

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
Thursday
June 18, 2015

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

Prayer by Senator Nathan L. Libby of Androscoggin County.

SENATOR LIBBY: Good morning. Colleagues and guests, as we enter the final days of this year's legislative session I ask that we reflect on the good work we've done together, the difficult work that remains before us, and the charge we all share in common, which is to do the best work possible for the people of the state of Maine each and every day. This morning I would like to share with you a prayer of peace. Let us pray.

Dear Lord, let the rain come and wash away the ancient grudges, the bitter hatreds held and nurtured over generations. Let the rain wash away the memory of the hurt and neglect. Then let the sun come out and fill the sky with rainbows. Let the warmth of the sun heal us wherever we are broken. Let it burn away the fog so that we can see each other clearly, so that we can see beyond labels, beyond accents, beyond gender, beyond skin color. Let the warmth and brightness of the sun melt our selfishness so that we can all share the joys and all feel the sorrows of our neighbors and let the light of the sun be so strong that we will all see people as our neighbors. Let the earth nourished by the rain bring forth flowers to surround us with beauty and let the mountains teach our hearts to reach upward to heaven. Amen.

Pledge of Allegiance led by Senator David E. Dutremble of York County.

Reading of the Journal of Wednesday, June 17, 2015.

Off Record Remarks

The President requested the Sergeant-At-Arms escort the Senator from Androscoggin, Senator **MASON**, to the rostrum where he assumed the duties as President Pro Tempore.

The President retired from the Chamber.

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

Off Record Remarks

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

Senate at Ease.

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

RECESSED until the sound of the bell.

After Recess

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

Off Record Remarks

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Audrey Thames, of Topsham, who was crowned Miss Maine on June 21, 2014. Ms. Thames represented Maine at the Miss America Pageant in September 2014. She is a sophomore at Elmira College studying nursing. This career path inspired her to develop her platform, Healing Hands, which honors professional caregivers in hospitals and nursing homes. We send her our congratulations for her achievements;

SLS 570

Sponsored by Senator **BAKER** of Sagadahoc.
Cosponsored by Representative: **TEPLER** of Topsham.

READ.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Sagadahoc, Senator Baker.

Senator **BAKER:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, this morning I rise to honor an accomplished young lady, Audrey Thames. She was crowned Miss Maine for 2014 and represented Maine at the National 2014

Miss America Pageant. A sophomore at Elmira College, Audrey has excelled in her nursing program. Her knowledge in the field of nursing, coupled with her charitable and caring personality, has led her to start a recognition program for professional caregivers in hospitals and nursing homes. Devoting your professional career to taking care of others requires not only skill but a special type of character and a dedication to setting yourself aside and ensuring those around you are comfortable. Audrey not only has that personality but has the ability to see it in others and the desire to encourage it. Healing Hands is an exceptional concept and a superb program. From her pageant achievements to her educational achievements to her charitable work, Audrey has made Topsham and all of Maine very proud. We are fortunate to have had such a talented and charitable young woman representing us in front of the entire United States. Thank you, Audrey, for your work thus far and I look forward to hearing all about everything you will achieve in the future. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber the 2014 Miss Maine winner, Audrey Thames of Topsham. Would she please rise and accept the greetings of the Senate.

Kelsey Earley, of Lebanon, who has been crowned Miss Maine. Ms. Earley is a junior at the University of New England. Her platform is Be a Superhero, which makes superhero capes for children who are fighting illness. She will represent Maine throughout the year, including at the Miss America Pageant in Atlantic City in September 2015. We extend to Ms. Earley our congratulations and best wishes;

SLS 571

Sponsored by Senator COLLINS of York.
Cosponsored by Representative: GERRISH of Lebanon.

READ.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise today to honor Kelsey Earley, the young woman who has made the Town of Lebanon and the entire state of Maine very proud. As this year's Miss Maine, Kelsey has represented her community and our state at the national level, culminating with the national Miss America pageant in September. Kelsey has devoted her time as Miss Maine to ensuring that sick children are able to have a bit of fun in their lives. She has the Be a Superhero program, making superhero capes for children fighting illness. Using her time to craft these capes and bring joy to children has not been an easy task to juggle with her dental hygiene studies at the University of New England. However, Kelsey does it with a smile and good cheer. With her dedication to helping others she's made our state proud. I wish her the best of luck in Atlantic City in September. I look forward to seeing what she accomplishes in the future.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Kelsey Earley of Lebanon. She is the 2015 Miss Maine. Would she please rise and accept the greetings of the Senate.

RECESSED until 2:00 in the afternoon.

After Recess

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

THE PRESIDENT PRO TEMPORE: We need to do a housekeeping matter because the Senate extended beyond statutory adjournment as of yesterday. We need to be explicitly clear about our actions and the intentions of going beyond statutory adjournment date. I'm going to read language and then we will have to take a vote.

Pursuant to Title 3, Section 2, the date of adjournment for the First Regular Session of the 127th Legislature is hereby extended beyond June 17, 2015 for an additional five legislative days and, further, all action taken by the House and Senate on June 18, 2015 prior to the vote are hereby ratified.

We will open a vote. It will require a two-thirds majority to pass. Is the Senate ready for the question?

On motion by Senator **THIBODEAU** of Waldo, 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 (#288)

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, it is the vote of the Senate to Extend the Legislative Session.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Maine Residents To Personally Import Medications as Permitted under the Federal Food, Drug, and Cosmetic Act" (EMERGENCY)

H.P. 968 L.D. 1422

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

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

In House, June 9, 2015, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

In Senate, June 17, 2015, on motion by Senator **VOLK** of Cumberland, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

SENATE PAPERS

Bill "An Act To Amend Education Laws"

S.P. 548 L.D. 1448

Presented by Senator **EDGECOMB** of Aroostook.
(GOVERNOR'S BILL)

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create the Put ME To Work Program"

H.P. 932 L.D. 1373

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-442)**.

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 "B" (H-443)**.

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 Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **VOLK** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reward Work Performed by Welfare Recipients"

H.P. 951 L.D. 1402

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-420)**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-421)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

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

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Polygraph Examiners Act"

S.P. 365 L.D. 1039

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-300)**.

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

READ ONCE.

Committee Amendment "A" (S-300) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

S.P. 195 L.D. 526

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-298)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

BURSTEIN of Lincolnville
HEAD of Bethel
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
VACHON of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-299)**.

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
HAMANN of South Portland
STUCKEY of Portland

Reports **READ**.

Senator **CUSHING** of Penobscot moved to **TABLE** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Same Senator requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session.

Same Senator moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Allowed Investments under the Maine New Markets Capital Investment Program"

S.P. 112 L.D. 297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-294)**.

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 "B" (S-295)**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

Reports **READ**.

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

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:

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Stabilize and Streamline the Department of Environmental Protection's Ground Water Oil Clean-up Fund and Maine Coastal and Inland Surface Oil Clean-up Fund"

S.P. 468 L.D. 1303

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-301)**.

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

READ ONCE.

Committee Amendment "A" (S-301) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prevent the Shackling of Pregnant Prisoners"

S.P. 353 L.D. 1013

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-302)**.

Signed:

Senators:

ROSEN of Hancock
GERZOFISKY 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:

Senator:

BURNS of Washington

Representatives:

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

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-302) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Work Permitting Process for Minors"

H.P. 943 L.D. 1393
(C "A" H-437)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-437)** (6 members)

In House, June 16, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 17, 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" (H-437)**, in **NON-CONCURRENCE**.

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

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

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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ban the United Nations Agenda 21 in Maine"
H.P. 119 L.D. 161

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

Signed:

Senators:

JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-463)**.

Signed:

Senator:

BURNS of Washington

Representatives:

GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

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

Reports **READ**.

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

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 Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we had a lengthy committee hearing on this bill. I'm just going to share a few of the highlights from the testimony with you. The Maine Municipal Association said that "Members of our policy committee voted to oppose L.D. 161 for reasons based less on the question of the intent of Agenda 21 than on the approach of the legislation which would prohibit the citizens of this state, acting through their direct democracies at the local level, from adopting policies and obtaining the services they believe appropriate for their community. The citizens who participate in Maine's 420 town meetings and 70 town or city councils are exceedingly capable of making decisions about the local services and programs appropriate for their communities without the oversight of state government in the form of blanket prohibitions, on entire categories of potential public policy considerations." Nancy Smith, of GrowSmart Maine, I'll just read one paragraph. "Smart growth, as you can see in my testimony, is quite simply an effort and a set of principles to allow for more choices in how communities grow so that we are making most effective use of existing infrastructure and encouraging demand away from the rural lands for which the highest and best use truly is not development but rather farming, forestry, and rural living. I'd ask you to review the ten principles listed below," which I won't list unless someone asks for them, "These are compatible with our mission, just as I expect they fit with your view of how Maine should grow. This certainly isn't something that should be banned in Maine." The Maine Association of Planners, which is a statewide organization of more than 100 public, private, and non-profit professional planners, citizens, and volunteers serving on local boards, and Mainers from other professions such as attorneys, landscape architects, professors, and developers. I'm just going to read their brief summary at the end in which they said, "MAP encourages you to reject this ill-conceived overreaction to state and local planning and regulation. The appropriate balance of public interests and private property rights is already sufficiently governed by the state and federal Constitutions and the Maine State Statute." Lastly, the Washington County Council of Governments, Judy East, the Executive Director, said, "I agree with the Maine Municipal Association. L.D. 161 is a profoundly anti-democratic top down approach to governing that attempts, through the act of blanket prohibition, to restrict the rights of people to make community based decisions they believe appropriate." She went on to say, "In its singular purpose to protect private property rights, L.D. 161 runs roughshod over Maine's tradition of home rule and assumes that Maine's citizens and elected officials are incapable of assembling the information and tools they need to determine their own futures. It assumes we cannot tell the difference between snake oil and legitimate medicine or healthy food. My 27 years of serving rural New England towns gives me far greater faith in Maine people and in Maine municipalities than that. I urge you to stop this wrong-headed legislation in its tracks," she went on to say, "and it needs no further study. I respectfully request that you vote Ought Not to Pass out of the Judiciary Committee."

Ladies and gentlemen, I urge you to join me in opposing the present motion. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be very, very brief. I just want to read one quote from Maurice Strong, Secretary General of the United Nations Environmental Program. "Current lifestyles and consumption patterns of the affluent middle class involving high meat intake, use of fossil fuels, appliances, home and workplace air conditioning, suburban housing are not sustainable. The United States is the greatest threat to the global environment. It is guilty of environmental aggression against the planet. Isn't the only hope for the planet that the industrialized civilizations collapse? Isn't it our responsibility to bring that about?" Ladies and gentlemen of the Senate, we have very divided opinions about this, but, for me, I want this country, this state, my town, and my citizens to be in control of their own destiny. Thank you very much, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns 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 (#289)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-463) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Establish the Maine Fourth Amendment Protection Act"

S.P. 200 L.D. 531

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-275)** (9 members)

Minority - **Ought Not to Pass** (4 members)

In Senate, June 17, 2015, on motion by Senator **BURNS** of Washington, 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-275)**, in **NON-CONCURRENCE**.

On motion by Senator **BURNS** of Washington, the Senate **INSISTED**.

Sent down for concurrence.

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

Senate at Ease.

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

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 Improve Childhood Vaccination Rates in Maine
H.P. 310 L.D. 471
(C "A" H-426)

An Act To Extend the Funding Period for Landfill Closure Costs
H.P. 404 L.D. 580
(C "A" H-115)

An Act To Allow a Patient To Designate a Caregiver in the Patient's Medical Record

H.P. 447 L.D. 666
(C "A" H-432)

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 Strengthen the Economic Stability of Qualified Maine Citizens by Expanding Coverage of Reproductive Health Care and Family Services

H.P. 213 L.D. 319
(C "A" H-243)

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

An Act To Protect Children and the Public from Vapor from Electronic Smoking Devices

H.P. 769 L.D. 1108
(C "A" H-428)

On motion by Senator **CUSHING** of Penobscot, **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:

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine"

H.P. 224 L.D. 330

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

Signed:

Senators:
BURNS of Washington
JOHNSON of Lincoln

Representatives:

HOBBS of Saco
EVANGELOS of Friendship
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-462)**.

Signed:

Senator:

VOLK of Cumberland

Representatives:

GINZLER of Bridgton
GUERIN of Glenburn

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

Reports **READ**.

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

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 Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. I wanted to speak in favor of this report. This bill is appropriately before us just as we've moved into the 4th of July holiday, our celebration of independence, a time we have, in the past, celebrated our system of government, a grand experiment that changed the world. Yet even now, in the 21st Century, there are places where women are held as virtual property, routinely beaten and abused with the full consent and blessing of the legal system. Young girls are savagely mutilated at a young age and those who would speak out against these practices are killed as a matter of honor. Radical religious codes of law are used as tool to oppress and control women. L.D. 330 provides for one simple thing, that foreign law cannot be cited in our courts in Maine when to do so would violate any rights or privileges granted within our state's Constitution or the U.S. Constitution. Period. It should not be necessary, but cases across our country prove that it is. The amended version of L.D. 330 protects business dealings with foreign entities. It is completely neutral and does not single out any foreign system or religion, cannot conflict with any treaties by its own wording, and exempts all Native American tribal laws. Under L.D. 330 a judge can still cite foreign law. In fact, this law specifically allows for comity, which is respect shown by one country for the laws, judicial decisions, and institutions of another.

However, again, those laws and traditions may not violate the rights of anyone living in Maine, as set forth by our federal or state Constitution. There is no problem with separation of powers in the amended version of this bill.

The amendment before us is straightforward and was drafted by our committee analyst. At least ten states have passed very similar legislation. In Oklahoma they actually passed legislation by referendum but that was ruled unconstitutional by the courts. Their legislature reworked the law and it stands today. No other similar laws have been struck down.

During the hearing the Judiciary Committee heard testimony from eight concerned citizens in favor, the bill's sponsor, and the ACLU. We heard compelling stories about people living here in the United States who attempted to influence court cases in the U.S. by introducing principles of foreign law. In most, if not all, cases these traditions negatively impacted women, marriages, and children. For example, in the case of S.D. v. M.J. R. the New Jersey Superior Court of Appeal reversed a trial court judge who did not find sexual assault to have been proven when a husband admitted forcing his wife to engage in sex because the husband lacked criminal intent as he was a Muslim and sharia, as described by an imam, mandated that a wife submit to her husband's sexual advances. The New Jersey appellate court cited several U.S. Supreme Court decisions that held that freedom of religion does not include violating criminal laws.

Our justice system has worked like none other for a short period of time in the history of the world. This bill is about consistency. It is about people knowing they can go to a Maine court and be confident in the system of law their case will be considered by. A mother can go to court, for example, and not hear that in a foreign country male children become the father's property at a specific age. This bill gives us an opportunity to preempt any issues in Maine courts by making it clear that our state and federal Constitutions take precedence over any other consideration.

The other day you heard me speaking in favor of welcoming asylees and refugees to our state. Last week I took a photo with a Muslim constituent who, as we posed, said, "I hope they will see that my eyes are smiling" because the rest of her was covered. I embrace diversity, but I also want to know, without a shadow of a doubt, that every man, woman, and child living in Maine is protected equally by our laws. This amended bill does just that. 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, what this seeks to do is establish what already exists and to do so more narrowly. What already exists is supremacy clauses such that our Constitution, federal and state, have supremacy over the laws of the state. We heard evidence from the ACLU and included with their testimony was some information from the American Bar Association. This was adopted by the House of Delegates on August 8 and 9, 2011. A Resolution, resolved the American Bar Association opposes federal or state laws that impose blanket prohibitions on consideration or use by courts or arbitrarily tribunals of foreign or international law. Further resolved that the American Bar Association opposes federal or state laws that impose blanket prohibitions on consideration or use by courts or arbitrarily tribunals of the entire body of law or doctrine of a particular

religion. I'll read you just a few excerpts from a lengthy document that they provided in the background briefing on this matter, but they noted that over the last year or so there's an increasing number of state constitutional amendments and legislative bills that have been proposed seeking to restrict or prohibit in varying degrees state courts use of laws or legal doctrines arising out of international, foreign, or religious law or legal doctrines. Later on in the document it talks about how these tend to refer to religious or sharia law, as much of the testimony did before the Judiciary Committee. After that they say, "Despite the differences and terminology used, on the whole these bills and amendments purport to protect state citizens from perceived risks to their constitutional rights or to prevent legal decisions that would run counter to the state's public policy. Some well-publicized decisions have, understandably, raised concerns. For instance, a trial court in New Jersey ruled that a husband, who was a Muslim, lacked criminal intent to commit sexual assault upon his wife because his desire to have sex when and whether he wanted to was something that was consistent with his practices and it was something that was not prohibited. Others have observed that certain sharia rules govern divorce, child custody, and inheritance is applied in certain jurisdictions or interpreted in certain schools of Islamic thought, may discriminate against women in ways that would not be sanctioned by and, indeed, would often be illegal under the laws of this country. Yet that very fact highlights the points that the bills and amendments are duplicative of safeguards that are already enshrined in federal and state law. American courts will not apply sharia or other rules, real or perceived, that are contrary to our public policy, including, for instance, rules that are incompatible with our notions of gender equality. Indeed, the New Jersey trial court decision referenced above was reversed by the Superior Court of New Jersey, which soundly rejected the lower court's perception that, although the defendant's sexual acts violated applicable criminal statutes, they were culturally acceptable and thus not actionable. In so ruling, the court ruled on long-standing precedent that the government's ability to enforce generally applicable prohibitions or socially harmful conduct, like its ability to carry out other aspects of public policy, cannot depend on measuring the effects of a government action on the religious objector's spiritual development." Further on it says, "Moreover many of the bills and amendments would infringe federal constitutional rights, including the free exercise of religion, freedom of contract," which I know the bill's sponsors have attempted to deal with in this bill before us, "or would conflict with the supremacy clause and other clauses of the Constitution."

Mr. President, in spite of the many worries about this issue presented to the Judiciary Committee, this case which I have just discussed in the writings of the American Bar Association was the only example that was brought forward that this should even be considered and yet our own court system was the corrective action to this. The protections that are in place today work. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns 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 (#290)

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-462) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Evaluation of Public Schools" H.P. 853 L.D. 1253

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

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

READ ONCE.

Committee Amendment "A" (H-467) **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 Protect the Privacy of Citizens from Domestic Unmanned Aerial Vehicle Uses"

H.P. 24 L.D. 25

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-469)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-469)**.

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

READ ONCE.

Committee Amendment "A" (H-469) **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 Improve Maine's Involuntary Commitment Processes"

H.P. 783 L.D. 1145

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-464)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AND HOUSE AMENDMENT "A" (H-471)**.

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

READ ONCE.

Committee Amendment "A" (H-464) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-471) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-464) AND HOUSE AMENDMENT "A" (H-471)**, in concurrence.

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

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

COMMUNICATIONS

The Following Communication: S.C. 459

**STATE OF MAINE
127TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

June 17, 2015

Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333-0003

Dear Secretary Priest:

Pursuant to my authority under House Rule 201.1 (I) (a), I have temporarily appointed Representative Drew Gattine of Westbrook as a member of the Joint Standing Committee on Appropriations and Financial Affairs for the duration of the absence of Representative Linda Sanborn of Gorham effective immediately.

Should you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

S/Mark W. Eves
Speaker 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:

Acts

An Act To Restructure the Permitting Process for Wildlife and Exotic Species in Captivity

S.P. 501 L.D. 1369
(C "A" S-282)

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.

An Act To Expand Maine's Carbon Monoxide Detectors Law
S.P. 216 L.D. 623
(C "A" S-290)

On motion by Senator **CUSHING** of Penobscot, 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 (#291)

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

NAYS: Senators: BRAKEY, BURNS, COLLINS, CYRWAY, DAVIS, EDGEComb, HAMPER, LANGLEY, THIBODEAU, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, 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 Increase the Limit on the Number of Patients a Primary Caregiver May Provide for under the Medical Marijuana Laws
H.P. 8 L.D. 5
(C "A" H-456)

Comes from the House **FAILED ENACTMENT**.

On motion by Senator **HILL** of York, 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 (#292)

YEAS: Senators: BRAKEY, DILL, DUTREMBLE, GRATWICK, HASKELL, JOHNSON, LIBBY, MCCORMICK, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, GERZOFISKY, HAMPER, HILL, KATZ, LANGLEY, MILLETT, ROSEN, THIBODEAU, VOLK, 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, **FAILED ENACTMENT**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent 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
(S "A" S-258 to C "A" H-327)

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

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

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

In Senate, June 17, 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" (H-327) AS AMENDED BY SENATE AMENDMENT "A" (S-258)** thereto, in **NON-CONCURRENCE**.

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

Senator **MCCORMICK** of Kennebec moved the Senate **RECEDE** and **CONCUR**.

Senate at Ease.

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

On motion by Senator **SAVIELLO** of Franklin, 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 (#293)

YEAS: Senators: ALFOND, BREEN, COLLINS,
DUTREMBLE, GRATWICK, HASKELL, HILL,
KATZ, LIBBY, MCCORMICK, MILLETT, PATRICK,
VALENTINO, VOLK, WILLETTE

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **RECEDE** and **CONCUR FAILED**.

On motion by Senator **SAVIELLO** of Franklin, the Senate **ADHERED**.

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
(S "A" S-297 to 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)**.

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

In Senate, June 17, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-161) AS AMENDED BY SENATE AMENDMENT "A" (S-297)** thereto, in **NON-CONCURRENCE**.

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

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

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 had preference in the Orders of the Day and continued with such preference until disposed of as provided by Senate Rule 516.

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/15) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Minimum Wage Consistency" S.P. 494 L.D. 1361

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-142)** (6 members)

Tabled - May 29, 2015, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 29, 2015, Reports **READ**.)

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to this motion, Mr. President, because I really believe this is a home-rule issue. If you look at the minimum wage battle throughout the United States of America, there are many states that have made changes, positive changes, to the minimum wage and there have

been some cities throughout America that have adopted different minimum wages than the state average. I'm a firm believer that we're always talking about home-rule and the ability for municipalities to have a say in their own best interest and I think, from the standpoint of some of the larger cities in the state of Maine, if they have an ability to set a higher rate based upon the lower unemployment rate within their area I think this is a good thing. I would ask that the Body would reject this Ought to Pass as Amended motion and move on to the Ought Not to Pass. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. I agree with my good friend from Oxford, that home-rule can be a very good thing. The problem is that the State is charged with enforcing our wage and hour laws. When we begin having different municipalities establishing their own wages then the State can no longer enforce those laws and so it becomes a real problem. Those municipalities will actually have to hire their own enforcement personnel and take care of their own enforcement as well as making sure that people's last paychecks are fair, handling disputes and complaints. Additionally, one of the other issues is say you own a cleaning agency and you're likely a very small business owner. Perhaps your business is located probably in your home or out of your home and in, say, Portland or some other municipality that establishes their own wage. However, you send your cleaning crews to Scarborough and Gorham and Falmouth. Who's going to keep track of when those crews are working in Portland and have to be paid at the higher rate as opposed to when they're in Falmouth or when they're in Scarborough where they would be paid the State rate? You can see how this really amounts to a large amount of confusion among both employers and employees. Believe it or not, I know those of us up here are usually educated on these things, the federal minimum is \$7.25. State minimum is \$7.50. You still have small business owners, I'm guessing they're usually small business owners, people who are ignorant of the law, that inadvertently pay the wrong minimum wage rate. They're paying their workers \$7.25 an hour until somebody complains or notices and the State gets a phone call and they have to handle that. For whatever reason, there continues to be people who don't quite have an understanding of the difference between the two different minimum wages, federal and State. Factoring in different municipal wages would just be a complete mess and so I ask you to support the Ought to Pass as Amended Report which will insure that it is the purview of the State Legislature to make decisions regarding minimum wage in the state of Maine. 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 thank both of my colleagues, who I have the pleasure of serving with in the LCRED Committee, because we had some thoughtful debate on this issue. I respect the fact that many communities care about their citizens and want to provide opportunities for them, but I also think about the engine that drives our economy, Mr. President. Those are the small business

owners and they are the individuals who would be burdened with the confusion of understanding how to properly implement this. Many of them now are dealing with the decline in our unemployment rate, which is making it already more challenging to fill many of their positions even when they are offering wages far above the current minimum or even above the proposed minimum in future legislation. To me, Mr. President, we have to recognize that while we here aspire for the best opportunities for our citizens in this state, to provide localities with this measure without a clearly thought out and carefully planned method of advising businesses how they would implement it, that we create more chaos than good. I would ask you to follow my light in supporting the Minority Report and assuring the state employers and the people who want to work for them the consistency in the private market and public market scale that we all need.

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, just yesterday I was having a conversation with a representative from Portland and the stark differences about my area of Knox County. Housing has accelerated in cost. Munjoy Hill, which used to be a backwater, is now highly desirable and the costs have gone up there. Portland knows what it needs for wages. It can set its wages. It may be the unique place in the state or there could be a gradation. Augusta needs to take care of the state as a whole and make sure the minimum is appropriate to our economy. The cities that are growing and costs are accelerating at a greater rate than the others will know that and we won't know that. They'll have more timely information. We need to allow them to have that to act on their situation. I encourage that we move on to that. Thank you.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen, I'm not going to say much other than I appreciate the comments made by everyone, especially the Senator from Knox. I do think we all come up here and we represent our local communities and those local communities are doing lots on the ground that we sometimes have a pulse on. We're up here day after day, hour after hour, and I would just say that the City of Portland has looked at this issue for months and months and months, looking at all the ramifications, from small business owners, large business owners, owners that have their businesses in their homes, storefronts, and I don't think this is a decision that's being made haphazardly. It's something that people are being very thoughtful and taking their time. I, personally, when I come up here I always just remember the idea that politics and sometimes the economy around politics are best known locally. I'm up here, I don't know what's happening on the ground as much as my counselors and my business owners because I'm here. I hope that we would give the chance for any community to exert local control. 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 as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#294)

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, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-142) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the Municipal Gigabit Broadband Network Access Fund"
H.P. 818 L.D. 1185

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-288)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-289)** (2 members)

Tabled - June 8, 2015, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 5, 2015, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)**.)

(In Senate, June 8, 2015, Reports **READ**.)

On motion by Senator **WOODSOME** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-288) **READ**.

On motion by Senator **WOODSOME** of York, Senate Amendment "A" (S-257) to Committee Amendment "A" (H-288) **READ**.

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

Senator **JOHNSON:** Thank you, Mr. President. Just getting my eyes on that amendment. If I could have just a moment I would appreciate it.

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

Senator **WOODSOME:** Thank you, Mr. President. This amendment reduces, refines, this bill greatly. It takes away all funding from the General Fund. This bill is trying to present an opportunity for municipalities to expand their broadband and it would be within the scope, within the circle, of the broader broadband bill that the House has presented. A lot of work has been done on this. This is an 11-2 report out of the committee. We spent a lot of time on it. I'd appreciate your support.

On motion by Senator **CUSHING** of Penobscot, 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 Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just wanted to bring this to your attention. I'm not much of a professional in broadband but my son is. He's actually a Senior Executive Engineer for 11 states and he works with fiber optics and broadband for the last, I'd say, probably 17 years. He's also the Senior Architect for those 11 states. He's very familiar with this and so I wrote him this morning, just asking him about it because I wanted to make sure that I was making the right decision. Many of us rely on other experts and I trust my son. I've talked to other companies throughout the state and they all respect him as one of the best in the state to rely on. Anyways, his words this morning were that most municipalities neglect to consider long-term costs of maintaining and upgrading their own broadband network. Monticello, Minnesota is a great example of the municipality who tried this. They are now trying to sell their network for a fraction of their investment, with their taxpayers paying the difference. While municipal broadband sounds good at first, when fully reviewed it is actually a huge liability for the taxpayers and usually fails. You would be doing taxpayers a favor by voting against L.D. 1185. I just wanted to let you know. This is from an expert. We're not all experts, so I'm trying to just give you that information. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome to Adopt Senate Amendment "A" (S-257) to Committee Amendment "A" (H-288). 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 (#295)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, HAMPER, LANGLEY, THIBODEAU, WHITTEMORE

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ADOPT** Senate Amendment "A" (S-257) to Committee Amendment "A" (H-288) **PREVAILED**.

Committee Amendment "A" (H-288) as Amended by Senate Amendment "A" (S-257) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-288) AS AMENDED BY SENATE AMENDMENT "A" (S-257)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase the Minimum Wage to \$8.00 per Hour" H.P. 75 L.D. 92

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-317)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-318)** (3 members)

Report "C" - **Ought Not to Pass** (3 members)

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

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, June 8, 2015, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.)

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

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**, 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 very much, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I hadn't intended to rise on this issue, but, having the opportunity, I will take it. Maybe I'm kidding. I rise in opposition, Mr. President, of this motion, not to the idea that the citizens of the state of Maine don't deserve a minimum wage increase because I think the debate throughout the country has been, both locally and nationally, how much. The idea of \$10 per hour is something that has come up in a lot of discussions, but not in our committee. Well, actually it did but the committee worked long and hard and there was a divide on just what to do. There is a difference. This bill, Report B, actually asks to increase it 50¢ to \$8.50 and 50¢ to \$9.00, which is good. The one problem that we have with it is that, although this Body voted for a couple of the other provisions, they failed in the legislature. The provisions in Section 3, which minors 14 to 15 years of age prohibited in certain places, which, to me, along with the other provision that adds a poison pill to this bill and makes it so that I can't support it. In reality, if we pass this, and it happens to fail somewhere else, we're going to be in a dilemma because, Mr. President, we have something facing us statewide. I can't say how anything in the other Body is or what might happen there, but I can say there's going to be a citizens' initiative. Both Report A and Report B asks for an increase in minimum wage. The citizens' initiative is going well beyond that and I'm actually hoping that the citizens' initiative does pass because I think when citizens have that opportunity to take a look at what the least favorite in our society, as far as wage-wise goes, they're going to vote resoundingly for an increase with indexing and other things. By us not passing something in agreement, we're actually going to allow the citizens to have the initiative and probably pass. I'm actually looking and hoping that this will be defeated and we can go on, and I won't talk about the other potential that we have facing us. I think if this does pass today it'll come back to us in a different form and we'll probably all be able to jump on board because I think if we, as legislators, really know what's going on out there we're going to do the right thing. From my standpoint, Mr. President, this is not the right thing to do at the right because we don't have to vote on a couple of things that we've already voted on that didn't work, the minors working and such. I would ask that the Body would reject this motion and that way we can move on to something else that I can talk a little bit more on. 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, our committee did work long and hard and we had hoped to arrive at a compromise on minimum wage. There was a majority of the committee that did believe that probably it was time for us to increase the minimum wage in our state and we wanted to do that in a responsible way, in a controlled way. We also hoped that maybe we could update some of our minor work laws along the way. That, unfortunately, is where things sort of went off the rails and we could not arrive at an agreement. Report B increases the minimum wage by \$1.50 over three years, so it would increase it to \$9.00 an hour in 2018. It prohibits a municipality from enacting its own minimum wage, which is very similar to the bill that I spoke to previously. It conforms Maine law to federal law, providing that minors who are younger than 14 years old are only allowed to work in agricultural employment if they don't come in direct contact with hazardous machinery or chemicals. It conforms to federal law the hours that minors 16 and 17 can work during the school year, especially preceding a school day. It eliminates the prohibition on minors 16 years of age working more than six days in a row. I just would like all of the members of the Body of the Senate to remember that parents are involved in these decisions. Parents, guardians, grandparents, whoever the child is being raised by are involved in these decisions. Would I let my kid work until 11 o'clock on a school night? I would not, unless perhaps they were a senior. If they were 17 year old seniors and they don't have to be at school until 10 o'clock in the morning, which in that case I would be fine with them working until 11. I also live in an area where, conceivably, my kids would probably never have more than a 15 or 20 minute ride home. Parents are certainly involved in these decisions for their children. It also eliminates the prohibition on minors under the age of 18 working more than 50 hours a week during the summertime. That is during the summertime as long as they are not involved in summer school. Maine is one of, I believe, only four states not to allow minors to work in bowling alleys. They still would not be allowed to work in the back part of the bowling alley, but they would be able to spray shoes and be there to work at birthday parties and that sort of thing. That is what this bill does. Like I said, we really had hoped that we were going to be able to arrive at a consensus. I suspect this bill will pass this Chamber and perhaps there's still some area for compromise. I urge you to follow my light and accept Report B. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept Report "B" Ought to Pass as Amended by Committee Amendment "A" (H-318), 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 (#296)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-318)**, in **NON-CONCURRENCE**, PREVAILED.

READ ONCE.

Committee Amendment "B" (H-318) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-318)**, in **NON-CONCURRENCE**.

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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Attract Entrepreneurs to the State" S.P. 481 L.D. 1332

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-228)** (6 members)

Tabled - June 10, 2015, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

READ ONCE.

Committee Amendment "A" (S-228) **READ**.

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-250) to Committee Amendment "A" (S-228) **READ**.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Senate Amendment A reduces the fiscal note of this bill to \$100,000 per year. I appreciate the good Senator from Cumberland, Senator Volk's ability to move this forward. Co-working spaces in this state are something that truly is our future to grow small businesses, to allow entrepreneurs to succeed, and to really ensure that our downtowns or empty storefronts have the ability to become lively again, to become filled with entrepreneurs in the area. I really think this is a great bill for us to move forward. It's a great small business bill. It's great for entrepreneurship and it's great for our downtowns, especially in rural Maine. Thank you, Mr. President.

On motion by Senator **ALFOND** of Cumberland, Senate Amendment "A" (S-250) to Committee Amendment "A" (S-228) **ADOPTED.**

Committee Amendment "A" (S-228) as Amended by Senate Amendment "A" (S-250) thereto, **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-228) AS AMENDED BY SENATE AMENDMENT "A" (S-250)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/17/15) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Maine Medical Use of Marijuana Act"

H.P. 942 L.D. 1392

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-454)** (7 members)

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

Tabled - June 17, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, June 17, 2015, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 17, 2015, Reports **READ**.)

Senator **BRAKEY** of Androscoggin requested and received leave of the Senate to withdraw his motion to **ACCEPT** Majority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

Same Senator moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

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

Senator **BRAKEY:** Thank you, Mr. President. This bill, I think, was an effort. It was a department bill. We spent a lot of time working on this in the Committee on Health and Human Services. It's an effort to really increase the integrity of the Maine Medical Marijuana Program and give the people in the program the tools they need to really increase the integrity there. Unfortunately, while the overall program is, I think, working very well, there are some bad apples who kind of cast a shadow on everyone else. These were some proposals to help the department implement this program better, though there have been some concerns about it and I'm sure we'll have the department in the future bring a new bill forward so we can try to work out some of these issues. As for now, I would like us to accept the Ought Not to Pass Report so we can move forward. Thank you very much.

On further motion by same Senator, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Off Record Remarks

RECESSED until 5:15 in the evening.

After Recess

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

Off Record Remarks

ORDERS OF THE DAY

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reward Work Performed by Welfare Recipients"

H.P. 951 L.D. 1402

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-420)** (7 members)

Minority - **Ought To Pass as Amended by Committee Amendment "B" (H-421)** (6 members)

Tabled - June 18, 2015, by Senator **CUSHING** of Penobscot

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 17, 2015, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.)

(In Senate, June 18, 2015, Reports **READ**.)

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-421)** Report, in **NON-CONCURRENCE**.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would ask you not to be supporting this motion, but I would ask you if you would consider, and I apologize, I'm trying to pick up the right bill. I just looked at 15 of them and I want to make sure that I'm, indeed, providing you with the correct information on this one.

I believe that many of the parts of this bill have been included in another bill that is already for our consideration. I would ask you to reject this bill so we may go forward with the other report. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I don't have prepared remarks for this one, but I will be brief, and I mean that. My colleague from Cumberland is correct. Pieces of this bill were incorporated into another very big bill we voted on the other day. However, there were some key components of this bill that were left out, that I was a little frustrated about. This bill, essentially, eliminates the welfare cliff in the TANF program by allowing individuals who are meeting federal work requirements to discount a certain amount of their income for a longer period of time so that it does not count against them for the benefits that they receive. This encourages people to work and does not discourage them by taking away benefits while they are trying to work their way off the system. However, as a part of that reform, this is a welfare expansion but it is an expansion that I think is in the good spirit of helping getting people off the system and removing these barriers. Another piece of this bill that was not included in that other legislation is also scaling back some of the benefits for people who are not meeting those work requirements under the TANF program. Keep in mind, the TANF program is a work program. There are federal requirements. There are federal work requirements under this program and we are not meeting those requirements. In fact, because we are not meeting those requirements there are millions of dollars of fines hanging over our head and we could lose in our TANF block grant because we are not meeting these work requirements. Without that underlying reform to encourage people to meet those work requirements, I think we're really missing something, so I do encourage that we support the Ought to Pass motion on this bill. Thank you very much.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, this is what is called the Cliff Bill.

We had a couple of cliff bills this year, which were wonderful ideas and I applaud the second floor for providing this information for us and giving us an opportunity to get people to work more without dropping off the edge of that cliff. It's a real incentive bill. The elements of this have been included in the budget and I believe there is no need for us to move forward with this. The assertion that we are not meeting our requirement is a false assertion. Not all of it is true. There is one element of it that we are not meeting, our two person family. However, we are, overall, meeting and there has been no fine provided to the State. This bill would be unnecessary and I would urge you not to support this.

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (H-421) 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 (#297)

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

NAYS: Senators: **ALFOND, GERZOFsky, HASKELL, JOHNSON**

EXCUSED: Senator: **VALENTINO**

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-421)** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-421) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-421)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Request a Waiver To Prohibit the Use of Food Supplement Benefits for the Purchase of Taxable Food Items (EMERGENCY)

S.P. 195 L.D. 526

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-298)** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-299)** (4 members)

Tabled - June 18, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)** Report

(In Senate, June 18, 2015, Reports **READ**.)

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, this is a bill I had a hard time swallowing. That's supposed to be a joke. It says laugh here now in my comments. This is a bill that does restrict what people are going to be able to buy. It's been difficult for me to come to grips with this. I know the committee has heard me say that over and over again. However, I think that the elements of this bill that have been presented have been done as carefully as they could be and designed to help people understand what might be good, healthy choices for them at the grocery store. I had hoped that this bill, and you'll see that I am on the other report, might be able to companion with another bill, which I can't talk about. I think that when we restrict people, and say what they are not allowed to have, we ought to give them the option to understand what they can have and have additional supports in order to be able to do that. I felt strongly that that was kind of a two handed way to approach this and so, while I am not as I said in as much objection to this bill as I have been over the course of the last few years, I won't be supporting this motion so that I can have an opportunity to take a more balanced approach, including all of the language that was in this bill, as we go forward. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise today to support the Ought to Pass as Amended Report on L.D. 526. This bill would require the Department of Health and Human Services to request a federal waiver to change the laws governing what can and cannot be purchased with taxpayer funded food assistance benefits. We must request the waiver in order to implement changes to Supplemental Nutrition Assistance Program, also known as SNAP, because the federal government administers the program. The key word in the name of the SNAP program is nutrition. If we are providing assistance to those who truly need the help that assistance should be going to food that is healthy and necessary. Something is amidst if you cannot purchase toilet paper with food assistance benefits but you can purchase Red Bull, Mountain Dew, and ice cream. That is simply not good public policy. Mr. President, everyone knows that I am no fan of government interfering in people's choices. However, this bill is not about people making choices about how to spend their own money. This is people spending money that other folks have earned and having the ability to spend it on food that contributes to diseases like obesity, heart disease, and diabetes. Not only is that unfortunate for the people who end up suffering from such afflictions, but it results in higher healthcare costs for the State.

In his testimony in front of the Health and Human Services Committee, the bill's sponsor, my good friend and colleague from Kennebec County, related a story about his time serving on a national taskforce on hunger through the Council of State Governments. The panel took a vote on whether or not to support legislation just like the one we are considering here today. The result of that vote: support from seven legislators, Republicans and Democrats. The only opposition was from the paid representatives of the candy and soda manufacturers who were also on the panel. This is telling.

Our current policies regarding Food Stamp purchases are not based on reasons of health or good policy. This must change both for Maine's hard working taxpayers and for the health of the neediest citizens among us. Thank you for the opportunity to speak in support of this important reform and I encourage you to follow my light.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Cushing to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (S-298) 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 (#298)

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

NAYS: Senators: ALFOND, GERZOFKY, HASKELL, JOHNSON

EXCUSED: Senator: VALENTINO

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CUSHING** of Penobscot to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-298) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-298)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/15) matter:

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Forest Ranger Safety"

H.P. 498 L.D. 745

Report - **Ought to Pass**

Tabled - April 30, 2015, by Senator **EDGEComb** of Aroostook

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

(In House, April 29, 2015, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED**.)

(In Senate, April 30, 2015, Report **READ**.)

On motion by Senator **EDGEComb** of Aroostook, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/15) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Residential Drinking Water Arsenic Testing"

S.P. 328 L.D. 937

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-139)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - May 29, 2015, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

(In Senate, May 29, 2015, Reports **READ**.)

On motion by Senator **VOLK** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/2/15) matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act To Increase the State Earned Income Credit"

H.P. 79 L.D. 96

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-230)**

Tabled - June 2, 2015, by Senator **MCCORMICK** of Kennebec

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

(In House, June 1, 2015, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-230)**.)

(In Senate, June 2, 2015, Report **READ**.)

On motion by Senator **MCCORMICK** of Kennebec, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/4/15) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Feed Rural Citizens of the State"

H.P. 721 L.D. 1052

Majority - **Ought to Pass** (7 members)

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

Tabled - June 4, 2015, by Senator **BRAKEY** of Androscoggin

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

(In House, June 3, 2015, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, June 4, 2015, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to support the Ought Not to Pass motion on L.D. 1052. This bill is an effort to undermine some of the successful welfare reforms implemented by our Chief Executive, namely the requirement that young, able bodied adults without dependents be required, after a three month grace period, to work, participate in job training, or volunteer in order to continue receiving benefits under the SNAP program. This requirement was specifically allowed for under President Clinton's welfare reform in the 1990s. It's not particularly onerous. As a young, able bodied adult without dependents, an individual can continue to qualify for SNAP benefits by working or participating in job training for just 20 hours of the available 168 hours in a week. That's 8.4% of the entire week that we are asking work-ready individuals with no dependents to be on the clock. Additionally, if someone chooses to volunteer to meet the requirements instead, it's an even lower threshold of about 24 hours each month. For those counting, that's less than an hour a day and less than 3.5% of the hours available in a month. Since the enactment of this commonsense welfare reform, we have seen tremendous results. The number of young, able bodied adults without dependents on the SNAP program has decreased by 75%.

The proponents of this bill argue that this is because these work requirements leave people without options in rural areas with high unemployment. The thinking that is without employment opportunities those living in these areas can't meet the requirements. When we look at the data, however, that is simply not the case. In fact, the two counties with the highest unemployment rates in the state, Washington and Hancock, have two of the lowest rates of decline of people in this category, meaning that they are actively participating in the work or volunteer opportunities in order to meet the work requirement. As the Department of Health and Human Services testified, "It would be counterproductive to the economic future of Maine and Maine citizens to allow able bodied individuals without dependents to linger on public welfare benefits instead of working. The Maine Job Bank has thousands of jobs for which employers are seeking to fill. Maine's unemployment rate has dropped and there are opportunities across the state to volunteer or participate in employment training."

If there was any clear mandate from the people of Maine this past November it was that they expect welfare reform from this legislature. We should be advancing welfare reform, not

attempting to undermine those reforms already in place that are working. Thank you very much, Mr. President. I hope this Body will join me in supporting the Ought Not to Pass report.

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

Senator **HASKELL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, the title of this bill is An Act to Feed Rural Citizens of the State. I think it's an important thing that we have missed in the discussion here. This is a targeted piece of legislation. It's targeted to individuals who reside in counties, labor market areas, that qualify for a waiver that's provided by the federal government to us, which the State of Maine has accepted for 19 years. For 19 years this waiver has been accepted. These are in labor market areas of high unemployment or lack of sufficient number of jobs. This is targeted to make sure that we don't leave these people, at the end of their three month time, without food. I disagree with my good colleague from Androscoggin, Senator Brakey, on some of the facts around the "success" of having limited the TANF program. There is a study done by Sandra Butler, Ph.D. from the University of Maine, a well-researched study which talks about exactly what the impact of those limitations are. It's not surprising that families that have been cut off from this program due to the limitations are facing many barriers to securing employment. Among the first families in our first study, nearly two-fifths of them, 39%, had an adult with work limiting disability and one-quarter had a child or other dependent family member with a disability. These families were no longer receiving TANF despite the fact that an extension for families coping with a disability is provided for by law. Over two-fifths of the families, 41%, had less than a high school diploma. Clearly, many of these families are unable to work due to no fault of their own, have disabilities, or inability to find employment due to a lack of skills. Those families who were working were making very low wages. We've learned from our study that families face severe hardship after losing their TANF. Seventy percent had to go to a food bank and one-third of these individuals lost their utility service after being cut off from this lifeline. One-fifth were evicted from their homes and had to move in with friends or family or go to a homeless shelter. Again, I remind you, TANF is a program for families with children. There is substantial research indicating the consequences of severe poverty for children and these are profound and long-lasting implications to their brain, to their lifetime outcomes in terms of education and employment.

This study goes on to talk about individuals who, for a variety of reasons, should have been excluded under these categories of disability. There was one in specific that we talked about. She had applied for SSI prior to losing her TANF but had been denied. Her husband had a physical disability after many years of working in the woods with heavy machinery. He was in the process of applying for Social Security Disability Insurance and he was waiting a decision at the time that they lost it. Because he was waiting for his Social Security Disability to come through, they lost their apartment and the family broke apart. The youngest children were taken by DHHS and placed in foster care. I understand that's one case and that's not everybody, but what I'm telling you is that this lifeline is a very important lifeline for people.

The work requirement, I believe, is taken care of by the implications of the bill and the language of the bill which talks about high unemployment and lack of sufficient numbers of jobs. We know that there are many people unemployed in areas like

Millinocket, Bucksport, Pittsfield, Rumford; those places where plants have closed. Ladies and gentlemen, I would urge you to take a second look at what it means for families with children to have this taken out from underneath them and at least allow us, in rural communities where unemployment is high and the labor market indicates it, to be able continue the waiver that's offered by the federal government and reject the current motion. Thank you.

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 pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought Not to Pass Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#299)

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

NAYS: Senators: ALFOND, DILL, GERZOFISKY, HASKELL, JOHNSON, MILLETT, MIRAMANT

EXCUSED: Senator: VALENTINO

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/5/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"
S.P. 362 L.D. 1036

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-194)** (6 members)

Tabled - June 5, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 5, 2015, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to support the Ought to Pass Report on L.D. 1036. This is An Act to Prioritize Use of Available Resources in General Assistance Programs. This bill makes an applicant for General Assistance who voluntarily abandons or refuses to use an available resource without just cause ineligible to receive General Assistance to replace that abandoned resource for a period of 120 days from the day the applicant abandons the resource. If that's a little technical, basically what it's doing is making General Assistance truly the safety net of last resort, as it's supposed to be, and making our property taxpayers be the safety net of last resort.

As the chairman of the Health and Human Services Committee and the sponsor of this bill, the proposal is one of several proposals which arose out of a conversation I had with several of Maine's municipal welfare directors. They identified problems in the GA program and suggested solutions. This is one of those solutions. In the public hearing we heard testimony in support of this proposal from the Maine Municipal Association, the Department of Health and Human Services, and the municipal welfare directors from many of Maine's municipalities, including the cities of Auburn, Lewiston, Bangor, and Biddeford. To quote the testimony of a few: the Maine Municipal Association writes, "The proposal found in L.D. 1036, which is being advanced on behalf of the Maine Welfare Directors' Association, has long been supported by both the municipal welfare directors and MMA. As proposed, both initial and repeat applicants who, through their own actions, i.e. fraud, misrepresentation, violation of a program rule, etcetera, caused the loss of an otherwise available resource, for example housing, supplemental food programs, counseling, etcetera, or who, without cause, refused to use an available resource would become ineligible to receive GA to replace the forfeited or abandoned resource for a period of 120 days. Under existing law, an applicant in this circumstance is ineligible to receive GA until that applicant seeks out the potential resource. Many officials believe the approach in L.D. 1036 strengthens credibility, participant accountability, and provides municipal program administrators with the tools needed to ensure that all program resources are effectively used." That was the Maine Municipal Association. Rendy Folger, Community Services Manager for the City of Bangor, writes, "The City of Bangor supports this bill as written as this is the protocol we currently follow." Sue Sharron, Social Services Director for the City of Lewiston, writes, "If a person abandons or causes a reduction in benefits from an available resource that would have eliminated the need for GA a disqualification period should be applied. This bill increases client accountability and adds accountability to the GA program." Finally, DHHS writes, "The General Assistance program is intended to be a program of last resort. Applicants need to avail themselves of all other resources prior to becoming eligible for General Assistance."

I'll just end by saying this is a commonsense welfare reform and I hope this Body will join me in passing this proposal and fixing this longstanding problem. Thank you very much.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would ask you to consider what this actually means. It sounds good. People shouldn't give up cushy jobs that they have or cool places that they have to live. GA administrators can already make those decisions. We already have those pieces in our law. An 18 year old who decides that they don't want to live at home any more, they're going to go off and get TANF and GA and be able to live happily ever after on the State. That doesn't happen because the GA administrators have the authority to make sure that they do not qualify because they do have that resource. What this bill does is makes an applicant, who voluntarily abandons or refuses to use a resource, disqualified. I think that that is very vague language. Under this one, a person, for instance, could be disqualified for something they did in the past, that they had no way of knowing would result in their inability to get emergency aid in the future. For instance, a Mom might move out of her subsidized housing project because the neighborhood is dangerous. She's worried about her kids growing up there. She has no idea this will affect her future GA eligibility. It's a good decision for her family, but she could lose her GA eligibility under this program. Seems fundamentally unfair. Under this bill, a person with a substance abuse disorder, who's been getting treatment and doing well but suffered a setback and temporarily stopped treatment, could lose their GA benefit. This is one of the actual examples that the bill's proponents were using. Losing housing will do nothing to help this person get back on track. In fact, it only makes rehab more difficult.

One of the most serious problems facing GA is the non-uniformed determinations that are made throughout this state. There is good reason to believe that the proposed restrictions will not be administered in a uniform and fair manner. We heard examples of that. I'm not going to read testimony, but there is testimony here of individuals who have actually been refused treatment for some of these reasons that seemed capricious and not at all in concert with what the program is designed to do. GA decisions are made by volunteers and the local selectmen of many towns that don't have training or experience. This has the potential to leave for arbitrary and non-uniformed decision making. There are a lot of good GA administrators out there, but I'm sure there's not one of you who would not agree with me that there is a non-uniform application of many of these. Unfortunately, one of the things that this does is it begins to insert the GA administrator into family relationships. I know it says here if you are fleeing domestic violence that's a cause, but what if you haven't proved that it's domestic violence? What if you're just scared out of your wits because of that individual and you decide you're going to move? Then you've abandoned a resource and it's not available for you. This is not kind. This is not fair. We shouldn't do it. 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 Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#300)

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

NAYS: Senators: ALFOND, BREEN, DILL, GERZOFISKY, HASKELL, JOHNSON, MILLETT, MIRAMANT

EXCUSED: Senator: VALENTINO

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-194) **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.

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

SENATE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen Penalties for Abuse of General Assistance"

S.P. 252 L.D. 722

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-204)**

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

Pending - **ACCEPTANCE OF REPORT**

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

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. This one should be brief. We agree. We agreed with the GA administrators. We worked very hard in the committee to be able to give the GA administrators another opportunity to be able to stop what are some flagrant violations of the 120 day eligibility. It appeared that there were some people at 120 days who took their penalty of 120 days and strolled back on day 121 and said, "I'm back. I'm ready to go." GA administrators didn't like that. We looked for a fix. We found a fix together and I think it should be appropriate that we at least understand what it was that this bill did. The GA administrators would either require that that be paid back or enter into a payment agreement with those individuals because it could happen to somebody, that they were shut off for a mistake or a problem and we gave them some latitude here. We also made sure that the GA administrator had the authority to be able to let people know they can't just waltz back in at day 121. Thank you very much.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm happy to be able to concur with my colleague from Cumberland. As the sponsor of the bill and the chairman for the committee, I'm very happy that this was a classic case of this alien creature we call bi-partisanship taking place and I'm glad that we got to a place where we agree on this. All this bill does, as my colleague noted, is simply if someone is caught defrauding the General Assistance system, bearing false witness or misrepresenting their circumstances in order to qualify for General Assistance, all this does is, in addition to the 120 day period they have to wait in order to qualify for those benefits again, require that they either pay back those benefits they defrauded or they engage in a payment plan with the municipality. That's it. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#301)

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, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: None

EXCUSED: Senator: VALENTINO

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-204) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Encourage Good Nutrition and Healthy Choices in the Supplemental Nutrition Assistance Program"

S.P. 420 L.D. 1193

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-230)** (7 members)

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

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

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

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

On motion by Senator **HASKELL** 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 Lincoln, Senator Johnson.

Senator **JOHNSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a bill that is actually a very reasonable compliment to one we just dealt with a little while ago. We're looking to control what people spend their SNAP dollars on. We also have to keep in mind that this is supplemental nutrition assistance. People who have very limited income and many of them have difficulty affording more nutritious food. I don't, frankly, know why anyone would be against this program that uses federal food insecurity nutrition incentive grants from the USDA and non-profits in the state of Maine to provide matching dollars for local healthy produce and foods that people buy with their SNAP dollars. The non-profits that are funded with that have to make sure that they are also working on two other important things besides the matching program. That's making sure that the matching is available to people. Corner markets, local stores, etcetera. Not just farmer's markets. Also they are providing education on the importance of nutrition and how to use the local produce to feed the family effectively. The cooking skills they need, etcetera. You probably have heard of the Cooking Matters education program that's associated with our various food banks. All of this combined is helping, supporting, and making affordable better nutrition for families that are using our SNAP dollars for their foods. I would urge you to defeat the pending motion and work with me to help people actually achieve the better nutrition with their SNAP dollars. I'll leave you with one last thought. It's great to restrict so that money can't be spent, their SNAP dollars, on non-nutritious foods, but that doesn't make them change their buying habits when it's supplemental, which means a part of what they are spending on their food is not SNAP dollars as well. It just shifts which of those are paid for with their own money and which are paid for with the SNAP dollars. If we're going to achieve real progress in nutrition we also have to make it easier, more affordable, and more accessible for people to buy the more nutritious food. 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 today to support the Ought Not to Pass Report on L.D. 1193. While I recognize the positive intent of this program, it will only end up creating a greater tangle of government bureaucracy. This bill would divert funding away from programs that DHHS uses to prevent fraud, waste, and abuse, and would direct it towards efforts to apply for federal grants for the purpose of nutritional education. Not only does this undermine the important existing programs in DHHS, we already have robust nutrition education programs in place. We heard from the department about many programs already in place to support and encourage healthy choices in the SNAP program. The department, in partnership with the University of New England, operates the Maine SNAP Ed Program funded by the USDA for \$4.8 million in 2015. Maine SNAP Ed serves SNAP participants and low income individuals across the entire lifespan, with a special focus on young mothers and children. Maine SNAP Ed teaches participants easy ways to cook, shop, and eat healthy food on a budget. In 2014 31,889 youths and 7,881 adults were served with evidence-based nutrition education classes under this program. Mr. President, we already have strong nutrition education programs in place and we cannot afford to undermine the funding of our programs that prevent welfare fraud, waste, and abuse. I hope this Body will join me in voting Ought Not to Pass.

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

Senator **HASKELL**: Thank you very much, Mr. President. As a reminder, this bill has no fiscal note. What this bill does is it leverages non-profit dollars and efforts to pick up federal grants which are going unused now because this program is new in the Farm Bill. It's time for us to move forward and begin using these resources and we will not be encumbering any State funds as this has no fiscal note. 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 Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#302)

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

EXCUSED: Senator: VALENTINO

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down 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 To Increase Accountability in Maine's Welfare Programs"

S.P. 505 L.D. 1375

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-237)** (5 members)

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

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to support the Ought to Pass Report on L.D. 1375, An Act to Increase Accountability in Maine's Welfare Programs. It is sponsored by the Senate President and I believe the bill's title speaks volumes about what it does, increase accountability. That is precisely what Mainers told us they wanted in the last election and it is what they have been longing for, accountability for those who use our taxpayer dollars. Mr. President, no one wants to see our fellow citizens suffer. We all know someone, a family member or a friend perhaps or even ourselves, who have fallen on hard times and need a helping hand. I think we are all willing to provide assistance to those who truly need it. We are compassionate people. What we cannot tolerate is those who abuse the system. The people who sent us to represent them told us they've had enough of those who do abuse it and they want action. This bill is all about accountability. It creates a work search requirement for job ready applicants to the Temporary Assistance for Needy Families, or TANF, program. It prohibits TANF recipients from using an EBT card to access those benefits outside of Maine. It prohibits them from withdrawing cash in an amount of more than 15% of the monthly TANF benefits received in the recipient's EBT account. It forbids TANF benefits from being used for tobacco, liquor, gambling, lotteries, tattoos, and bail. Mr. President, who among us here can, in good conscience, oppose any of these measures? They are commonsense laws that simply assure welfare benefits are being used for their intended purposes and are being used here in the state of Maine and not in places like Disney World and Las Vegas. We have an opportunity in front of us right now to finally show the people of Maine that we are serious about cleaning up the State's welfare system, that we want these benefits to be protected for those who will use it as a hand up, not a hand out. It's time for accountability. Thank you, Mr. President.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, this bill has some problems in it. First of all, it would appear to be unconstitutional as it restricts the right to travel by barring out-of-state use of EBT cards. Anyone living on the border, whose local grocery store happens to be closer to them just across the border, isn't going to be able to use the card. It puts a lot of dollars at federal risk. Kansas is the only state that's enacted a law like this and the lawmakers are now there scrambling to fix this problem to prevent a loss of their federal dollars, a \$102 million for us. It's \$78 million that's at stake.

The elimination of good cause for not being able to meet program requirements subjects families to hardships, families with different kinds of disabilities or those that might lack transportation. For instance, a snow storm, an illness, being called in for jury duty. This would mean that a mother who had to miss an appointment because her child was ill, the whole family would lose the help that keeps a roof over their head. It's easily the way that this is constructed and can be administered.

The limitation on cash withdrawal. The federal Social Security Act requires that TANF participants "have adequate access to their cash assistance," and can withdraw money "with minimal fees or charges." It was intended that people be able to use this. Without cash, this leaves parents without the means to pay things like rent, utilities. CMP doesn't take EBT cards. Can't pay it without cash. Childcare providers, other kinds of basic needs. Children and parents shouldn't face eviction because their landlords don't process these EBT cards. Families could have their electricity shut off. What about taking a bus to work or paying a babysitter while they're working? Just to give you an example. The maximum TANF benefit for a single Mom with two kids is \$485 a month. That's it. That means she could only access \$73 in cash per month. What are you going to pay with \$73? The rent per month, \$73? You can't take this out of an ATM because you've got to take it out in \$20 increments, for any of you who have ever gone to an ATM. That means that of her \$73 she can only pull out \$60. You can't get more than that.

Beyond that, this bill creates an up-front job search requirement in order to get TANF. Why would we ask people to apply for jobs that they are unable to accept? According to DHHS' own data, 70% of parents receiving TANF are not job ready. We have a lot of good programs at DHHS. We have some good programs to move people from welfare to work, to make them job ready. To simply say that you can't have it when 70% of them are not job ready? This proposal takes the wrong direction if you are trying to cut down on waste and inefficiency. It would mean that DHHS staff is going to have to screen people for job readiness twice within a one month period. Once by the DHHS staff. Just the general staff. You walk in and you have to show them. Once again right after being determined eligible by people over at the vocational department, as it already takes place. That already happens. This is going to require a second one.

I've often said that if you're going to require people to do this aren't they going to walk into the three closest McDonald's and say, "I've applied for three jobs and I didn't get them. Here I am." Is that any way to move people from welfare to work just because they need that piece of paper filled out? That simply isn't an effective way and we've got effective ways and we should be using them. When opposed in other states, this up-front requirement has led to significant caseload decline. TANF has already gone from a caseload of 14,000 families to 6,000 families as a result of these punitive measures that have been posed over the last four years. You might say, "What a great thing that is, aren't we delighted." Remember what it is that those people are going without. This is Temporary Assistance to Families. These are kids who are going without. I would urge you not to support the current motion.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought to

Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#303)

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

NAYS: Senators: ALFOND, GERZOFKY, HASKELL, JOHNSON, MILLETT

EXCUSED: Senator: VALENTINO

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-237) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services"

S.P. 137 L.D. 369

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-271)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-272)** (6 members)

Tabled - June 16, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report

(In Senate, June 16, 2015, Reports **READ**.)

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

Senator **BRAKEY**: Thank you, Mr. President. I rise today to support the Ought to Pass as Amended report on L.D. 369, An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services. We've heard a lot about the situation this proposal seeks to address. We've already talked a lot in this Body about the situation and, to speak honestly, I get it. The issue tugs on my heartstrings and many of the asylum seekers here in Maine are good, honest people who are seeking a new life in our state. For me, I would like to see a Maine with arms wide open to all immigrants, offering plentiful work opportunities. I say let's welcome everyone who's seeking to live the American Dream, contribute to our communities, and provide for themselves and their families. At the same time I've heard from an individual, who prefers to remain anonymous, who works for the asylum seeker community in Portland. This person says they are great people and the organization does everything they can to help them transition. At the same time this person says that, in the long term, this situation is recognizably and completely unsustainable. We're one of only four states that provide these sorts of benefits. As a poor, mostly rural state, our taxpayers cannot afford welfare to everyone from everywhere, especially when we are an outlier with the rest of the nation. The federal government and the vast majority of the other states don't do this. We are a magnet.

We also have a \$40 million wait list that has been underfunded. We've been told that we shouldn't consider these two items against each other. We've been told that doing so is "pitting people against each other." Well, if we can find the money to pay the wait list and continue paying for welfare for non-citizens, why haven't we done it? The truth is we don't have any money trees. We have limited resources and we must make decisions on how to utilize those resources. The \$6.4 million going to welfare for non-citizens could be put towards the wait list and receive federal matching funds, resulting in about \$19 million going to help individuals with intellectual disabilities and autism who are languishing on those wait lists. I've heard some others say that we don't need to pit people against each other if we just raise taxes. Aren't taxpayers people too? Why are we willing to pit those people against each other?

Mr. President, this bill would not prevent municipalities from providing assistance to anyone. They would be allowed to continue to do so without reimbursement from state taxpayers. One side item that has been lost in much of this debate is that this bill also prohibits legal permanent residents with a green card from receiving GA for the first five years of residency. That mirrors federal law, which is based on the fact that green card holders are required to have a sponsor as a condition of coming here, which is supposed to mean that they will not need welfare. Here in Maine our current law allows green card holders to receive welfare. We also heard from the municipal welfare directors of several municipalities in support of this reform, including the City of Biddeford and the City of Auburn. I say let's adopt this reform and please follow my light. Thank you very much.

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

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, you know I'm going to disagree with the policy that's set forth here. I'm going to disagree with a bunch of the reasoning around it as well.

First of all, if you are going to align this with other policies of the Department of Health and Human Services, you're going to reject this report and accept the other report because these people are eligible for TANF and SNAP and SSI and pregnant women who are in this category get Medicaid and there are other benefits that are provided under DHHS exactly for this same population of people who are here legally. Lawfully present people are able to receive those benefits. Apparently we've just decided that there's one that people can't get. I'd like to think that we could do better than that. I'd like to think that we might be able to move forward with the way to recognize those who are lawfully present here and reject those people who are illegal.

Let me make sure I get the right report. We're on Report B, is that correct, Mr. President?

THE PRESIDENT PRO TEMPORE: The Ought to Pass as Amended by Committee Amendment "B", that is the minority report.

Senator **HASKELL**: Thank you very much, Mr. President. I just wanted to make sure because I know when people see Ought to Pass "A" they think it's Report "A" as opposed to being Report "B". I would like to have us be able to look at a report that does exclude illegal residents, folks who are here illegally, who do not have papers, who do not come here legally. They should be excluded. I agree with that. That's not what this does. What this does is it excludes people who are here legally and illegally. That doesn't make sense to me. If we're going to trade off, I'd trade off what we gave to Cate Street any day of the week in order to make sure that this state is going to be able to be welcoming. I would urge you to reject this motion so that we can go on to accept a motion which is more in line with the rest of the DHHS policies and is also kind and gentle to the people who are coming here, as so many of us did so many times. Those stories I won't tell again today. You heard them yesterday. I know you all listened. Thank you very much and I would urge you to vote against this motion. Thank you.

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

Senator **BREEN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to oppose the motion on the Floor for the following reasons. Legal asylum seekers are good for local business, small and large alike. Research shows that 50% of new Americans have college degrees or better. This is a higher rate of secondary education than folks who live and were educated in Maine. Many of these folks are scientists, doctors, I.T. specialists, entrepreneurs, caretakers, and job creators. Last week Chris Hall, of the Portland Regional Chamber of Commerce, said, "Asylum seekers are essential for economic growth in places like Maine where aging workforce and a stagnant population growth present serious challenges." Further he said, "There are communities all over the country, including some in New England, who are affirmatively seeking educated legal immigrants to boost their economic base. We're in a global competition for talent and we've got to do everything we can to

make them welcome here or we're going to lose out economically." In the Senate District I represent there are three local taskforces in different towns looking at options to meet the challenge of our aging population. In fact, the Town of Cumberland is the oldest on average town in all of Cumberland County. Business owners in the district I represent tell me regularly that their biggest need is a skilled and motivated workforce. Legal asylum seekers provide the infusion of talent, training, energy, and extraordinary work ethic that employers in my district need to grow their businesses. Thank you, Mr. President.

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

Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, there are troubles in the world and people are trying to flee oppression to find a better life for themselves. If that scenario sounds familiar it's because it's played out over history time after time after time. Today those people are from Burundi or they're from Iraq. Three generations ago they were my great-grandparents escaping religious persecution in the Ukraine. The difference is my great-grandparents could, and did, go to work right after they arrived. Today, because of the dumbest federal policy of all time, these people are prohibited from trying to do that. Who are these people, these asylum seekers? It's a large group of people, so it's tough to generalize and categorize everybody in the same way, but I'll generalize it for a minute and say that these people have the American Dream. They are here to work. They are here to start businesses. They are here to work in other businesses. They are looking for peace and safety for their families. It sounds a lot like my great-grandparents and maybe yours.

I'm reading a book now, Mr. President, about America in the 1940s, when our country turned its back on victims of the Nazi Holocaust in Eastern Europe. Viewed through the lens of history, we flunked that test. Someday a book will be written about our time. How will we be judged? This is a human justice issue, from my perspective. When you look at these people you're looking in the mirror. The face staring back may be of a different color, but we're looking at ourselves. How will we be judged?

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, Senator Haskell brought up a good point about the visitors being our hope. I call them visitors because they're not treated as residents yet even though they are here to stay. They are bringing their families and they are going to provide a great workforce and enthusiasm. As our forebearers came, they were able to hit the ground running and work, and, boy, did they want to. They became successes in so many ways. We now tell folks when they get here they can't. We have a temporary period, so they can't so we need to help them. We need to get over a couple of things. The idea of helping these folks who are here legally is a problem. I think Mainers are the most generous and open hearted folks I've met, which is what's kept me here since the day I could move here after being an Airforce brat and moving everywhere. This is the place I came. I would never leave it. I worked in and out of it. I love every bit of it. I love the people. I love how we're generous and kind and

open and that's why people come visit us. The only people in this state or country that can be true xenophobes are the Native Americans and it was justified. Everything else we've helped, we've accepted with open arms. This piece of it, I don't know anything about Human Services alignment or bills or anything else. Helping these people to become the future and their children to become the future and mentor them and lead them and have them fill these seats to carry this on, I'm looking forward to that. That's why I support the other version of this. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. First I want to rise to agree with my colleague from Kennebec that federal work prohibition is, in fact, probably the dumbest federal policy that we will ever encounter. Just to clarify a couple of things just because it was brought up. The alignment with DHHS, the federal DHHS, these individuals don't qualify for federal benefits. That's the alignment there. The other thing, in talking with our state DHHS and their testimony and their conversation as we were working this in committee, I just would like to point out that, according to our state DHHS, under current policy, even with the recent court ruling and if this policy passes, anyone who has legal documentation that they're here in this country legally, aside from simply the asylum seeking documentation but if you have a legal visa or any other legal documentation, you will continue to be eligible for this. It's only people who are undocumented. People who the only documents they have is that they are seeking asylum. You can receive a visa and come here on day one, apply for asylum, and you would continue to qualify as long as that visa was valid. I just want to point that aspect out. Also we hear so much about the economic benefit and if that is the case I'm sure localities would be happy to pay for this. All we're hearing is that it's all economic benefit, but I think the truth is that it's expensive and we have to set priorities. I would love to have an unlimited amount of resources to distribute to everyone, but we have a \$40 million wait list that's currently under funded and that was not fully funded in the budget we just passed. One other point I will point to is that 50% of all people who apply for asylum are rejected for asylum. We've met a lot of really great people, but I think we should keep that in mind. Just because you are seeking asylum does not mean that you will qualify for asylum based on your situation. That's it. Thank you.

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

Senator **HASKELL:** Thank you very much, Mr. President. I just need to set a couple of things straight. First of all, this is allowed under the federal regulation, the state must make an affirmative law. That was settled here several weeks ago. We understand that. That's what this does. It is allowed. It's not restricted by the feds. It is allowed by the feds. The feds do not allow it unless you do have that. That's why it needs to be in place here. It's in place for the other programs that we accept for people who are legally present here. As to the documentation, it seems that we are taking one federal documentation and saying, "Guess what? We don't like this federal documentation. We'll take this other federal documentation." When people come here and they apply to the U. S. government for asylum they are given documentation. That is documentation and I don't think we ought to draw

distinctions between one and the other. I think when we draw that distinction it's very clear what we're trying to do, and that's exclude these folks from being able to get the assistance they need to get on their feet until they are allowed by our government to go to work. As to the rate of people who are seeking asylum, I would offer to you that I would put a bill in so fast to make sure that we are supporting the immigrant legal aid program because when you have a lawyer, when you have somebody helping you fill out that documentation, those numbers go well up over 90%. I've seen the forms that they have to fill out. You have to understand these are people who come here with no language and no opportunity to know what is expected of them when they fill out these documents. When they fill out these documents and they're asked, "You need to document the terrorism that got you here." That's one of the questions. What do people do? They do what they did when they came in front of us over in Health and Human Services and down in the Appropriations Committee. They tell us of the horrors that they faced. They tell us of the brutality that went on with their families, their children, their wives. They tell us about how their homes were looted and burned when they escaped their countries. That's what they see as the answer to that question to be. That's personal. They come from a country where what you put on a piece of paper like that is believed to be the truth, but that's not what this documentation requires. What this documentation wants is something out of the headlines of the newspaper from your country that shows that devastation, that talks about one day, about when they came in, and what they did. The fact the people who are going by themselves to asylum court in order to be able to get this are having a really tough time. The immigration support, there's a whole group of lawyers who have provided a tremendous amount of their own time, pro bono, to make sure that these people are getting the right kind of information in their documentation. I think to rely on that number is the wrong direction in order to talk about what it is that these people are facing when then come here. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's difficult to get up and speak about this bill from my perspective without being misunderstood. I'm going to start out by saying that I, like everyone else in this Chamber, appreciates the folks that are coming here for asylum. I don't deny them that opportunity if they're coming here legally. I welcome them. In fact, I worked for an agency for years that supported them and helped them settle in this state. I sat here the other night and listened to my good friends from the other part of Maine that I don't represent say over and over and over again that this was the hope of our state. I take exception to that. This may be part of the hope of our state, but I have another hope for the part of the state that I represent. The part of the state that I represent needs economic development. We need jobs. We need support for our community colleges to provide skills so that we can stop the poverty we already have, so that we can stop the young person that is leaving our state. I appreciate the fact that we have two different states that we represent, but you're forgetting the fact that we're dealing with our priorities too. That's one of my priorities. I can accept the arguments that I've heard here about treating these folks as our neighbors because they are coming here legally for asylum. They are good people.

They're just exactly like the people that I live next to. I can't accept the fact that they are the only hope that we have because we have to concentrate on the priorities that we already have, or at least that I have in my part of the state. That's where my priorities lie right now. We have limited resources. I think we need to keep that in mind. I thank you very much, Mr. President, for the time.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I think when we talk about this issue and we talk about our state, I always try to think about it as one state. I grew up in Central Maine, in Dexter. Back when I was growing up there was a bustling little town. Lots of jobs. Lots of people doing very well in middle class jobs. People having camps. People doing a lot of things that they wanted to do. Our state is very different now. I think we have to understand those differences. I think we have to understand that that part of the state that we're talking about, Southern Maine and especially Portland, is the economic engine of this state. Whether people in this room want to accept it or not, that is up to, I guess, the eye of facts and the eye of understanding where the engine is. What we are talking about here, and I tried to explain it not in the terms of maybe some of the things that have been said today, is an opportunity. An opportunity for us to come together and shock all the pundits, shock everyone probably outside of this state, and do something together to really help our state. It's just, again, shocking to me to think that if any of you had the possibility of a thousand or more becoming homeless in a matter of weeks I think you'd be fighting very hard. I think you would also be problem solving together and I think that is what, hopefully, we'll get to in another report. I also think about this new reality of our state and I wish there was prosperity everywhere. I really do. Growing up in Central Maine in a small, little manufacturing town, I get it. I think a lot of you in this room get it. I wish we had a wonderful distribution of jobs, high paying jobs with good benefits, all across the state. That's something we should be working towards. The idea that we should make false choices about where we could use funds, I take exception to. I also take exception that we're going to possibly, by not doing something positive, using an opportunity in front of us, really decimate part of our future. Folks, we can try to get to it any which way or not, but around 41% of the City of Portland's 0 to 5 population is non-white. That is a very beautiful thing. It's a huge opportunity for our state because right now we have more deaths than births. Our economy is 47th in the country. We have a work shortage that is a tsunami coming at us. Right now we are deciding whether we're going to give just a little bit of support, a little bit of opportunity, for everyone. I think it's a simple, simply choice. It's something we should be doing together. We have another opportunity tonight. I really hope that we look at this as an opportunity. This should not be, you know, two states, four states, choices between what we fund and what we don't fund. What is in front of us is a very simple question: do we put one of the biggest lifelines of our state, which is this idea that people want to come here, at risk? We're not having to throw hundreds of millions of dollars in incentives and trying to woo, you know, Oracle or Airbus. People want to be in our state. What an unbelievable opportunity. Let's take that opportunity together. I really hope we can get to another

choice on this bill, L.D. 369, so we can do something, again, to help our state. 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, I spoke with my welfare director at length in the City of Biddeford, one of the cities I represent, and she stated if our federal government is of the mindset that it is acceptable for these people, asylees, to remain in the United States we should deem them eligible to receive federal and state benefits. The property taxpayer in the state of Maine cannot continue to finance assistance programs for those who are deemed ineligible for other benefits. To the best of her knowledge, the State of Maine is, and she believed it was one of three, but I just heard today it was one of four in the nation that provides long term financial assistance to asylum seekers. It is her experience that people choose to come to Maine because we are only one of four states who will support them. She continued to say that she understands that this is a delicate issue as this legislation would have severe impact on many who are currently totally dependent on the GA program for their means of support. Her recommendation is that this bill includes language for the General Assistance benefits to continue for a period of time, and she would suggest 18 months. I think if we defeat the pending report we can come pretty close to what her recommendation is. I would ask you all to vote Ought Not to Pass and let's move on to the other report and do what's right. Thank you.

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

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-272) 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 (#304)

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

NAYS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VOLK, WOODSOME

EXCUSED: Senator: VALENTINO

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-271) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-292) to Committee Amendment "A" (S-271) **READ**.

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, we had a long discussion about this the other night and so I'm not going to go through a lot of the economic argument that I went through the other day. I'm not going to go on and on about how between 2006 and 2010 there were over 2,700 new immigrant-owned businesses or over the fact that Maine's immigrant-owned businesses brought in \$120 million in net income in 2014. I am going to tell you a story, and I alluded to it a little bit the other night when we were having our budget discussion. Was that just last night? It's been a long 24 hours. In 2007 we were attending church, the Church of the Holy Spirit in Portland, and a new family arrived one week. It was a Mom and a Dad and a little boy who was 4 years old at the time. The Mom was about six months pregnant. They were a beautiful couple, beautiful little boy. We met them and they told us that they didn't have a ride back to where they were staying. We offered them a ride and it turns out they were at the homeless shelter in Portland. I put myself in her shoes and I thought, "Wow, you know here you've been in the United States now for less than two weeks and you're living in a homeless shelter and you're six months pregnant and you have a 4 year old." I thought, "This is no introduction to America." My husband and I have been extremely blessed and we have a fairly large home and we had an empty bedroom at the time. We said, "You know, why don't you come stay with us until your apartment is ready?" They did tell us that there was an apartment that they were going to be moving into but it was going to be a week or two. They were completely overwhelmed. Sure enough, they were very happy to accept that offer. They spent one more night at the homeless shelter and then the next day we went and picked them up and took them back to our home. He spoke broken English. She spoke no English at all, basically, although she could read a little bit of English. Obviously, the little boy spoke no English. He did speak both Kirundi, which is their native language in Burundi, and French, because he had attended a French school, which is what they do over there. They came and they lived with us, and it was quite an interesting experience for our children to learn a little bit about people from a different culture. They eventually moved to Grant Street. Those of you from Portland know Grant Street, not the best neighborhood, folks, Grant Street. I was a little alarmed by that but they were perfectly happy to move into this apartment. They were being supported by GA. We developed a friendship. We helped them get their apartment furnished, because you get a

roof over your head but you don't get anything else. People at Volk Packaging came together and gave them beds and bedding and we put posts on Facebook and people brought stuff. Before you knew it we had put together most of what they needed in an apartment. Sure enough, she had her baby two or three months later and I was made his Godmother. That little boy, Sammi, is now my Godson and he's 8 years old and he is a star student. They just recently purchased their first home in Westbrook. From 2007 until 2015 they went from speaking very little English, having really no translatable skills coming from Burundi to the United States. It took them, I'm guessing, maybe 7 or 8 months probably to get their working papers. They did go to ILAP and began the asylum process. I'm not going to go into the things that he had endured in Africa. Let's just say they were extremely lucky to have gotten out. It's a little bit unusual, actually, for families to get out intact. Most often it's one member of the family, the Mom or the Dad, or they may be a single parent, sometimes the spouse has been killed or is in jail. The children are typically left at home with a relative. Once they receive their asylum papers, and not until they receive official asylum, then are those children permitted to come. It's fairly unusual that they were actually able to travel as a family. I'm just so proud of this family because they worked two or three jobs at a time. I would say Andre probably had, at one point, four different jobs going at the same time. Jocelyne took care of the kids. They are both wonderful parents. She has normally worked at least two jobs. She's gotten a degree at SMCC. They have both gotten certified to be interpreters. She works at Maine Medical Center right now and does a lot of interpreting work and is continuing to apply for all sorts of other jobs. She would like to be doing something related to the degree that she got at SMCC, which I think is in business administration. He currently, actually, works for the State of Maine. He gives driving tests. He works for the Secretary of State's Office. The kids at my daughter's school know him as the really nice African guy and they all hope that he's the one that they get because he's so nice. Not that he passes kids more often than others, because if that were the case then he probably wouldn't be able to hold onto his job. He's just a friendly guy and he's a kind guy. They are amazing people.

That's been my experience with this population of people. I think they stand out, but I don't think it's unusual. I know of another woman who was a nurse in Rwanda. We all know about the Rwandan genocide. Her husband was taken prisoner. He was in jail. She, as a nurse, was not killed. She was spared because they wanted her to take care of them. The Hutu took her prisoner and basically made her be their nurse. She did manage to escape and came here. She could not use her nursing degree. Had to start at the bottom. Began washing dishes in a nursing home. Eventually became a CNA and last I knew was very close to getting her bachelors in nursing here in the United States. She has four daughters and she was separated from them for, gosh, I think it might have taken three or four years before she was granted asylum and those girls were brought over here. Her husband was still in jail.

That's just a couple of the stories of the people that I've met and a couple of the reasons why I feel passionately about them being an asset to the state of Maine. That particular woman, her daughters were teenagers by the time they got here. They have gone to Deering High School. They have graduated and they're enrolled in college. These people are workers and they are pretty amazing and we're lucky to have them. Thank you.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you, Mr. President. The only comments I would have is to thank Senator Volk for her amendment.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Adopt Senate Amendment "A" (S-292) to Committee Amendment "A" (S-271). 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 (#305)

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

NAYS: Senators: BRAKEY, BURNS, CYRWAY, EDGECOMB, WILLETTE

EXCUSED: Senator: VALENTINO

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ADOPT** Senate Amendment "A" (S-292) to Committee Amendment "A" (S-271) **PREVAILED**.

Committee Amendment "A" (S-271) as Amended by Senate Amendment "A" (S-292) thereto, **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-271) AS AMENDED BY SENATE AMENDMENT "A" (S-292)** thereto.

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a 180-day Residency Requirement for Welfare Benefits" S.P. 363 L.D. 1037

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-263)** (6 members)

Tabled - June 16, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 16, 2015, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to support the Ought to Pass Report on L.D. 1037, Act To Establish a 180-day Residency Requirement for Welfare Benefits. This bill will require that before an individual can qualify for welfare benefits funded by the taxpayers of Maine they must live in the state for at least 180 days. Mr. President, I think it is no secret that the state of Maine has a reputation as a welfare state. I think it is a sad day to think welfare opportunities maybe a stronger magnet for some folks to move to our state than job opportunities are. The truth is I don't care where someone comes from when they choose to settle here in Maine. I don't care if they are coming from Massachusetts or half way across the world. The only thing I care about is why they are choosing to move here. If someone is choosing to move to our state to pursue the American Dream, earn an honest living, contribute to our economy, and make a better life for themselves and their family we should welcome them with open arms. If someone is choosing Maine because of generous welfare system we already have plenty of people to take care. We have wait lists for individuals with autism and intellectual disabilities a mile long that are still underfunded to the tune of tens of millions of dollars. We have our elderly in nursing homes who have also been short changed. Nobel Prize winning economist, Milton Friedman, said "It's just obvious you can't have open borders in a welfare state." That's what we have. It's unsustainable. Unlike past incarnations of this legislation, this bill does not touch programs that receive a dime of federal tax dollars. This bill only protects programs that are 100% funded by state and local dollars. When it is state taxpayer money it is the responsibility of the State Legislature to determine how it is spent.

Additionally, during the public hearing, we heard from several municipal welfare directors who testified in favor of this legislation. Vicki Edgerly, Director of Health and Welfare for the City of Biddeford, testified "The lack of residency requirement has been the primary complaints that I have heard from city counselors and the public since I began my career over 30 years ago. I have never been able to understand why constitutional language applies to the general assistance program as GA is not a federally funded or mandated program. Many states do not have such a program as General Assistance and I have never heard of any state being sued for not doing so." Additionally, Rindy Folger, Community Services Manager for the City of Bangor, testified in

favor of this bill and even suggested that we go one step further by imposing residency requirements on the local level. Maybe that will be a separate bill.

Mr. President, I encourage the Body to join me in passing this important welfare reform. Thank you very much.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'd like to read to you a letter, "October 25, 2010. To the Commissioner of the Department of Health and Human Services, Brenda Harvey. Dear Commissioner Harvey. You've asked about the constitutionality of proposals for a durational residency requirement for Temporary Aid to Needy Families and Medicaid programs administered by the State. It's well settled law that people receiving assistance from the state may be required to provide proof of residency but no state may impose a minimum period during which the individual must reside in the state before becoming eligible for assistance. More than 40 years ago the U.S. Supreme Court held that a one year residency requirement imposed by the District of Columbia and in the states of Connecticut and Pennsylvania was unconstitutional under the 14th Amendment, *Shapiro v. Thompson*," and they give the numbers here, which I won't read, "30 years later the court reaffirmed its conclusion by a vote of 7-2 in *Saenz v. Roe*," it also gives the numbers on that if you'd like to check it out, "The court ruled that even Congressional action approving of such residency requirements could not remedy the constitutional violation. The court rejected the various justifications for a requirement including budget concerns, the potential for abuse, a desire to discourage people from moving to the jurisdiction. These concerns the court concluded do not outweigh the burden on a citizen's fundamental right to move from one state to another, which is protected by the equal protection and the privileges and immunities provisions of the United States Constitution. These Supreme Court rulings are now embodied in the federal rule regarding healthcare assistance," they talk about the numbers here, "which states that an agency may not deny Medicaid eligibility because an individual has not resided in the state for a specific period. Of course the state may require proof that that person is a bonafide resident and the state may require a period of residency for other programs that do not provide the basic necessities of life. TANF, Medicaid, MaineCare, other programs providing basic necessities, however, the state may not discriminate against recent arrivals." I would just let you know that there are other cases here which have been brought and the legal standard still applies. Public benefits, such as General Assistance, food supplements, Medicaid are viewed as providing the basic necessities of life. I would ask you to reject this current motion simply because, while it might feel good to say people have to hang around without food for 180 days, it is unconstitutional and cannot be implemented. 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 Minority Ought to

Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#306)

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

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFsky, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, VOLK, WOODSOME

EXCUSED: Senator: VALENTINO

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/17/15) matter:

Bill "An Act To Provide Funding for Head Start Services"
H.P. 723 L.D. 1054
(C "B" H-404)

Tabled - June 17, 2015, by Senator **MASON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In House, June 12, 2015, Report "**A**" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403).**)

(In Senate, June 16, 2015, on motion by Senator **BRAKEY** of Androscoggin, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404), in NON-CONCURRENCE.**)

(In House, June 17, 2015, that Body **INSISTED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/17/15) matter:

Bill "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard"

S.P. 387 L.D. 1115
(C "A" S-270)

Tabled - June 17, 2015, by Senator **MASON** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, June 16, 2015, on motion by Senator **BRAKEY** of Androscoggin, 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-270).**)

(In House, June 17, 2015, Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.)

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs"

S.P. 136 L.D. 368

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-200)** (6 members)

Tabled - June 8, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report

(In Senate, June 8, 2015, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to support the Ought to Pass Report on L.D. 368, An Act To Integrate the State's General Assistance and Temporary Assistance for Needy Families Programs. This bill makes an applicant for General Assistance ineligible if they have already exhausted the 60 month time limit on TANF benefits. Once we do get past this report there is an amendment that would alter that a little bit. As the chairman of the Health and Human Services

Committee and the sponsor of this bill, the proposal is one of several proposals which arose out of conversations I had with several of Maine's municipal welfare directors. They identified problems in the GA program and suggested solutions. This was one of those solutions. In the public hearing we heard testimony in support for this proposal from the Maine Municipal Association, the Department of Health and Human Services, and the municipal welfare directors from many of Maine's municipalities, including the cities of Auburn, Lewiston, Bangor, and Biddeford. In addition, the City of Lewiston, by city council vote, unanimously endorsed this bill on the condition that the legislation include a provision that individuals applying for a TANF extension continue to be eligible for GA during that period. In our committee amendment that provision was adopted. It was also requested that there be a built in delay for individuals who are currently on this program who have expired the 5 year TANF limit to adjust their plans. We considered looking at how we might implement that and, as we looked at that, as is the case for all legislation, there is a 90 day implementation period from the time of adjournment so that we considered that provision to already, in effect, be in place.

To share a few thoughts from those who testified in support: Vicki Edgerly, Director of the Department of Health and Welfare for the City of Biddeford, testified "The municipalities cannot afford to continue to support programs and services that the federal government and the State of Maine eliminate. The Legislature determines that certain populations should not be eligible for State benefits. They should not transfer the responsibility for their care onto the property taxpayers." Rindy Folger, Community Services Manager for the City of Bangor, testified "We believe the majority of TANF recipients should be in a position to support themselves after 5 years of benefits." The Department of Health and Human Services testified "The rationale for the time limit is to emphasize the temporary nature of the program and to incentivize participants to become self-sufficient. The TANF program is not meant to be a life-long welfare program. It's meant to be a temporary work support program. It is critical that this focus is shared in other welfare programs, like General Assistance, so that the clear mission of 'a hand up, not a hand out' is not undermined."

Thank you, Mr. President, for the opportunity to address this commonsense welfare reform. I hope the Body will support the pending report.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, as the evening is late and I am not one of those who has been able to slide out of my seat in order to have a bite yet, I will be fairly brief. I want you to realize what time limits do to people. This means that you can only have certain kinds of problems on certain timelines, ones that meet these requirements. I think that's really not in the nature of what the program is designed to do. I also have some concerns about how in the world do you know, from community to community, who's received this benefit in, let's say, the good Senator from Androscoggin's district and then in my district and then perhaps

Senator Diamond's district or anybody else's district? Absent a full blown system that all GA administrators are folding into, how do you know who's getting what benefits at what time? I think it's very unworkable, to be able to do that. This is a program that should be based on, and is designed to be based on, need. There is an asset test. There are tests here in order to make sure that the people who are receiving this are receiving it because they are in need. I think we need to be very careful to talk about what happened when we did limit TANF. Again, back to the report that Dr. Bartlett did, more than half of those parents and those families did not have a GED or a high school diploma. It's tough to hold a job over a long period of time and make enough money in order to support your family absent that education. We need to continue the good programs the department has to help people move from welfare to work. About one-third of these families were working when they lost their TANF. It's not that all of these people are people who simply are unwilling to work. About 90% of the families that reached that TANF 60 month limit, like the limit that's opposed here, have a work limiting disability or a child with a disability. I think you have met many of these families. I could read as much testimony that would take us to dark tonight, which is hard to do this close to summer solstice. I could read you all of those but I won't. Suffice it to say, this is not good policy. This is not the way. A program needs to be based on the tests that are currently provided. It needs to be providing support and it needs to be based on need, not arbitrary dates. You can't decide when you're going to slip and fall, break a leg, when your house is going to have a fire. You don't get to pick that. I'm sorry, I have to wait 5 years. Please don't burn down tonight. I would ask you to reject this bill. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. There were some concerns raised by my colleague from Cumberland. I thought I could address them to some extent. How do we know if someone has expired the 5 year limit on TANF? There's one place to call, the Department of Health and Human Services. If someone applies for GA you have to apply every month in order to continue benefits. There is an application process. I can't imagine it would be very difficult to get that information from the Department of Health and Human Services. The Department of Health and Human Services certainly raised no objections to this. The Maine Municipal Association raised no objections to this. The municipalities we heard from raised no objections to this. That was not raised as a concern for many of these groups. Again, we put into this bill an exemption for individuals who are applying for TANF extensions. In statute there are exceptions built into this for why someone can stay on TANF for more than 5 years and we implement that into this as well. That is all. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#307)

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

NAYS: Senators: ALFOND, GERZOFKY, HASKELL, JOHNSON, KATZ, MILLETT, MIRAMANT

EXCUSED: Senator: VALENTINO

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-200) **READ**.

Senate at Ease.

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

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-306) to Committee Amendment "A" (S-200) **READ**.

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

Senator **BRAKEY:** Thank you, Mr. President. This amendment came out of concerns raised by a few about the nature of the bill as presented, that once you expired the 5 year limit on TANF you would be ineligible forever for GA. This amendment would align this bill with another bill we passed out of this committee establishing that it's a 5 year period in which you would be ineligible and after that 5 year period you could be eligible again.

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

Senator **HASKELL:** Thank you very much, Mr. President. As you well know, I don't like this bill. I don't like this proposal. This amendment makes it a little bit better. I thought I had to say that. Thank you.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-306) to Committee Amendment "A" (S-200) **ADOPTED**.

Committee Amendment "A" (S-200) as Amended by Senate Amendment "A" (S-306) thereto, **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200) AS AMENDED BY SENATE AMENDMENT "A" (S-306) thereto.

Sent down for concurrence.

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

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Protect Children in School Facilities by Requiring Boiler Inspections

S.P. 114 L.D. 299
(C "A" S-191)

Placed on the Special Appropriations Table - June 9, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 5, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-191).**)

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

On further motion by same Senator, 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" (S-191).**

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" (S-191).

On further motion by same Senator, Senate Amendment "A" (S-303) to Committee Amendment "A" (S-191) **READ** and **ADOPTED**.

Committee Amendment "A" (S-191) as Amended by Senate Amendment "A" (S-303) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-191) AS AMENDED BY SENATE AMENDMENT "A" (S-303) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act Extending Workers' Compensation Benefits to Certain Employees of the Office of the State Fire Marshal Who Contract Cancer

S.P. 59 L.D. 125
(C "A" S-76)

Placed on the Special Appropriations Table – May 20, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 12, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-76).**)

(In House, May 19, 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.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties

H.P. 638 L.D. 919
(C "A" H-159)

Placed on the Special Appropriations Table – May 27, 2015, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 21, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**, in concurrence.)

(In House, May 26, 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.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Create a Digital Content Library for Education
S.P. 435 L.D. 1230
(C "A" S-146)

Placed on the Special Appropriations Table - June 3, 2015, by
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, May 29, 2015, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-146).**)

(In House, June 2, 2015, **PASSED TO BE ENACTED.**)

This being an Emergency Measure and having received the affirmative vote of 27 Members of the Senate, with no Senators having voted in the negative, and 27 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.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy

S.P. 508 L.D. 1378
(C "A" S-247)

Placed on the Special Appropriations Table - June 16, 2015, by
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, June 11, 2015, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-247).**)

(In House, June 12, 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.

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

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

Senator **HASKELL**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would like some comments on the record, if you don't mind, Mr. President. There's been a very unfortunate incident that's occurred in our country. It occurred last night in Charleston, South Carolina. One of our colleagues, because I think that all of us that serve understand what it's like to serve, State Senator Clementa Pinckney was one of the nine people who was murdered in the Mother Emanuel African Methodist Episcopal Church in Charleston, South Carolina. I think we ought to just think for a moment about the kind of service that a woman like the State Senator has provided and the history of the Mother Emanuel Church in standing up for the rights of all people in this country. It has a long and storied history and this was a terribly tragic event and I wanted to just recognize that event tonight, Mr. President. I appreciate your consideration of adjourning. Thank you.

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED**, until Friday, June 19, 2015, at 10:30 in the morning, in memory of and lasting tribute to the victims of the Emanuel African Methodist Episcopal Church shooting in Charleston, South Carolina.

Off Record Remarks