits strong emotional responses from people on both sides. To those who have strong religious beliefs and cannot bring themselves to vote for a proposal like this, I honor those beliefs and suggest you follow those principles. There are other arguments here which I think that argue in favor of it. For those of you who don't have those strong religious principles, I ask you to consider those.

There are a number of objections to this bill, but first of all let me say that the good news is we have considerable experience in this country from elsewhere where we can look to about how this would actually play out. Oregon has had a similar law since 1998, Mr. President; 17 years ago. Washington has had a similar law for the last 6 years. They have been joined by Montana, New Mexico, and 2 years ago our neighbors in the state of Vermont. Similar legislation is pending in many, many other states.

We've heard many fears about this bill and they are fears which, frankly, I have worried about myself, that doctors would wrongly prescribe medication for people who really aren't eligible. There have been 9 separate studies now in the state of Oregon which have proven those fears unfounded. Over all those years in Oregon, Mr. President, only 1,100 people have chosen to receive a prescription. What's interesting to me is of those who received it only 750 have chosen to actually ever use it. Last year 62 doctors wrote 122 prescriptions in the state of Oregon; 95 of those people died in peace in their own homes. At the beginning, Oregon's medical community was lukewarm at best about this law and only 25 doctors took part in the beginning. That has changed. Of all the patients who have participated 82% have been cancer patients whose life was about to end. About 8% have been Lou Gehrig's Disease patients. Many people said they wanted to have it available at their bedside table and, as I said, never actually used it. Many of those feared a loss of autonomy, dignity, and decreased ability to participate in the activities of life that we all find make life livable.

Again, the law hasn't been misused. Some argue that since pain can be controlled there is no need for this option. Well tell that to someone who's in extreme pain from cancer, or make that decision for them. It just does not eliminate the suffering of some. I would suggest that, in true compassion, we should not judge the choices that other people, other than the dying person, chooses

to make about how they meet his or her own death. Some, Mr. President, are worried that this will promote elder abuse and, essentially, murder by greedy heirs. Again, it hasn't played out that way in any other state. Not a single case has been raised where that has been substantiated. There has been a concern that this will be used more by the disabled community. A legitimate fear, but, again, in Oregon not a single case has been suggested where this has been misused in that way. Additionally, you hear some who will say that the right to die may turn into the obligation to die; that somehow, as a society, we will use this as a way of lowering healthcare costs. I worry about that, but I respectfully disagree again for a couple of reasons. First of all, this isn't suicide. These people who are qualifying are already dying. Secondly, again, study after study has shown this just hasn't proven out. You hear, Mr. President, that hospice does a great job and that this law will somehow replace the great work these people can do. My own parents passed away and had hospice care. Those people who cared for my folks were angels. End of life care and hospice and the right to use this procedure are not mutually exclusive. People will still have the choice of whether to use generally palliative care. Again, we can ignore the contrary, but the fact is that palliative care just doesn't work with everyone.

No one, Mr. President, is suggesting that we legislate by public opinion poll, but a recent Gallup Poll showed that 74% of people in this country agree that this option ought be available for themselves and their families. Only 14% disagree. Support cuts across generations, across gender, across political parties, and, although the Maine Medical Association did testify in opposition to this bill, even physicians nationally, a majority of them, are in favor of this type of legislation, and just last week the California Medical Association voted to withdraw its opposition to end of life legislation in that state.

Let me end, Mr. President, with a few words from others, people who learned about this bill and sent me messages on Facebook. They are representative of the dozens and dozens of people who have weighed in on this, almost all in favor of this law as long as it is carefully crafted. One person wrote, "I understand the objections and, of course, those who have such objections will never exercise this, but for those who wish to die on their own terms before a crippling incident robs their memory or strength or causes them unyielding pain, we, as a society, are doing more harm than good if we prevent them from access to such methods to end their suffering." Another person wrote, "I totally agree with giving people control after watching my Mom struggle and through my own hospice work." Another wrote, "When a terminally ill person accepts death it's our turn to be selfless and honor their wishes." Another, "This is about freedom, the cornerstone on which this country is governed. If your belief causes you to choose to sustain life with life sustaining suffering that is your choice. If not, then you should be equally free to choose how to end your own life." The next to the last thought, "It is between a person and their God."

Lastly, Mr. President, I would just say that I know we will all view this bill with a prism of our values and our own experiences, but I hope you will join me in making this most basic right available to our families and our communities. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, as a Senator alluded to, it was a very emotional hearing at the committee and something that made it even more so for me was the request from my father-in-law to come and testify, which made me want to support him. I've known him for 36 years. I really respect and admire him and the thought of him not being around to bounce ideas off of, to share the love and events and joys and sorrows that we've had made me sad and made me also want to honor his request and one that my wife and I have spoken of about having these kinds of choices. Once we knew about Oregon and what they provided and then what's lead to other states to provide, it seemed fair as long as it was well protected. We looked into the bill we really felt that it was. The concerns that someone would be clear headed about the choice, wouldn't be just trying to escape a momentary pain, would have to make sure that they expressed their wishes to more than one person at more than one time. All of these were taken into account with lots of experience behind us. We're not having to recreate something here, or initially create something. The testimony was overwhelmingly in favor and yet I don't ask you to just go on anybody else's testimony. I ask you to look in and see what you'd like for the people you love. That made it hard to even speak about that. I knew what I wanted for me but I was speaking for this wonderful man who has so much to offer, but I also know that he can take a lot of pain but he made choices about what's best for his life. It is his life, it is my life, and it's yours. If you choose not to you don't have to, but please allow those who would like it the chance to end their life in the way they choose. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, I rise in support today of L.D. 1270, too. This has been the most difficult issue I've had to deal with in the Legislature, both from a personal and a professional point of view. I believe that the final question of life and death must be focused on the patient, on what the patient wants after due deliberation. A patient should be able to choose to maintain life with all measures, to choose comfort measures, or to ask for help with passage over the threshold. The healthcare provider must be very careful, very thoughtful, and always respect the wishes of the patient. Thank you, Mr. President and ladies and gentlemen.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, the good Senator from Kennebec is correct. We all bring our own experiences to this decision. Sitting through the hearing was not an easy thing. People feel very strongly and passionately about these issues. I've had some experience with dying. I lost my first husband, as many of you know he was 53 years old, to lung cancer. He stayed at home and he had hospice care and it was extraordinary care. He made a choice, and those of you who might have known him would have appreciated, he said, "I would like to live until I die." That's just exactly the way he approached those last few months of his life. Lung cancer is not an easy one to watch, but I was given an awful lot of help and care. This is not a decision that he would have made because he had all of that good care, because I had

probably the biggest bottle of narcotics I've ever seen in my life, liquid, available to me, to be able to use to comfort him when we needed to, to relax him. I would ask, "Is there enough in here to end his life?" They said, "Probably, but do everything you can to make him comfortable." I had that option and he was comfortable. When he passed away his dog and I were on the bed beside him. Live until you die. That's the way he would have made that choice.

That choice isn't available to everybody. We found that out as we listened to the testimony. Some of these diseases don't lend themselves well to just big bottles of narcotics. Some of these are tough ones. Some people don't have the insurance that's going to get them hospice care, or think they don't have that care, or don't know to ask for it. They are left with other kinds of methods. That's the thing, frankly, that tipped me over the edge. For a while I was thinking, "Now we really need to improve healthcare in this state." We've got a bill coming about palliative care. It's an extraordinary bill. We need to pass that. We need to make sure there's excellent palliative care in our state. We need to make sure there's healthcare access for people all across our state, from one end of the state to the other. Should we do this until we have that? That's what I wasn't sure about. Then some of the testimony led me to change my mind. I'm going to be supporting this bill.

There are some people, and I'm sure you can imagine the ones that you might know in your life, who, when they're faced with that end of life decision without a process like this, have resorted to firearms. It's a tragic thing to think about because the impact on the family; of having somebody in your house use a firearm to end their life is very tragic and has a huge impact on that whole family and everybody they know. To think that individuals like that would not have access to a well-designed, physician supported method of ending their life, I made the decision that I'd like to make sure that those people don't ever have to resort to that kind of a method, that they are able to have carefully prescribed, well-defined, access to the end of their lives the way Peter did. Thank you.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it is a very personal choice, obviously, and it's already been said that we each bring our own experiences to it. For me, this bill is dealing with a very difficult matter; how to live your life to the end. I very much appreciate the thoughtful design of this bill to provide protection against the things that the good Senator from Kennebec spoke of, Senator Katz, so that we don't have a problem with allowing this decision, this choice, for a terminally ill person to open the door to abuses. I think this bill is wisely constructed to protect against that. Others have spoken to some aspects of that, but I wanted to share with you that, for me, for someone to decide to keep their dignity while knowing they will be dying soon is very important. This bill honors their choice to meet their imminent and certain death on their own terms.

I'd like to speak for a moment about pain and suffering. Obviously, different people experiences in how they pass and how they choice to meet it differ. Everyone should have the ability to make those choices to the end. What this bill allows is for someone who has the prospect of losing all of their sense of identity, or all of their ability to retain some dignity and interaction

with people in their lives, or an overwhelming pain and suffering, to know that there is a choice that they can make to end life on their own terms when they are terminally ill. I'd like to share with you some comments sent to me by someone who is a recently retired hospice social worker, spent decades of their life on end of life care. She spoke of how she supports this bill and that it's desperately needed by the terminally ill whose physical and mental suffering is beyond the scope of palliative care, superb medications, and psychosocial support. She says, "I and my hospice colleagues can recite verbatim the stories of patients whose suffering continued in spite of the best medication and psychosocial support. Why do we remember? Because the suffering we witnessed will always stand in stark relief to the promise we made to all patients that no one will die in pain." She talks about a woman, still relatively young at 45, dying of amyotrophic lateral sclerosis, ALS. She'd been ill for years and spent her last months in their hospice house with her therapy dog by her side. She couldn't move, speak, and barely swallow. As it progressed, she talked about how no medications took away her pain and what she remembers the most is opening the door to the hospice house and hearing her screams. She goes on to say, "I know that she would have wanted this option if it were available. She begged for it." She went on about another gentleman, an engineer with a brilliant mind, with end stage colon cancer. He became so agitated that for four hellish weeks his family could not keep him in bed. It was as though his brain was on fire and up all night. He walked the hall and garden paths. The anxiety never subsided. They tried every drug and combination of drugs, every alternative therapy available. As a palliative care physician shared with me, at the end of life, as the body shuts down, everything changes and sometimes medications have no impact at all on suffering.

I hope whether you believe that this could ever be the right option for you or not that you'll keep in mind that every person's journey through life is their own and we should allow them the decision, the opportunity, through this bill to make those decisions for themselves with the wise safeguards that this bill puts in place against abuse. I hope you will join me in supporting the pending motion. Thank you. Sorry, I meant to say in support of the bill, not the pending motion. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the pending motion. I realize that many of you, probably like me, are reaching a point in life where you are dealing with some of these issues personally and, unfortunately, in my family we lost my father to a sudden illness where palliative care was necessary. We were faced with the decision in a very short period of time to determine whether we should expose him to the trauma of surgery to try and correct the aneurism that had burst in his head or whether we should allow him to receive the care that would remove the pain and allow him to naturally come to the conclusion of his life. It's not an easy decision to make, particularly not when you are standing in a hospital emergency room, surrounded by other distraught family members. We made that choice to bring him home and allow him, with the use of medication, to rest comfortably. It was outstanding care provided to us in our home for him. For several days he did rest comfortably and ultimately passed on. It was a choice that he, at that point, was ready to

make, although I never had that conversation with him because we were robbed of that opportunity. His aneurism happened late at night. He was rushed to the hospital. He did enjoy a special holiday time just before that. In fact, that evening he had just cooked the second Thanksgiving meal for family members and friends at his house and he went to bed in an exhausted but peaceful state. We never know what is going to occur. We don't know how or when the end of our life may come.

I've also in my life experienced the tragedy of an illness. My wife is a breast cancer survivor, as I know some of you in this Chamber have family members. She went through an incredible amount of surgeries and treatments. There were some very difficult times during that period. There are times when you are medicated and at a point where you're not fully aware of your options or, in some cases, you're directly advised not to make any significant decisions or sign any paperwork because of the medications and the treatments that you're receiving.

To me, this is a difficult decision. I respect the way that people have presented this, but, to me, this is more about the choices we leave with the living who would be required to bear the burdens of the choices that they helped someone to make. I don't understand why people have the illnesses they do, Mr. President. I don't understand why people suffer. I am appreciative for the wonderful things that medicine has brought to us in easing the pain of those who are suffering, to the compassion and the dedication of people who work in end of life care, in hospice and palliative care, those who minister to people sometimes when no one else that loves them is available or around them in emergency rooms. I just think it is a horrific idea to have to make the choice to end someone's life, particularly in circumstances where we're dealing with people who are in extreme pain. I hope that we think very carefully before we take this vote, Mr. President, because I don't believe Maine is ready for this. There are choices available. Clearly there are other states who offer this. I'm not saying that we should, in any way, be cowardly about how we approach this, but I think we need to be thoughtful and careful because we are talking about the end of a human life. I think that when we make those decisions there's a long process that goes into that. In our court systems we agonize over the ending of a life when somebody can't make that choice or, if somebody has broken our laws, we agonize over whether or not taking that life justifies the act that they are accused of. I would hate, Mr. President, to reach a point here in Maine where we have created an environment where we accept that the ending of a life has no value or significance. I think we need to be cautious in how we pursue this because it leads to, I believe, a very disturbing place. Thank you for your attention.

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

Senator **KATZ:** Thank you, Mr. President. It is difficult for me to listen to the remarks of the good Senator from Penobscot, Senator Cushing, because it was reminiscent of experiences in my own life, but I would just like everyone to remember that we are not talking here in this bill about the decisions that sons make for their fathers or that daughters make for their mothers. We're talking about decisions we make for ourselves. Competent adults should be allowed to make for themselves. I'll end with one quote from a letter I got from a woman in Sabattus. She said, "If you want to fight to the last moment to cheat death, go for it, it's not my place to judge, but if you want otherwise for yourself what

possible business is it of the State of Maine to prevent me from exercising my right to have a death of my choice?" Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to express my support for the Ought Not to Pass motion that is now on the floor. I know that there are several reasons why people in this room have taken a position opposite from mine and I completely respect all of you. Perhaps many believe that the option of assisted suicide is so personal that each person should have the choice of when and how to end their life. After all, they might say it is a matter of choice and the decision of one person to end his or her life does not mean that others have to decide to the same thing. I, however, disagree. Not only does one person's decision always impact others, but our actions today will send a message across the state about the value and dignity of all human life and I value all human life. It is for this reason that if we were here voting on whether or not to have the death penalty in Maine I would also be opposed. It's why I stand for the life issues when we have those in front of us as well because I don't believe that any one of us knows when life begins or when life should end, including ourselves. Those whom it will impact the most negatively are likely those who most need us to reaffirm their value and worth as human beings, no matter their condition or diagnosis.

This past winter Maggie Karner, a Connecticut woman who's living with the same medical condition that Brittany Maynard had, penned an article that was published in the *Hartford Courant* entitled "Suicide Option Would Undermine My Cancer Battle." In the article Karner confronts the push by assisted suicide advocates in her home state to adopt a similar measure. Among other things, she says, "I have been diagnosed with a terminal brain cancer. Because of my diagnosis I would likely be eligible for the state's help to commit suicide under a bill currently under consideration. That is terrifying. Like many residents, I have wondered whether I would want my doctor to offer suicide as a treatment for deadly cancer. The out-of-state proponents of the bill regarding physician assisted suicide suggests having the ability to end your life legally as comforting, but I can tell you from personal experience that it is nearly as troubling as the cancer itself. You see, I get strength and comfort from the knowledge that nobody is going to give up on me; medically, psychologically, or holistically. Right now I have the firm support of the state and my fellow citizens and my desire to live, no matter the cost or burden. If that were to change, the tiny knowledge that I might be straining my family, friends, doctors, or community resources unnecessarily would be a heavy burden. The constant option for suicide would wear at my resolve and I fear become an unspoken duty for me and others."

Ladies and gentlemen, we don't live in pure isolation. One person's decision to end their life and one legislature's decision to sanction it would surely impact all of us. One person's decision to end their life and one legislature's decision to sanction it would send a message that some people are less valuable and less worthy. Fellow Senators, when we, as a State and as a society, say that suicide is wrong and tragic in most cases but acceptable for others we tell those others that they are more expendable and for those with terminal illnesses, who do not want to take their

own lives, that message may be harder and harder to ignore. Please support the pending motion.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill is not about sanctioning a decision by a person on how to die when their death is imminent. It's about allowing that choice to be made by the person. It's not about choosing death. A person at that stage in their life must accept that they are going to die, it will happen soon, but we should allow them the dignity to make decisions for themselves on what level of function, capacity, and pain they want to endure to meet their natural end or not. That acceptance is the thing that we cannot change here. As much as we would like people to live, we must accept that people do die and it's almost always very painful, but should we not allow a person the dignity, the little bit of control left in their life, to make a decision on how they will die? Many people who, in other states that have a bill like this, went through the process, got the medication they would need to take to end their life at the time of their choosing, they were terminally ill, but a significant number of people, just knowing that they, if they reached that point they could not continue that fight and struggle that they wanted to continue, had that option chose to get the medication and then never used it. It's still a very personal choice. This is not a sanctioning. It's not an obligation to die in a particular manner. It's the choice for the person to make that decision for themselves and accept the way that they want to die, as we all should, just as we must accept that a person inevitably will die. Thank you, Mr. President.

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

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the State of Maine not only condones but it endorses the killing of the unborn. Now I'm being asked to condone and endorse this. I'll be supporting the Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this morning's debate has been very personal to each and every one of us because we can't help but base it upon our life experiences and situations that we've faced with people that we loved dearly that have been in situations where it's end of life and that's very emotional for each and every one of us here. I want to tell this group this morning about another experience, another life experience, that I've had that I think is important to the debate here this morning. As leadership in the State Senate we are invited often to go and speak to different groups around the state. This past winter I had an opportunity to speak to a group in Portland. We talked about the State budget. We talked about the issues that were important to our state that were going to be incredibly well debated. After we finished up that event my Chief of Staff and I went to Becky's Diner in Portland to grab something to eat. As we were sitting there this well dressed gentleman, who had been at the event earlier, came by my table. He came by for one purpose and that

was to advocate for this very bill. That wasn't something that we discussed in the forum or anything like that, but he wanted to come by and voice his support for this bill. I got to tell you, it was probably one of the most disturbing conversations that I've ever had with somebody. It wasn't confrontational in any way, but he wanted to share with me what a great cost savings initiative this would be. Let me tell this group, I don't believe that there is a person that is elected to the State Senate that is viewing this in that way. I don't believe it for a minute. I think that every one of us would have been equally offended by that conversation, that a gentleman that obviously had been very successful in his life, a bright gentleman, could think in those terms was just amazing to me. You know, you have to ask yourself; how would you like to be that gentleman's Mom or Dad? Would you want him in your will? I'm not suggesting that he probably doesn't love his parents. Maybe it's a complete reach on my part to come to that conclusion, but I suggest to you that there are some people that look at this from a financial perspective. Again, probably the smallest of minorities that you'll ever, ever find, but I know for a fact that there's at least one gentleman that looks at this through that lens and that scares me and it ought to scare us all. We need to be very, very careful what kind of behavior and what kind of things we normalize and endorse as a society. I think that this is a bridge too far for the State of Maine. Thank you, ladies and gentlemen.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you for the courtesy of allowing me to rise once again to speak on this issue. I recognize the day is long, we have much to accomplish here before we leave this Chamber or this building, but the significance of this issue begs for a reflection on the choices that we're making. On our desks today was submitted a letter by a former colleague and member of this Body. I'd like to just share a couple of parts that really spoke to me. This is an issue, I think, that transcends politics and causes us to look at this matter as basic human beings and policy makers who are trying to judge issues that are really beyond the scope of what we are, I believe, qualified to judge. Our colleague, Senator Craven, offers her thoughts on this in the letter. She says, "This bill is of particular concern to me as I am intimately acquainted with end of life issues and hospice care. As many of you know, in addition to being a hospice volunteer, I also take care of my husband who suffers from Parkinson's Disease. I can tell you that, even as the primary caregiver for my husband and even as I watch him fight the effects of this disease, I remain firmly against physician assisted suicide. I see the way I and others care for my husband and know that the love and support we give him is a true demonstration of his compassion." I know people who love us and care for us, these are now my own words, Mr. President, don't want to put us through any more pain and suffering even when they, themselves, are bearing incredible burdens during an injury or illness. I think of my mother, who is suffering from some diseases, including Parkinson's. I think of the choices she's had to make with the passing of my father. I would not like her to think that she is ending any suffering for me by making a choice to end her life. I value and appreciate the time and look forward to spending more time, particularly when we are done for the summer, going to dinner and just enjoying the simple pleasures with her and, when my mother-in-law gets back,

spending the summer enjoying and bringing joy to those who brought us into this world and nurtured and cared for us and I would be very sad and disappointed to think that others might miss that opportunity because, during a period in someone's struggle with an illness, that they might feel that it was more appropriate to take this option to eliminate the cost, both physically, emotionally, and financially, to their family. I thank you again for the courtesy you have afforded me in listening to my comments and I would welcome your light following mine in support of the pending motion.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to thank Senator Katz for bringing this bill forward and I understand it's the decisions of the individual. It's difficult to understand the pain the individual is going through. One doctor told me that things are only as bad as they seem. Certainly things can seem bad at the moment from pain, suffering, thinking about your family, thinking about what you're doing to your family. It's just so hard. I know, as a law enforcement officer, I've gone to suicidal situations and some of them I got to before they committed suicide and talked them out of it. Other ones I've gone to that had already taken place. One of them was my DARE student's. Another one a husband to a teacher that I used to teach DARE with. I just barely didn't quite get there in time. I was on the phone when it happened. Serious situations. I know that we all have to think about that individual. It's very difficult, but I think the big key here is time. It's a matter of time, how and when it's going to happen, and how do we determine to take that pill or whatever and know it's time. I think one of our Senators brought forward to me that Ted Kennedy was given three months to live with brain cancer and he lived 15 months. His wife said that they can never - they felt so impressed to be able to have that extra time as a family moment. Only because of moments like that, I couldn't go with this bill and I do appreciate what Senator Katz brought forward. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I just want to make sure it's really clear when the term "physician assisted" that this is not anyone else doing this. This is to provide you the means. There's been another group that's been around for a long, long time that's provided the means when people choose to plan ahead, but it's not quite as painless as the method that this would provide and give you the choice to take with your own hand. As sad as that may be, it's a lot less painful and messy than some of the other choices that people are choosing every day. Thank you.

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

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition of this motion today. Being a paramedic firefighter for 27 years, it brings on a whole new meaning when you have the person away from their family, in the back of the rescue knowing they are going to die, and they tell you, "I wish I could end my life." It's not a conversation that

anyone wants to have, but it's a conversation that we have to have when we are in the rescue with them. It's their personal time and they take a belief in me and my colleagues about conversations that they can have with us because their family's not around and it's emotional. They can't have this conversation in front of their family because family members get very upset. Everyone gets very emotional. When they are alone in the back of the rescue they express themselves to us and many times we've had patients say, "I wish I had this option, but it does not exist." That's why I will be voting against the pending motion currently. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey, 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 (#227)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, LANGLEY, LIBBY, MCCORMICK, SAVIELLO, THIBODEAU, VOLK, WHITEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority Ought Not to Pass Report **PREVAILED**.

Sent down for concurrence.

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/28/15) matter:

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"

H.P. 788 L.D. 1150

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-183)** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 28, 2015, by Senator **WHITEMORE** of Somerset
Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 27, 2015, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)**.)

(In Senate, May 28, 2015, Reports **READ**.)

On motion by Senator **WHITEMORE** of Somerset, Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

An Act To Amend the Health Plan Improvement Law Regarding Prescription Drug Step Therapy

S.P. 103 L.D. 289
(C "A" S-104)

Tabled - June 9, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104)**.)

(In House, June 8, 2015, **PASSED TO BE ENACTED**.)

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

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/15) matter:

Bill "An Act Regarding Advanced Practice Registered Nurse Requirements"

S.P. 342 L.D. 970
(S "A" S-211 to C "A" S-176)

Tabled - June 9, 2015, by Senator **ALFOND** of Cumberland

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176) AS AMENDED BY SENATE AMENDMENT "A" (S-211)** thereto

(In Senate, June 8, 2015, on motion by Senator **CUSHING** of Penobscot, 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-176) AS AMENDED BY SENATE AMENDMENT "A" (S-211)** thereto.)

(In Senate, June 8, 2015, at the request of Senator **ALFOND** of Cumberland, **HELD**.)

(In Senate, June 9, 2015, on motion by Senator **ALFOND** of Cumberland, **RECONSIDERED PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176) AS AMENDED BY SENATE AMENDMENT "A" (S-211)** thereto.)

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

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

Senator **VOLK**: Thank you, Mr. President. It came to my attention that there was some confusion, unfortunately, the second to the last time that we had a vote on this particular bill, L.D. 970, so I just want to clarify a few things. One of those things is that L.D. 970 not only expands the scope of practice of advance practice registered nurses to include all of what a primary care physician does but it also allows them to delegate and assign therapeutic measures to assistant personnel without defining the qualifications of those personnel. L.D. 970 would also allow certified registered nurse anesthetists to prescribe, order, administer, dispense, furnish schedule 2 through 5 drugs and all other prescription drugs, and perform highly sensitive invasive pain blocking procedures requiring years of subspecialized training. These include placing electrical wires in the back of the patient's head to treat severe migraines to injecting nerve destroying medication to permanently remove untreatable cancer pain. L.D. 970 would also allow all advance practice registered nurses to order and interpret diagnostic procedures. The ordering isn't as much of a concern to me, but the interpreting definitely is, given the scope of their education. Lastly, I just also want to point out one more time that anesthesiologists are physicians with nearly two times the education and ten times the clinical training of certified registered nurse anesthetists. For all of those reasons and more, I ask that you follow my light.

Senate at Ease.

Senate called to order by President Pro Tempore
GARRETT P. MASON of Androscoggin County.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to encourage you to support the pending motion. I would just like to remind the Body that this is a matter that has great impact to those who are at rural hospitals. It will not, under this current amended proposal, make significant changes to practices that are already in place. It will just empower us to provide the level of service that many citizens in our districts need. Thank you very much.

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

Senator **GRATWICK:** Thank you very much again, Mr. President. I'd just remind my colleagues here in the Senate that the idea behind this is good, but this bill is too much too soon. There are too many details that need to be worked out. This is a bill that should be returned to the parties involved so they can work out the details. This should not be done this legislative session. I think I'd be happy to vote for this next session, but not now in its current status. I would urge people to vote against this current bill.

THE PRESIDENT PRO TEMPORE: I would remind the Body that we are addressing the question of Engrossment. Please keep your comments restrained to the motion on the Floor. The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to speak briefly to remind you that there are 40 other states which have this. I would also remind you that what is currently happening today is that there are people who are signing off on what the nurse anesthetists are determining are appropriate treatments that may have no training whatsoever in anesthesiology simply because those nurse anesthetists today don't have prescriptive authority. A doctor, a dentist, a nurse practitioner may be signing off on them. This would change that and bring back some commonsense, resembling the process we have today in terms of what's making it work, which is the knowledge and the expertise of a nurse anesthetist in determining what's appropriate and remove the barrier of someone else, who doesn't know better than them, having to actually sign off on it because they do have prescriptive authority. Thank you, ladies and gentlemen.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll speak very briefly. I think some of the fear on this is this fear that unqualified

persons might be performing this. I'll say, as a lay-person in the legislature representing my constituents, I don't feel particularly qualified to say what the right amount of training is one way or the other, but I do think what this bill essentially does is it leaves a space for other people operating in the marketplace to make that decision for themselves. For example, I can't imagine a major hospital would allow someone and incur the liabilities for themselves by taking on someone to do this without the proper degree of training. Also I can't imagine an insurance company would issue malpractice coverage to someone who doesn't have the proper degree of training. If safety really is an issue and a concern, certainly the hospitals and insurance companies that provide malpractice insurance would have something to say about that. Us making this decision here is just giving people the freedom to make the decision in the free marketplace. I don't see a problem with that. Thank you very much. Since we're speaking on Engrossment, I'd say let's Engross it.

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

Senator **WILLETTE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to read to you a piece of testimony from a constituent of mine. He is a CRNA in Houlton, at the Houlton Regional Hospital. He's actually the only person at the Houlton Regional Hospital that, if you ever had to go in and have anything done, would be the fellow putting you under and taking you back into reality when you were done. His name is Monte Alexander. I'm just going to read you his testimony. "I'm a Certified Registered Nurse Anesthetist, a CRNA, and have been practicing anesthesia in all of its facets for the last 24 years. I practiced in multiple arenas from large medical centers, both civilian and military, to small community hospitals, and on ships at sea as the only anesthesia provider for over 6,000 to 8,000 military and civilian personnel while deployed. During all this time, and for most of my time in the military, I've worked as a solo practitioner, meaning I have practiced without the presence of an anesthesiologist. The only medical doctors present have been surgeons and other physicians that I work and consult with, who are not trained in anesthesiology and rely on my expertise in the provision of anesthetics. In the last 15 years of solo practice I've taken care of the people of Maine," I can't read his writing, "from rescuing airways of newborn infants just minutes from their mother's womb to patients of over 100 years of age, from routine cases to life and death emergencies. Surgeons and other physicians truly rely on the expertise of CRNAs and the work they do and provide excellent outcomes for their patients. It is because of this type of practice that I ask you to please support L.D. 970. As CRNAs we routinely order tests, studies, and medications, but this places additional burden on our already very busy physicians as they must come back and countersign all orders. Having the prescriptive authority to independently order diagnostic procedures and therapeutic measures would greatly decrease the workload on the physicians that we work with, improve the efficiency of our healthcare system, and decrease the potential for non-payment of procedures because someone missed a countersignature. L.D. 970 is a critical piece of legislation, as it will help to ensure that the people of Maine have continued access to both safe and cost effective healthcare. Not just CRNAs but all advance practice registered nurses are a critical component to the healthcare system. We are well-educated, well-trained, and with years of clinical experience to

back us up. Rest assured that the APRN is ready and able to meet the needs of the healthcare system. APRN prescriptive authority has also proven itself in many other states and, given the opportunity, will do so in Maine as well." Just a little side note, 80% of the rural hospitals have no physician anesthesiologist on site, so they rely on the CRNAs to carry quite a workload. I believe passing this L.D. 970 will only help them provide higher quality care for the people in the state of Maine. Thank you.

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

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, in 1989, during my critical care EMT class, which is one step before becoming a paramedic, my class asked to participate in the advanced cardiac life support that was currently offered for just nurses and doctors. We were told as EMTs we could never pass the class for the following reasons: we were going way over our scope of practice, we could not do what they do as effectively in a controlled setting as ours is uncontrolled, we did not have the training like they did, and we only had one to two years of schooling while they had four years or more of schooling. This training was not over our scope of practice. It's exactly what we were trained to do and what we learned to do. Rather it was the State, through the Physician's Board, that prevented us from doing what we were trained to do. My instructor at that time challenged the hospital to say not only that we would pass the class but we would out score the nurses and physicians. A pretty bold statement for something that had never been done by an EMT class. My class lived up to the promise. Not only did all of us pass but the lowest score in the class was a 96%. We had both nurses and physicians that scored less than the 96%. It was this day that the relations between the emergency room doctors and nurses became greater working relations with EMTs and paramedics. These are the same exact arguments that we are hearing today about CRNAs not being able to do the work of an anesthesiologist. My argument is CRNAs are trained currently to the level of this bill and they are currently doing the work and it's not changing their scope of practice. As a paramedic, I do not believe for a minute that I'm a doctor or have the knowledge base or education of doctor, but I would challenge any doctor to step in the back of the rescue with me and go head on and see who provides the better care. Without a doubt it's going to be the paramedic. I can assure you. Don't take away the knowledge and the training of the CRNAs that they currently have. Let them do their jobs without delaying treatments because of a signature that the doctor's going to sign anyway. Don't discredit their work. I ask you to, please, vote in favor of this bill. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. At the risk of belaboring this subject further, and, trust me, I really, really, really wish it had been put to rest two weeks ago. I believe that what we just heard from the good Senator from Aroostook and the good Senator from York highlights one of the issues with this bill. The doctor from Penobscot actually referred to it. This bill goes way beyond simply allowing CRNAs to do what they are currently doing in hospitals, whether they have to get a signature, whether

that signature is from an anesthesiologist or from a surgeon who, by the way, has training in anesthesiology. Surgeons receive training in anesthesiology and are extremely knowledgeable about anesthesiology. They also have the entire experience of medical school, of residence training. You can't discount the hours and hours and hours of training that these folks go through. You just simply can't. This bill, what this bill does, and if you read it you would see, it is six or seven pages long. This bill goes beyond the scope of what CRNAs are trained to do. It makes them virtually capable, it gives them virtually the ability to become primary care providers, for which they are not trained. They are not trained to be primary care providers. Would you go to a CRNA for your well checkup? I don't think you would. Sure, they probably can take care of a woman in labor. That's something that is probably a very standard procedure that they do, that they could probably do blindfolded. I don't question that. However a person's health, and the big picture of a person's health, can be way more complicated than a simple procedure. They are trained for the simple procedures. They are not trained for the global picture in the same way that physicians are. What this bill would do, the thousands of words in this bill, is make them, give them the ability to do that, with no oversight, after they have finished their training. They could, essentially, hang a shingle and go to work. I wouldn't take my family to them. Thank you.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I really wasn't going to rise today on this issue because I think I said enough on it before, but listening to the debate again on both sides of the issue brings the fact that I have stated many times in the Labor, Commerce, Research and Economic Development Committee that the best legislation that we get is when both sides sit down and come up with a compromise. Unfortunately, a lot of times, dealing with medicine and dealing with scope of practice, that's not going to happen because what happens is I'm increasing my scope of practice, my education is better than your education, my skill is better than your skill, my training and hours on the job are more important than yours. We end up before the legislature and a lot of times the best decision isn't always made. The one thing that I always told the medical community when I was in the Labor, Commerce, Research and Economic Development Committee, getting ready to cast my vote, is that I'm going to cast my vote and I'm going to feel good about it because there's been ample time for both sides to come up with a compromise on this issue. When 40 states have this already and you listen to a lot of the quality of debate, especially from my colleague to my right, Senator Dutremble, and knowing what he went through and what they said he couldn't do and what he can do now, it's kind of disturbing that we have to make the decision. I wish the decision was made by those that could have the say from the standpoint of what the value actually is. Unfortunately, I think with this session, last session, coming in the future, I would almost have to think that the medical community is probably going to sit and work together with both sides of any issue to come up with a more compromised view because I don't believe these issues are going to stop coming before us until we can find some way that both sides of any issue are willing to sit down and discuss these issues. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. I just wanted to add, putting aside some of the suggestions about safety with some sound, factual information. In a study mandated by the U.S. Congress and performed by the National Academy of Sciences National Research Council report to Congress states, "There was no association of complications of anesthesia with the qualifications of the anesthetist or with the type of anesthesia." A study concerning anesthetic related deaths from 1969 to 1976 by Albert Bechtoldt Jr. and the Anesthesia Study Committee published in the North Carolina Medical Journal in April 1981 stated, "Therefore, when we calculated the incidents of anesthetic related deaths for each group which administered the anesthetic we found that the incidents among the three major groups, the CNRAs, the anesthesiologists, and the combination of CNRA and anesthesiologists, to be rather similar, although the CNRA working alone counted for about half of the anesthetic related deaths. CNRA working alone also counted for about half the anesthetics administered." The Stanford Center for Healthcare Research conducted a 17 hospital intensive study of institutional differences, concluding thus, "Using conservative statistical methods, we concluded that there were no significant differences in outcomes between the two groups of hospitals defined by type of anesthesia provider." Thank you, Mr. President.

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

Senator **DUTREMBLE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just real quick. I'd just like to say I'm not sure how many women in this room would ask me to deliver their baby over an OBGYN, but currently, to this date, I have four successful deliveries in the back of the rescue. It's not the one that you do that everything goes right, it's the one where you pull up and you have a prolapsed cord coming out and you have to react to save that baby until you can get to the hospital. It's about the training. That's why we're here. These CRNAs have the training and I would just like you all to vote in support. Thank you.

THE PRESIDENT PRO TEMPORE: The Senator from Cumberland, Senator Volk, requests unanimous consent of the Senate to address the Senate a third time on this matter. Hearing no objection, the Senator may proceed.

Senator **VOLK:** Thank you, Mr. President. I apologize for rising a third time. I do not have the file in front of me and I'm not going to start. We don't have time. We need to vote on this. I'm not going to belabor this any further. It is my recollection that there have been three different studies. The two studies that found no difference or that the outcomes with CRNAs were safer were paid for by the association for the CRNAs. There was a third study that was a scientific study that was impartial. I think it was by the University of Pennsylvania, but that is completely out of memory. That actually found that one of the differences was that the anesthesiologist handled the more complicated cases but even then, I believe, they did find that the anesthesiologists are safer. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (S-176) as Amended by Senate Amendment "A" (S-211) thereto. 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 (#228)

YEAS: Senators: BRAKEY, CUSHING, CYRWAY, DUTREMBLE, EDGEComb, HAMPER, JOHNSON, MILLETT, MIRAMANT, PATRICK, SAVIELLO, THIBODEAU, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, DAVIS, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, KATZ, LANGLEY, LIBBY, MCCORMICK, ROSEN, VOLK

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176) AS AMENDED BY SENATE AMENDMENT "A" (S-211) thereto, FAILED.**

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require Child-resistant Packaging for Products Containing Liquid Nicotine" H.P. 290 L.D. 423

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-405).**

Tabled - June 15, 2015, by Senator **BRAKEY** of Androscoggin

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

(In House, June 12, 2015, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-405).**)

(In Senate, June 15, 2015, Report **READ.**)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-405) **READ** and **ADOPTED**, in concurrence.

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

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

ENACTORS

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

Acts

An Act To Ensure That Defendants Receive Proper Notification in Foreclosure Proceedings

H.P. 83 L.D. 111
(C "A" H-391)

An Act To Require Lienholders To Remove Liens Once Satisfied
H.P. 231 L.D. 337
(S "A" S-242 to C "A" H-136)

An Act To Clarify the Use of "M.D." To Represent Achievement of a Graduate Degree by an Individual Not Licensed To Practice Medicine in Maine

H.P. 568 L.D. 834
(C "A" H-350)

An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners

H.P. 639 L.D. 920
(C "A" H-383)

An Act To Make Changes to Laws Governing Condominiums Regarding the Display of Signs

H.P. 658 L.D. 955
(C "A" H-382)

An Act To Prevent Abusive Debt Collection Practices

H.P. 753 L.D. 1092
(C "A" H-378)

An Act To Ensure Safe Drinking Water for Maine Families

H.P. 796 L.D. 1162
(C "A" H-333)

An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership

S.P. 415 L.D. 1168
(C "A" S-249)

An Act Regarding the Administration of Vaccines by Pharmacists

H.P. 836 L.D. 1218
(C "A" H-379)

An Act To Amend Environmental Permitting Standards

S.P. 449 L.D. 1244
(S "A" S-227 to C "A" S-156)

An Act To Improve Educational Assessments of Maine Students
H.P. 872 L.D. 1276
(C "A" H-280; S "A" S-219)

An Act To Affirm the Obligation To Support One's Children
S.P. 471 L.D. 1306
(C "A" S-245)

An Act To Expand the Landowner Relations Program at the Department of Inland Fisheries and Wildlife
H.P. 899 L.D. 1321
(C "A" H-348)

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

Ordered sent down forthwith.

An Act To Provide for Special Restrictions on Dissemination and Use of Criminal History Record Information for Class E Crimes Committed by an Adult under 21 Years of Age
S.P. 79 L.D. 210
(C "A" S-240)

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

An Act To Clarify Wine Auction Licenses

S.P. 345 L.D. 983
(S "A" S-238 to C "A" S-226)

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

An Act To Provide Incentives To Foster Economic Growth and Build Infrastructure in the State by Encouraging Visual Media Production

H.P. 699 L.D. 1004
(C "A" H-326)

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

An Act To Provide Enhanced Enforcement of the Laws Governing Alcoholic Beverages

H.P. 906 L.D. 1331
(C "A" H-373)

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

An Act To Increase Access to Postsecondary Education for Maine National Guard Members

H.P. 912 L.D. 1343
(C "A" H-364)

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

An Act To Increase the Number of Science, Technology, Engineering and Mathematics Professionals in Maine

S.P. 493 L.D. 1360
(C "A" S-243)

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

An Act To Require the Documentation of the Use of Seclusion and Restraint at Mental Health Institutions in the State

H.P. 929 L.D. 1368
(C "A" H-372)

On motion by Senator **BRAKEY** of Androscoggin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-372), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-264) to Committee Amendment "A" (H-372) **READ** and **ADOPTED**.

Committee Amendment "A" (H-372) as Amended by Senate Amendment "A" (S-264) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-372) AS AMENDED BY SENATE AMENDMENT "A" (S-264) thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Resolves

Resolve, To Impose a One-year Delay on the Use of Standardized Tests To Evaluate Teachers

H.P. 517 L.D. 764
(H "A" H-354 to C "A" H-264)

Resolve, To Establish a Moratorium on the Assessment of Large Volume Consumers by Gas Utilities and To Evaluate Cost-effective Natural Gas Conservation and Efficiency Improvements for Large Volume Consumers

H.P. 649 L.D. 946
(C "A" H-369)

Resolve, To Create Sustainable Growth in Maine's Distributed Energy Sector That Uses Market Forces To Fairly Compensate Energy Producers

H.P. 863 L.D. 1263
(C "A" H-368)

Senate at Ease.

Senate called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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

Ordered sent down forthwith.

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

S.P. 152 L.D. 384
(C "A" S-89)

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **FINAL PASSAGE**, in concurrence.

Resolve, To Adjust Reimbursement Rates for Dental Services and Improve Access to Dental Care under the MaineCare Program

S.P. 304 L.D. 860
(C "A" S-235)

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

Resolve, To Increase the Reimbursement Rate for Direct-care Workers Serving Adults with Long-term Care Needs

H.P. 920 L.D. 1350
(C "A" H-371)

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

ORDERS OF THE DAY

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

Resolve, To Study the Design and Implementation of Options for a Universal Health Care Plan in the State That Is in Compliance with the Federal Patient Protection and Affordable Care Act

S.P. 152 L.D. 384
(C "A" S-89)

Tabled - June 15, 2015, by Senator **CUSHING** of Penobscot

Pending - **FINAL PASSAGE**, in concurrence

(In Senate, June 10, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-89).**)

(In House, June 12, 2015, **FINALLY PASSED.**)

FINALLY PASSED and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services (EMERGENCY)

H.P. 582 L.D. 851

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-412).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-412).**

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

READ ONCE.

Committee Amendment "A" (H-412) **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 Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State"

H.P. 895 L.D. 1317

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-411).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-411).**

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

READ ONCE.

Committee Amendment "A" (H-411) **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 Prohibit Unauthorized Custody Transfers of Children"

H.P. 911 L.D. 1342

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-410).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-410).**

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

READ ONCE.

Committee Amendment "A" (H-410) **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 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

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-409)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-409)**.

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

READ ONCE.

Committee Amendment "A" (H-409) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care"

H.P. 237 L.D. 343
(C "A" H-260)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-260)** (6 members)

In House, June 5, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 12, 2015, on motion by Senator **BRAKEY** of Androscoggin, 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-260)**, in **NON-CONCURRENCE**.

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

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

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

COMMUNICATIONS

The Following Communication: H.C. 218

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

June 12, 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 Bill "An Act To Restore Revenue Sharing" (H.P. 677) (L.D. 980) (EMERGENCY) was Passed to be Engrossed as Amended by Committee Amendment "A" (H-321) and House Amendment "A" (H-390).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE.**

The Following Communication: H.C. 219

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

June 12, 2015

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

Dear Secretary Priest:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red" (S.P. 538)(L.D. 1430).

Representative Roland Danny Martin of Sinclair
Representative Ralph L. Tucker of Brunswick
Representative Stephen J. Wood of Greene

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Emergency Measure

An Act To Protect the Future of Harness Racing
H.P. 705 L.D. 1022
(C "A" H-377)

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

Emergency Resolve

Resolve, Establishing a Task Force To Ensure Integrity in the Use of Service Animals

H.P. 591 L.D. 872
(C "A" H-370)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

Acts

An Act To Change the Budget Approval Process for Alternative Organizational Structures

H.P. 516 L.D. 763
(C "A" H-400)

An Act To Help Older Adults Age in Place through Comprehensive Planning

H.P. 628 L.D. 909
(C "A" H-299)

An Act To Allow an Attorney To Speak or Provide a Written Statement for a Victim at Sentencing

H.P. 960 L.D. 1413
(C "A" H-398)

An Act To Correct an Inconsistency in the So-called Dig Safe Law
S.P. 545 L.D. 1444

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

Ordered sent down forthwith.

An Act To Create the Central Maine Water District
H.P. 887 L.D. 1309
(C "A" H-399)

On motion by Senator **MCCORMICK** of Kennebec, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Invest in Maine Companies"
S.P. 401 L.D. 1132
(C "A" S-210)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (2 members)

In Senate, June 10, 2015, 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-210)**.

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

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

S.P. 418 L.D. 1191
(C "A" S-161)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-161)** (7 members)

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

In Senate, June 11, 2015, on motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.

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

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

(See action later today.)

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand Opportunities for Economic Development in Maine"

S.P. 497 L.D. 1364
(C "A" S-198; S "A" S-234)

Majority - **Ought Not to Pass** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-198)** (6 members)

In Senate, June 12, 2015, on motion by Senator **VOLK** of Cumberland, 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-198) AND SENATE AMENDMENT "A" (S-234)**.

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

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking"

S.P. 305 L.D. 861

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.

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

COMMUNICATIONS

The Following Communication: H.C. 228

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

June 15, 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 Veterans and Legal Affairs on Bill "An Act Regarding Campaign Finance Reform" (S.P. 419) (L.D. 1192)

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on State and Local Government on Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates (S.P. 507) (L.D. 1377)

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Energy, Utilities and Technology on Bill "An Act To Focus Energy Laws on Energy Cost" (S.P. 521) (L.D. 1400)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Emergency Measure

An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services

S.P. 542 L.D. 1440
(C "A" S-251)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senators having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Act

An Act To Expand Access to Workforce Development at Brunswick Landing

S.P. 532 L.D. 1423
(C "A" S-225)

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

H.P. 970 L.D. 1424

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-407)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-422)** thereto.

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

READ ONCE.

Committee Amendment "A" (H-407) **READ**.

House Amendment "A" (H-422) to Committee Amendment "A" (H-407) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-407) as Amended by House Amendment "A" (H-422) thereto **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-407) AS AMENDED BY HOUSE AMENDMENT "A" (H-422)** thereto, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Improve Disclosure Procedures"

S.P. 180 L.D. 451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259)**.

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

READ ONCE.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Ensure Confidentiality of Personally Identifying Information for Private Investigators, Investigative Assistants and Dependents of Deployed Members of the Military"

S.P. 354 L.D. 1014

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-261)**.

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

READ ONCE.

Committee Amendment "A" (S-261) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BURNS for the Committee on **JUDICIARY** on Bill "An Act To Address the Detrimental Effects of Abandoned Property"

S.P. 430 L.D. 1203

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-260)**.

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

READ ONCE.

Committee Amendment "A" (S-260) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate at Ease.

Senate called to order by President Pro Tempore
GARRETT P. MASON of Androscoggin County.

On motion by Senator **VOLK** of Cumberland, the Senate **RECONSIDERED** whereby it **INSISTED** on the following:

Bill "An Act To Remove the Municipal Mandate To Enforce the Maine Uniform Building and Energy Code"

S.P. 418 L.D. 1191
(C "A" S-161)

(In Senate, June 11, 2015, on motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161)**.)

(In House, June 12, 2015, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

(In Senate, June 15, 2015, on motion by Senator **VOLK** of Cumberland, **INSISTED**.)

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

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:

COMMUNICATIONS

The Following Communication: H.C. 220

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

June 12, 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 660, "An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems."

This bill is an attempt to address an unfortunate set of circumstances that occurred in one water district in the state. The bill permits consumer owned water utilities to increase the amount in their contingency funds from 7% or 12%, based on the utility's revenue, and to use these funds to reimburse homeowners for damages due to a water system failure, such as a water main break.

The bill would not prevent future unfortunate events from occurring and may reduce the incentive for insurance markets to address similar water damages. It should be noted that water utilities already have the ability to budget for such expenses, but most do not. In addition, many water utilities do not currently put aside money in a contingency fund, despite having the authority to do so. Neither of these circumstances would change if this bill passed, and it is unlikely that there would be any improvement for affected homeowners for future water damage.

For this reason, I return LD 660 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 Protect Homeowners from Damage in the Event of a
Failure of Public Water Systems

H.P. 441 L.D. 660

Comes from the House, 107 members having voted in the affirmative and 35 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 Pro Tempore 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 (#229)

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

NAYS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, MCCORMICK, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEM - GARRETT P. MASON

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, 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.

The Following Communication: H.C. 222

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

June 12, 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 511, "An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 511 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Permit a Licensed Sales Representative To Provide
Spirits at an Approved Tasting Event

H.P. 350 L.D. 511

Comes from the House, 144 members having voted in the affirmative and 1 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 Pro Tempore 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 (#230)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 225

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

June 12, 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 1222, "An Act To Remove Barriers to School Construction Financing in Regional School Units."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1222 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Remove Barriers to School Construction Financing in Regional School Units
H.P. 840 L.D. 1222

Comes from the House, 143 members having voted in the affirmative and 2 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 Pro Tempore 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 (#231)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 226

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

June 12, 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 1259, "An Act To Increase Consumer Protections."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1259 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Increase Consumer Protections
H.P. 859 L.D. 1259

Comes from the House, 138 members having voted in the affirmative and 8 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 Pro Tempore 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 (#232)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senator: EDGECOMB

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 227

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

June 12, 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 1347, "An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the

Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1347 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards

H.P. 916 L.D. 1347

Comes from the House, 144 members having voted in the affirmative and 2 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 Pro Tempore 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 (#233)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 221

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

June 12, 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 483, "An Act Regarding the Reporting Standards for Child Abuse."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 483 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act Regarding the Reporting Standards for Child Abuse
H.P. 322 L.D. 483

Comes from the House, 143 members having voted in the affirmative and none 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 Pro Tempore 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 (#234)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 223

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

June 12, 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 537, "An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for

reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 537 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Prohibit Standardized Testing of Children before the Third Grade

H.P. 361 L.D. 537

Comes from the House, 145 members having voted in the affirmative and none 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 Pro Tempore 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 (#235)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 224

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

June 12, 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 844, "An Act To Improve Transit Services Statewide."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 844 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Improve Transit Services Statewide
H.P. 578 L.D. 844

Comes from the House, 145 members having voted in the affirmative and none 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 Pro Tempore 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 (#236)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senator: EDGECOMB

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** to Tuesday, June 16, 2015, at 10:00 in the morning.