

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber
Wednesday
May 17, 2017

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

Prayer by Pastor Justin Frank, Penney Memorial United Baptist
Church in Augusta.

PASTOR FRANK: Good morning. Let us pray. O Mighty God, we gather this morning to prepare our hearts and our minds for the work ahead of us this day. We start this day with gratitude for the many good gifts we have received. We thank You for this beautiful day and we thank You for this beautiful state, for the place that we live that is full of so much remarkable natural beauty. We thank You for those who have gone before us in this place. We thank You for those who have built their lives here, who have raised families here, who have built this community and made this state what it is today. We thank You for those who have gone before us here, who have invested in our lives and made us who we are today, for the love and guidance and provision we've been given by parents and grandparents and coaches and teachers and mentors and friends. Today You have given us the opportunity to do good for others and for generations yet to come. So we thank You for that opportunity, for the men and women in this Chamber who step forward to lead, they have stepped forward to do this important work as representatives of the people. I thank You for them and I ask Your blessing today on them and their work. I ask, Lord, that this day You would help them to find ways to work together for the common good. I pray You would grant in this Chamber humility and deep mutual respect, even in the midst of vigorous disagreement. Would You help these women and these men to deal in the truth with personal integrity, but also to seek and define the truth of the matters that they address. May facts rise to the surface. May necessary trues be seen and may what is good and what is right be known and then may You give them wisdom to discern what is the best course forward for the flourishing of the people of Maine. Lord, give them wisdom and give them courage, and may You establish the work of their hands for the common good, for the sake of the peace and prosperity and flourishing of this great state. I ask in Jesus' name. Amen.

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

Reading of the Journal of Tuesday, May 16, 2017.

Doctor of the day, Sean McCloy, M.D. of Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Promote Keeping Workers in Maine" H.P. 350 L.D. 487

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-49)** (6 members)

Report "B" - **Ought Not to Pass** (6 members)

In Senate, May 11, 2017, Report "B" **OUGHT NOT TO PASS READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "A" **OUGHT TO PASS AS AMENDED** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-49)**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Increase Funding for Multimodal Transportation" H.P. 84 L.D. 116

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-101)** (7 members)

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

In Senate, May 11, 2017, the Minority **OUGHT NOT TO PASS Report READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED Report was READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-101)**.

On motion by Senator **DOW** of Lincoln, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Funding for Preschool Programs"

H.P. 419 L.D. 603

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-98)** (7 members)

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

In Senate, May 11, 2017, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.

Senator **LANGLEY** of Hancock moved the Senate **INSIST**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **LANGLEY** of Hancock to **INSIST**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Deter the Dealing of Dangerous Drugs"

S.P. 22 L.D. 42

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-50)** (8 members)

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

In Senate, May 11, 2017, 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-50)**.

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

On motion by Senator **ROSEN** of Hancock, the Senate **INSISTED**.

Sent down for concurrence.

Non-Concurrent Matter

Bill "An Act To Protect Privacy of Online Customer Personal Information"

S.P. 566 L.D. 1610

In Senate, May 16, 2017, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Comes from the House, **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors" (EMERGENCY)

S.P. 278 L.D. 832

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-33)** (8 members)

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

In Senate, May 25, 2017, 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-33)**.

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-33) AND HOUSE AMENDMENT "A" (H-186)** in **NON-CONCURRENCE**.

On motion by Senator **HAMPER** of Oxford, the Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Support Employment Opportunity in Maine"
H.P. 1109 L.D. 1608

Committee on **STATE AND LOCAL GOVERNMENT** suggested and ordered printed.

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in **NON-CONCURRENCE**

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 404

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

May 12, 2017

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

Dear Secretary Priest:

Pursuant to my authority under Title 20-A MRSA, § 11053, I am pleased to appoint Senator Lisa Keim of Oxford to the New England Board of Higher Education, representing a member of the Maine Senate. With this appointment Senator Keim will replace Senator Langley. This appointment is effective the date of this letter.

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

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 168

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

May 16, 2017

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

House Paper 44, Legislative Document 57, "An Act To Reduce Waste by Promoting the Use of Reusable Bags and Recyclable Food Service Containers," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question:

"Shall this Bill become a law notwithstanding the objections of the Governor?"

73 voted in favor and 70 against, with 2 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 373, Legislative Document 529, "An Act To Ensure Resiliency of the Maine Electrical Grid," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

76 voted in favor and 69 against, with 2 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Senate Chair laid before the Senate the following Tabled and Later Today Assigned matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Funding for Preschool Programs"

H.P. 419 L.D. 603

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-98)** (7 members)

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

Tabled - May 17, 2017, by Senator **MASON** of Androscoggin

Pending - motion by Senator **LANGLEY** of Hancock to **INSIST**

(In Senate, May 11, 2017, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-98)**.)

On motion by Senator **LANGLEY** of Hancock, the Senate **INSISTED**.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Recognize Preexisting Land Uses" H.P. 391 L.D. 549

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-167)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-167) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase Investment and Regulatory Stability in the Electric Industry"

H.P. 744 L.D. 1061

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

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

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

Bill **READ ONCE**.

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

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information"

H.P. 140 L.D. 184

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-175)**.

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

Bill **READ ONCE**.

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

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

H.P. 457 L.D. 643

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-176)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-176)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-176) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Coverage for Hearing Aids"

H.P. 148 L.D. 192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-177)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-177)**.

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

Bill **READ ONCE**.

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

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow the State To Maintain Interest-bearing Accounts of Privately Donated Funds for the Upkeep of Property Managed by the State"

H.P. 598 L.D. 849

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-178)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-178)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-178) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Improve Safety and Traffic Efficiency near School Grounds"

H.P. 565 L.D. 785

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)

H.P. 326 L.D. 459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-183)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-183) **READ** and **ADOPTED**, in concurrence.

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

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fund and Enhance the Maine Diversion Alert Program" (EMERGENCY)

H.P. 182 L.D. 249

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-146)**.

Signed:

Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
LONGSTAFF of Waterville
TALBOT ROSS of Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**.

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance Maine's Response to Domestic Violence"

H.P. 369 L.D. 525

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Representative:

GERRISH of Lebanon

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-139)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-139) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Migratory Game Birds To Be Hunted on Sundays"

H.P. 348 L.D. 485

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

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-145)**.

Signed:

Representatives:

THERIAULT of China
WOOD of Greene

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act Regarding Game That Is Confiscated in Connection with an Alleged Violation of Inland Fisheries and Wildlife Laws"

H.P. 617 L.D. 868

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

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
WOOD of Greene

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

Signed:

Senator:

CARPENTER of Aroostook

Representative:

THERIAULT of China

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Increase the Penalties for Hunting Deer over Bait"

H.P. 761 L.D. 1083

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
WOOD of Greene

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

Signed:

Representative:

THERIAULT of China

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"

H.P. 549 L.D. 769

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

Signed:

Senators:
WHITTEMORE of Somerset
DOW of Lincoln

Representatives:
CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-143)**.

Signed:

Senator:
CARSON of Cumberland

Representatives:
LAWRENCE of South Berwick
BROOKS of Lewiston
COLLINGS of Portland
MELARAGNO of Auburn
SANBORN of Portland

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enact the Toxic Chemicals in the Workplace Act"
H.P. 490 L.D. 699

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-135)**.

Signed:

Senator:
BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)**.

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require That Certain Applicant Information for Certain Local Government and School Administrative Positions Be Public upon Application"
H.P. 762 L.D. 1084

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

Signed:

Senators:
DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:
MARTIN of Sinclair
BRYANT of Windham
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
PICKETT of Dixfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-149)**.

Signed:

Representatives:

BEEBE-CENTER of Rockland
ORDWAY of Standish
SPEAR of South Thomaston

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act Regarding the Commercial Forestry Excise Tax"
H.P. 385 L.D. 541

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

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-171)**.

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth
GRANT of Gardiner
McCREIGHT of Harpswell
TERRY of Gorham

Comes from the House with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**.

Reports **READ**.

On motion by Senator **DOW** of Lincoln, Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION**, in concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Improve Public Transportation in Maine"
H.P. 871 L.D. 1248

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-144)**.

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GILLWAY of Searsport
GRANT of Gardiner
PARRY of Arundel
PERKINS of Oakland
SCHNECK of Bangor
SHEATS of Auburn

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

Signed:

Representative:

CEBRA of Naples

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-144)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-144) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Investigate Extending Passenger Rail Service to Central Maine

H.P. 909 L.D. 1312

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

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

McLEAN of Gorham
BRYANT of Windham
CEBRA of Naples
GILLWAY of Searsport
GRANT of Gardiner
PARRY of Arundel
PERKINS of Oakland
SHEATS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-154)**.

Signed:

Representatives:

AUSTIN of Skowhegan
SCHNECK of Bangor

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Permit Unenrolled Voters To Cast Ballots in Primary Elections"

H.P. 65 L.D. 78

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
SCHNECK of Bangor
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-155)**.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CASÁS of Rockport
HICKMAN of Winthrop
MONAGHAN of Cape Elizabeth

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Limit Agency Expenditures To Influence Elections"

H.P. 231 L.D. 298

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

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-141)**.

Signed:

Representatives:

CASÁS of Rockport
HICKMAN of Winthrop

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

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator HAMPER for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System" S.P. 136 L.D. 409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-99)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-99) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Eliminate Permits for Wild Turkey Hunting, Expand the Bag Limits and Expand Opportunities for Registering Wild Turkeys" S.P. 46 L.D. 98

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-102)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-102) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator MASON for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Eviction Process" S.P. 55 L.D. 136

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-98)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-98) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY) S.P. 37 L.D. 89

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-101)**.

Signed:

Senators:

HAMPER of Oxford
BREEN of Cumberland
KATZ of Kennebec

Representatives:

GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
TEPLER of Topsham

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

Signed:

Representatives:

SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-101) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **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.

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

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen of the Senate, just a brief interlude to introduce you to one of the most outstanding young men you may meet, or ever have met possibly. I want to introduce you to Kylan Berry. Kylan Berry is standing up back and he is standing right in front of Representative Don Marean of Hollis. Kylan lives in Hollis with his parents, Erica and Shawn. Kylan just won the 2017 National Championship 40 Pound Weight Class Wrestling. If you look at him, you'll just look at him and say, "Wow," but he's even better than that because he's won so many other tournaments as well. He's in the second grade. He's 8 years old. He lives in Hollis. I have the privilege today of doing this because Senator Chenette could not be here, so I'm standing in for him. Understand that this championship that he just won is a national championship. Took place in Columbus, Ohio. We're all very proud of him. He's here just to say, "Hi" and I hope you'll, Mr. President, introduce him and we all can give him the outstanding applause that he deserves.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Kylan Berry, with his parents and Representative Marean. Would they all stand and accept the greetings of the State Senate.

Off Record Remarks

ENACTORS

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

Acts

An Act To Expand Disabled Veteran Eligibility for Complimentary Hunting, Fishing and Trapping Licenses

H.P. 208 L.D. 275
(C "A" H-97)

An Act To Facilitate the Recycling of Discarded Mattresses

S.P. 115 L.D. 349
(C "A" S-58)

An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas

H.P. 351 L.D. 488

An Act Regarding the Chain of Custody in Crematories

S.P. 223 L.D. 661
(C "A" S-60)

An Act To Provide a Sales Tax Exemption for Baling Twine

H.P. 725 L.D. 1023

An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs

S.P. 347 L.D. 1045
(C "A" S-59)

An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers

S.P. 473 L.D. 1386

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

Ordered sent down forthwith.

An Act To Exempt Sales to Parent-Teacher Organizations from the Sales Tax

H.P. 28 L.D. 27
(C "A" H-100)

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

An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families

H.P. 572 L.D. 792

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

An Act To Align State Relocation Assistance with That of the Federal Government

H.P. 915 L.D. 1318
(C "A" H-112)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/27/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Worker Wages and Benefits"
S.P. 35 L.D. 86

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

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

Tabled - April 27, 2017, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Under suspension of the Rules, Bill **READ TWICE**.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-100) **READ** and **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-100).

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"

S.P. 289 L.D. 889

Majority - **Ought to Pass** (8 members)

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

Tabled - May 11, 2017, by Senator **BRAKEY** of Androscoggin

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

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

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to speak briefly on L.D. 889 and request that you vote against the Ought Not to Pass. Ultraviolet light can really do a number on the skin. I'm sure you've all seen people that have skin that looks like leather. You have to soak up a lot of UV light to get to that point. I don't want to get too far into the weeds, but it is time for a very quick science lesson here. So we're going to talk a little bit about ultraviolet light 101. UV light is made up of three bands: A, B, and C. Solar rays are about 95% A, almost 5% B, and very negligible C. Both A and B penetrate our skin and in the past it was thought that B was very much the cause of sunburn. It has since been found and learned that A also penetrates the skin and penetrates the skin much more deeply. When you look at tanning devices, these deliver 5 to 15 times more UV A than the sun does. So you can just think that what the sun can do to your skin, just think of something that's going to give you 5 to 15 times more UV A. Laying in a tanning bed is causing many changes in the skin. The younger the person the more severe the damage may be. Melanoma is the most dangerous form of skin cancer and the second most common cancer in females ages 15 to 29. Reducing exposure to UV radiation is an important way to reduce these rates. Studies printed in the British medical journal have shown that using tanning devices before the age of 35 increases the risk of melanoma by 59%, squamous cell carcinoma by 67%, and basal cell carcinoma by 29%. Reports have also shown that 1 in 6 high school senior girls have used tanning devices, with nearly 56% of them reporting getting a burn from them and almost 17% reported using them 10 or more times. Some kids have even reported using them almost daily. So I think it's time that we put a stop to this for people under the age of 18, which is what this bill would do. It's a serious, serious problem here in the United States. But enough of my science lesson for the day. Please follow my light and ban tanning devices. Thank you, Mr. President.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise in support of the Ought Not to Pass motion on L.D. 889. There are several problems with this bill, and I will outline a few of them. This bill, first of all, would prohibit - let's just outline what it does. This bill would prohibit all persons under the age of 18 from tanning at a tanning salon, taking away the rights and responsibilities of parents to make these decisions. So before we vote on this legislation, I think it's first important that we know and understand what current Maine law dictates for minors at tanning salons because it's very restrictive. First, absolutely everyone under the age of 14 is already prohibited from tanning at a tanning salon, so only minors age 14 to 17 are targeted by this legislation. Second, parental permission is already required for minors age 14 to 17. Tanning salons are required to confirm identification for both the minor and the parent with written consent required from the minor's parent. This written consent is only valid for a year and can be revoked at any time. Furthermore, for minors age 14 and

15, their parent must be physically present with them at the salon. So we already have many restrictions in place for minors to guarantee parents have the final say. Beyond violating parental rights and responsibilities, this legislation would have further unintended consequences. Many arguing for this bill are concerned about increased risk of cancer from over exposure to UV rays. First I'll say that concern is valid, if somewhat overstated. I think we've heard from some of the advocates on this. They say that tanning increases the risk of skin cancer by 50%. That's the number we've heard. That sounds like a very big increase, but we have to put that in context to understand what that really means. The rate of skin cancer in the population at large is between 0.2% and 0.3%, so people who tan, if they have a skin cancer rate of 0.5%, that's called a 50% increase. Furthermore, the rise in the rate of skin cancer from tanning is mostly associated with unmonitored and unregulated tanning, not the highly structured environment of a tanning salon where individuals are monitored by professionals and restricted from tanning any longer than what is recommended as safe for their individual factors, including skin tone and hair color. Research in the Journal of the American Academy of Dermatologist's has established that for teens over the age of 16, who can drive, they simply tan more aggressively outdoors or will turn to unregulated and unmonitored home tanning units in friend's basements, apartments, and gyms if they are not permitted to tan in a professional monitored salon with their parent's consent. This simply drives the issue underground and into non-salon sunbeds, which today account for 41% of all tanning. These non-salons sunbeds do not have the exposure controls present in professional tanning facilities. Good luck to us if we try outlawing the use of personally owned sunbeds for minors. They are out there. They exist. We can't stop that. Even better luck to us if we want to try outlawing the single largest source of ultraviolet rays, our sun. Mr. President, not only does this legislation violate parental rights and responsibilities, it would accomplish the very opposite of what those advocating for it intend. This legislation would increase the risk of skin cancer for tanning youth by denying them access to a monitored and controlled environment. On a lot of other issues we talk a lot about harm reduction strategies. I think this legislation for this particular issue would amount to a harm increase strategy. Thank you very much.

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

Senator **GRATWICK:** Thank you very much, Mr. President. I wish to speak to four points on this. One is that if you get a skin cancer, melanoma is not the one you want to have. Melanoma, the incidents in the United States is 87,000 people get melanoma; of that 9,000 die. We've heard from the good Senator from Androscoggin that's only a difference between 0.3% and 0.5%. On the other hand, that's also 9,000 people. That's not just a statistic, it's real people, 9,000 people die of this nasty, nasty disease. The second thing is that virtually all professional organizations that have knowledge about this are against skin tanning by kids less than 18. The American Academy of Pediatrics, the American Academy of Dermatology, Pediatric Dermatology, the World Health Organization views sun tanning salons as being contra indicator - black box warning for young people. Third, we make many restrictions on young people because it takes a while for young people's brains to adjust and we restrict smoking. Do kids still smoke? Of course. Is it a good

idea? No. We restrict it as a society. We restrict drinking. We make sure that they wear their seatbelts. They've got to be in car seats when they're young. They can't have tattoos. There are many things that we tell young people in our society that this is what we, your older folks, think is appropriate. Are we interfering with a parent's rights to give their kids alcohol or cigarettes when they're less than 18? Perhaps, but we, as a society, have judged this as an inappropriate way to go. This is no different than that. This is good public health. It's been in this assembly since 2009. I very much hope it will pass this time. If it doesn't, it will be back next year. This has been adopted in 18 other states. In France they ban it totally. Brazil, they ban it. Those are countries where beauty is admired a great deal. Finally, cost. The cost of skin cancer treatment in the United States is \$8 billion a year, of that \$3 billion, that's with a B, goes to melanoma. The surgery you have, at the very minimum, if you have a little pea sized wart, usually dark, but can be light colored, it's never perfect, the usual lesion to have it resected is about 4" to 5" in diameter because it infiltrates like a spider plant under the skin. That's \$3 billion spent for this particular illness. I urge very much for you to follow my light. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, the paradox beside me and with this bill is that we're talking about the increase of skin cancer and we might as well have the whole story out there. Yes, there is an increase in radiation. Yes, the other increase in skin cancer corresponds exactly with the drug industry's promotion of anti-burn creams. Sun block. As it came out, it told you that now you can sit in the sun. As Senator Dill was talking about, what happens is you block the radiation that allows your skin to tan or burn. You're getting around one of our natural defense systems. When you try to trick the body, we don't do well with it. So we've got 50 years of people laying on the beaches and allowing the worst rays, the most harmful ultraviolet rays, to soak into their skin and, instead of allowing your body to say, "Hey, you've had enough sun," and getting out of it, we're having this big incidence of skin cancer. It just always amazes me that it's more out there, but I know the source. The same people that told you, told our doctors, that Oxycontin was non-addictive and a helpful drug that drove this opioid crisis that we have. They are the same people telling us to lather up and lay in the sun, you won't burn, you're all good. Yet we have this big rise in skin cancer. So if you want to not burn, put some clothes on if you're getting too much sun. Don't trust the sunblock. Stay out of the tanning beds, whether you're 14 or 40. Thanks for listening.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. As we've heard from some of our colleagues, melanoma is the deadliest forms of skin cancer and it is one of the most common types of cancer in young people, especially in young girls. In fact, it is the fourth most common cancer in all individuals age 15 to 29 and the second most common cancer among females age 15 to 29. So we do have to wonder why females would have an elevated amount of skin cancer and I think that

comes to the season that we're in right now, especially in the Northeast and in the northern part of our country. That is prom season. I have actually known girls who have tanned just to go dress shopping. I'm the mother of three girls and the pressures that tweens and teens face to look good at all times is really quite dramatic. You know, here in the Northeast, last week we had temperatures in the 40s and, you know, today is a beautiful day, tomorrow promises to be even more gorgeous, and so, you know, these girls turn to indoor tanning. The fact is that we have a lot of other safer alternatives that are now accessible for them to find ways to look good. So, you know, they can go and take advantage of those opportunities. So while keeping all minors out of tanning devices won't eliminate skin cancer or melanoma, it will go a long way towards reducing one of the most commonly diagnosed diseases among young people. Like with lead paint and tobacco, all children deserve protection from substances and devices proven to be hazardous to their health. My goal, as a State Senator, has been to advance legislation that encourages businesses and families to flourish in Maine. This bill may seem unusual for someone who has consistently made economic development a priority, we were talking about that here yesterday, but, as with any legislation, I weigh the pros and cons and I have been convinced that, just as we keep tobacco and other known carcinogens away from juveniles for their own good and the good of society, we need to keep them from tanning facilities also. You know what? Every young life in Maine is precious. We are the oldest state in the country and we simply can't afford to have kids risking their lives in tanning facilities. We can't afford, as a state, to pay for the medical costs associated when those kids, if they do, contract melanoma. So I urge you to oppose the pending motion and follow my light. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, 17 year old Susie wants to go to a tanning salon in advance of the Junior Prom. We all agree that Susie should not make that decision for herself. The question is: who ought to make that decision? Should it be Susie's parents or should it be the State? I would suggest, Mr. President, that decision ought to be made by the parents, the same parents, by the way, that can legally, shouldn't but can legally, allow their child to smoke in their own home, can legally allow the child to have a glass of wine in their own home, and the same principle, I would suggest, applies here because it seems to me, Mr. President, that every time we say to a parent, "Don't worry, we'll take care of your child by putting blocks on parental authority," every time we do that it makes it easier for the parents to cede authority over their own children to the State we're going in the wrong direction. I will be voting in favor of the pending motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I apologize for rising a second time. I just heard it stated a few times that this bill would prohibit young people from using tanning beds. I just wanted to highlight again that is not accurate. This bill prohibits minors from using tanning beds in highly regulated and monitors facilities. It does nothing to prohibit young people from using tanning beds in unregulated and unmonitored environments

where they are at much higher risk of over-using these machines and damaging themselves. I'll just leave it there. Thank you.

THE PRESIDENT: 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 (#141)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DESCHAMBAULT, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MASON, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, DAVIS, DIAMOND, DILL, DION, DOW, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK

EXCUSED: Senator: CHENETTE

15 Senators having voted in the affirmative and 19 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 **FAILED**.

The Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Lung Cancer Screening for MaineCare Recipients"

S.P. 237 L.D. 720

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-86)** (8 members)

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

Tabled - May 11, 2017, by Senator **BRAKEY** of Androscoggin

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

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

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

Senator **KATZ:** Thank you, Mr. President. Mr. President and men and women of the Senate, the goal of this bill is simple. It's to save lives through early detection of lung cancer. What this bill would do, Mr. President, is to apply the same standards that CMS provides for Medicare patients in deciding which patients are going to get screened for potential lung cancer; people through genetic predisposition because of their parents and grandparents, people who have been smokers, and if they fit within these criteria they would have a rather simple and rather inexpensive test for lung cancer. The implications of having the test are significant because the earlier it's caught the better and, obviously, we want to save lives. Just in terms of the public purse, Mr. President, treating lung cancer is extremely expensive. I think we all know that. The fiscal note on this bill, if it passes, it will have to go downstairs and compete with other priorities, but the fiscal note is about \$146,000 a year. I don't know what it costs to treat one case of lung cancer, but I suspect it is far in excess of, just one case, the cost of this bill. I'd suggest this makes sense. It would align Maine with how we deal with this in Medicare and, of course, the federal government will be paying a significant portion of this. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, there was no opposition to this bill at the public hearing in committee. The bill has bi-partisan support and the fact of the matter is that most private insurance companies provide for one screening per year. Medicare patients can get one screening per year. We just think it made sense that MaineCare patients have that one screening per year because early detection does really save lives. I think this bill will save us a lot of money in the long run. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought Not to Pass motion for one simple reason. We don't have the money. Yes, it's \$150,000 a year, but right now in Health and Human Services we have wait lists that we are not properly funding. We have services we are already providing that the rates are so low that we need to bring up those rates in order to adequately attract providers. These are some of the spending priorities that we are wrestling with right now. I know that in this Body we often feel comfortable passing something along to the Appropriations Committee knowing it's never going to be funded and just let the Appropriations Committee be the bad guy and say, "No, we can't do it. We can't afford it." I don't like to operate that way. I don't think that that sends clear signals about what our priorities are. In the Health and Human Services Committee my priority is making sure we are paying for our wait lists that currently exist, first of all, and, second of all, bringing up the rates for services that we currently have to what is good enough to

attract providers. We need to do those things before we start adding new services that we're going to start compensating for. I'll leave it at that.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise, unfortunately, to oppose my good friend, the Senator who just spoke. It's rather concerning to me that we continue to operate in silos because I do understand the comment about the \$150,000 and how much money needs to be set aside that we may or may not have. However, the savings will be significant. Any of you that have suffered through cancer in your family, you know what it costs to treat that and if you can catch it early the savings are phenomenal. We can't book that savings, but it's real. Thank you very much, Mr. President.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I rise simply to remind everyone that when we speak on the floor we speak to the bill and I suggest that we let the Appropriations Committee do its job so that when a bill passes and is moved to the Appropriations Table the process takes place and that in this Body, when we are talking about bills that have a fiscal impact, we make sure we stick to the subject, which is the bill on the table and the report in front of us. Thank you, Mr. President.

THE PRESIDENT: I certainly appreciate the reminder and I will be sure to remind other folks. The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you, Mr. President. Just a very brief reminder that lung cancer is not at all cheap to treat. Anywhere from \$12,000, if you have a very simple thoracotomy to open up and take out something, to multiple hundreds of thousands if it's metastasized. Maine is one of the eleven states that has the highest rates of lung cancer and the rate is anywhere between 68 and 94 per 100,000 people. If we do not pass this we're being penny wise and pound foolish. I look for the larger picture and we'll be saving both lives and money. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll just say, you know, if every bill that we passed that was supposed to book long term savings and save money down the road, if every bill we passed actually ended up doing that, then I think government would be a lot cheaper than it is right now. I'll leave it at that.

THE PRESIDENT: 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 (#142)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, MASON

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senator: CHENETTE

4 Senators having voted in the affirmative and 30 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 **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-86) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Fees To Be Charged for Wild Game Dinners"

S.P. 202 L.D. 587

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-84)** (2 members)

Tabled - May 11, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, I put this bill in primarily because of an incident I ran into in the little Town of Phillips a couple of years ago. They were having a fundraiser for a trail that they were developing and they approached me and said, "We have an individual who, fortunately, has some moose meat that he would like to donate to us so that we can sell moose burgers. This would be a great fundraiser where we could advertise, you know, moose meat from the local area of which we could charge \$10 for the hamburger and we could use those funds raised towards the community." So I, being the good diligent Legislator I was, called Inland Fisheries and Wildlife to make sure that it was okay for me to do. I found out no, we could not sell the hamburgers. However, we could sell a Coca-Cola or Pepsi Cola and charge \$12 for that, which would now mean we would donate a moose burger with that Coca-Cola. To me, that borders on the line of ridiculous. Now I know there are concerns about our wildlife being sold off, however I'm sure that if we vote this motion down there might be an opportunity to make sure that only charitable and non-profit organizations can take advantage of this opportunity in our hands. So I'm asking you to vote no on this motion and allow charitable groups to raise money where no one who shoots the moose profits, but the society does. Thank you very much, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill allows fees to be charged for wild game dinners, which was discussed at length and ending up with a 9 Ought Not to Pass and 2 Ought to Pass as Amended vote. The main reason the Inland Fisheries and Wildlife strongly opposed this bill was per Commissioner and the Deputy Commissioner and the Colonel of the Warden Service. They were concerned that this would cross the line for commercializing the sale of our wildlife meat sources. I trust and respect the judgment of the Wildlife Management Resource administration who spoke up and stated donating wildlife meat is already being done legally to non-profit benefit dinners for great causes. This bill comes out and says they are selling and labeling moose meat, deer meat, turkey, or any other wild game. This could even be placed on the menu with dinners priced out. Is that what we really want to do to our heritage wildlife? We do not raise wildlife. Let's respect and continue to manage our precious wildlife, so please let's not commercialize our wildlife meats for dining pleasure. I know squirrel sometimes tastes like chicken but I'm not sure. This could have unintended consequences of hunting for the wrong reasons. Thank you for listening to my serious concerns on this matter. Thank you.

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

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, the only thing I'll add is that this is not commercializing the sale of our material because you're not selling it. You're not selling it to the non-profit group. Let me say this, I reemphasize, it's a wink and a nod. It's okay to do this, it's okay to do this but you can't charge for it. So we're not really commercializing it, but yes we are. So let's just put it in law so it's very clear that it can be done. Thank you very much, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#143)

YEAS: Senators: BREEN, CARPENTER, COLLINS, CUSHING, CYRWAY, DIAMOND, DOW, HILL, KEIM, MAKER, MASON, VITELLI, WHITTEMORE

NAYS: Senators: BELLOWS, BRAKEY, CARSON, CHIPMAN, DAVIS, DESCHAMBAULT, DILL, DION, GRATWICK, HAMPER, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VOLK, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senator: CHENETTE

13 Senators having voted in the affirmative and 21 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-84) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility"

H.P. 233 L.D. 300
(C "A" H-83)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-83)** (6 members)

Tabled - May 11, 2017, by Senator **CUSHING** of Penobscot

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83) in NON-CONCURRENCE**

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

On motion by Senator **JACKSON** of Aroostook, 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 (#144)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DOW, HAMPER, HILL, KEIM, LANGLEY, MAKER, MASON, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHIPMAN, DIAMOND, DILL, DION, GRATWICK, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, ROSEN, VITELLI

EXCUSED: Senator: CHENETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83), in NON-CONCURRENCE**

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

House Paper

Bill "An Act To Support Maine Families through Universal Family Care"

H.P. 1110 L.D. 1612

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

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

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

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, May 18, 2017 at 10:00 in the morning.

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

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Assist in the Commercialization of Maine Products and Services"
S.P. 568 L.D. 1613

Presented by Senator VOLK of Cumberland. (GOVERNOR'S BILL)
Cosponsored by Representative MASTRACCIO of Sanford.

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

Ordered sent down forthwith for concurrence.

Off Record Remarks

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

Senator **DIAMOND**: Thank you, Mr. President. Ladies and gentlemen, I want to introduce you to one young man you've seen working very hard this morning. They both have worked very hard. We appreciate these honorary pages. One, in particular, comes from Standish and his name is Xavier Lopes. Xavier is here because of his outstanding ability to overcome challenges that he had in school and he oftentimes, like we all probably did, struggled from time to time with various academia. He would not give up. He kept working at it. He kept asking his teachers to retake tests, to give him harder words to spell, so he could become a better student. He's done all of that. He now excels and he's here upon invitation because of his great attitude and his accomplishments. So, Mr. President, I just wanted to recognize Xavier and his Dad, who's sitting in the back of the hall. Thank you.

THE PRESIDENT: The Chair is pleased to recognize both Xavier and his Dad. Would they both please stand and accept the greetings of the Senate.

Off Record Remarks