

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
Thursday
May 18, 2017

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

Prayer by Pastor Bonnie Higgins, North Livermore Baptist
Church.

PASTOR HIGGINS: Good morning. Let us pray. Dear Heavenly
Father, we come here this morning to do the work of the State of
Maine. Dear Lord, we just ask You to bless each and every one
of the people here. Let them seek Your guidance and let them
seek the people's wishes, Lord. Dear Heavenly Father, we just
thank You so much for being with them and blessing them and
guiding them through the day. In Your son's precious name.
Amen.

Pledge of Allegiance led by Senator Benjamin M. Chipman of
Cumberland County.

Reading of the Journal of Wednesday, May 17, 2017.

Doctor of the day, Tom Marshall, M.D. of Farmington.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 569

Ordered, the House concurring, that when the Senate and House
adjourn, they do so until Tuesday, May 23, 2017 at 10:00 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **ENVIRONMENT
AND NATURAL RESOURCES** on Bill "An Act To Amend the
Municipal Subdivision Laws"

H.P. 444 L.D. 628

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

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

In Senate, May 16, 2017, on motion by Senator **SAVIELLO** of
Franklin, the Minority **OUGHT TO PASS** Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED** in **NON-
CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Majority **OUGHT NOT TO PASS** Report was
READ and **ACCEPTED**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act To Allow a Law Enforcement
Agency That Treats a Person with Naloxone Hydrochloride To Bill
That Person for That Treatment"

H.P. 76 L.D. 108

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

Minority - **Ought to Pass as Amended by Committee
Amendment "A" (H-131)** (6 members)

In Senate, May 16, 2017, on motion by Senator **BRAKEY** of
Androscoggin, the Minority **OUGHT TO PASS AS AMENDED**
Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-131)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Majority **OUGHT NOT TO PASS** Report was
READ and **ACCEPTED**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand
Substance Abuse Prevention Projects"

S.P. 213 L.D. 651

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (6 members)

In Senate, May 16, 2017, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel"

S.P. 282 L.D. 882
(C "A" S-69)

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-69)** (5 members)

In Senate, May 16, 2017, on motion by Senator **DAVIS** of Piscataquis, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-69)**.

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

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

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 413

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND FORESTRY**

May 16, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Agriculture, Conservation and Forestry has had under consideration the nomination of Elizabeth Fitzgerald of Machiasport, for reappointment to the Maine Land Use Planning Commission.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Davis of Piscataquis, Dill of Penobscot, Saviello of Franklin
	Representatives	8	Dunphy of Old Town, Black of Wilton, Chapman of Brooksville, Higgins of Dover-Foxcroft, Martin of Sinclair, McElwee of Caribou, O'Neil of Saco, Skolfield of Weld
NAYS		0	
ABSENT		2	Rep. Ackley of Monmouth, Rep. Kinney of Knox

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Elizabeth Fitzgerald of Machiasport, for reappointment to the Maine Land Use Planning Commission be confirmed.

Signed,

S/Paul T. Davis, Sr.
Senate Chair

S/Michelle Ann Dunphy
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#145)

YEAS: Senators: None

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

ABSENT: Senators: HILL, SAVIELLO

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being absent, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Elizabeth Fitzgerald** of Machiasport for reappointment to the Maine Land Use Planning Commission was **CONFIRMED**.

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

The Following Communication: S.C. 405

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 151 Resolve, To Authorize the Transfer of State-owned Property to the Town of St. Agatha
- L.D. 167 An Act To Fund Animal Control Officers and Animal Shelters
- L.D. 1114 An Act To Amend the Rules Regulating Invasive Terrestrial Plant Species

- L.D. 1167 An Act To Deregulate the In-state Extraction and Sale of Raw Honey
- L.D. 1369 An Act To Support Local Agricultural Production

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis
Senate Chair

S/Rep. Michelle Ann Dunphy
House Chair

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

The Following Communication: S.C. 406

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

May 15, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 107 An Act To Increase the Effectiveness of Opioid Addiction Therapy
- L.D. 464 Resolve, Directing the Department of Health and Human Services To Facilitate the Scheduling of Transportation for Persons with Disabilities
- L.D. 504 An Act To Support Evaluation of Opioid Diversion Efforts
- L.D. 607 An Act To Enhance Maine's Coordinated Response to Mental Health Crises
- L.D. 629 An Act To Improve Rehabilitation Services for Persons with Mental Illness in Maine
- L.D. 634 An Act Regarding the Drug Epidemic in Maine
- L.D. 1367 Resolve, To Support Family-directed Housing Initiatives and Alternative Programming for Individuals with Disabilities in Underserved Areas

L.D. 1424 An Act To Amend the Laws Governing MaineCare Eligibility Determination For Applicants To Nursing Homes

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

L.D. 1563 Resolve, To Establish the Maine Health Advisory Committee (EMERGENCY)

The Following Communication: S.C. 408

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Patricia Hymanson
House Chair

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

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

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

Dear President Thibodeau and Speaker Gideon:

The Following Communication: S.C. 407

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

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

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

L.D. 1354 An Act Relating to Exempt Equity in a Primary Residence

This is notification of the Committee's action.

Sincerely,

Dear President Thibodeau and Speaker Gideon:

S/Sen. Rodney L. Whittemore S/Rep. Mark W. Lawrence
Senate Chair House Chair

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

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

L.D. 35 Resolve, To Allow the Unlicensed Ownership of Hedgehogs as Pets

The Following Communication: S.C. 409

L.D. 1018 An Act To Prohibit Stocking Fish in or Using Live Fish as Bait on Tributaries to State Heritage Fish Waters

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

L.D. 1179 An Act To Increase Funding for Programs That Support the Mission of the Department of Inland Fisheries and Wildlife

May 12, 2017

L.D. 1582 An Act To Clarify and Enhance Maine's Fish and Wildlife Enforcement Laws

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

This is notification of the Committee's action.

Sincerely,

Dear President Thibodeau and Speaker Gideon:

S/Sen. Scott W. Cyrway
Senate Chair

S/Rep. Robert S. Duchesne
House Chair

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

- L.D. 702 An Act To Restore the Tip Credit to Maine Employees
- L.D. 774 An Act To Create a Training Wage
- L.D. 775 An Act To Prohibit the Minimum Wage from Exceeding the New England Average
- L.D. 884 An Act To Exempt Small Bottlers from the Bottling Plant Requirements (EMERGENCY)
- L.D. 971 An Act To Exempt Certain Employees from the Minimum Wage Laws
- L.D. 1005 An Act Regarding Minimum Wage Increases
- L.D. 1152 An Act To Encourage the Hiring of Skilled Immigrants through Flexible Certification
- L.D. 1353 An Act To Establish the Maine Domestic Trade Center
- L.D. 1393 Resolve, Establishing the Commission To Create a Statewide Economic Development Plan (EMERGENCY)
- L.D. 1468 An Act To Expand Application of the Maine State Housing Authority's Arsenic Abatement Program

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

- L.D. 704 An Act To Give the Department of Marine Resources Flexibility with Licensing in the Atlantic Herring Fishery
- L.D. 730 An Act To Establish Minimum and Maximum Size Limits for Possession of Soft-shelled Clams
- L.D. 1379 An Act Regarding Enforcement of Marine Resources Laws and Suspensions of Marine Resources Licenses
- L.D. 1455 An Act To Fund Research on and Management and Enforcement of the Eel and Elver Fisheries

This is notification of the Committee's action.

Sincerely,

S/Sen. Joyce A. Maker
Senate Chair

S/Rep. Walter A. Kumiega
House Chair

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

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Ryan M. Fecteau
House Chair

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

The Following Communication: S.C. 414

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

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 134 An Act To Allow the Secretary of State To Issue Licenses Pending Receipt of Necessary Paperwork from the Driver Education and Evaluation Program (EMERGENCY)
- L.D. 315 Resolve, Directing the Department of Transportation To Apply for Funds for Rail Improvements

The Following Communication: S.C. 410

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES**

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

- L.D. 437 An Act Concerning Maine's Transportation Infrastructure
- L.D. 752 An Act To Enhance the Safety of Schoolchildren by Requiring the Posting of the School Zone Speed Limit
- L.D. 790 Resolve, To Name the Bridge between Indian Township and the Town of Princeton the Sakom John Stevens Bridge
- L.D. 1101 Resolve, Directing the Secretary of State To Review and Recommend Updates to the Maine Motorcycle Driver Education Program
- L.D. 1226 An Act To Keep Maine's Transportation Infrastructure Safe by Providing More Sources of Revenue for the Highway Fund
- L.D. 1310 An Act To Establish a Driver's License Suspension Amnesty Day
- L.D. 1328 An Act To Promote Bicycle Safety by Placing Warning Signs on Certain Public Ways
- L.D. 1347 An Act To Amend the Laws Regarding Driver's License Fees
- L.D. 1398 An Act To Allow Vehicles Registered as Wreckers To Transport 2 Vehicles
- L.D. 1426 An Act To Allow the Use of Biopic or Telescopic Corrective Lenses To Meet the Vision Examination Requirements for a Class C Driver's License (EMERGENCY)
- L.D. 1439 Resolve, To Study the Placement of Vehicle Charging Stations on Maine's Highways
- L.D. 1460 An Act To Remove the Secretary of State's Authority To Authorize Agents To Issue Noncommercial Driver's License Renewals and Nondriver Identification Card Renewals
- L.D. 1559 An Act To Remove the Law Mandating a Front License Plate

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 415

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

May 15, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 295 An Act To Amend the Requirements for a Political Party To Retain Qualified Party Status under the Election Laws

This is notification of the Committee's action.

Sincerely,

S/Sen. Garrett P. Mason S/Rep. Louis J. Luchini
Senate Chair House Chair

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

The Following Communication: H.C. 173

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

May 17, 2017

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

Dear Secretary Priest:

House Paper 401, Legislative Document 559, "An Act To Standardize the Law Concerning Property Transfers and To Protect Water Quality," 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?"

91 voted in favor and 54 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.**

The Following Communication: S.C. 412

**STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE**

16 May 2017

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1025, "An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor."

This bill would allow stepparents to sign applications for driver's licenses. Unless the stepparent has adopted the minor, I do not believe they should be able to sign off on the minor applying for a driver's license. It is not hard to think of instances whereby biological parents could be totally unaware that a stepparent had signed off on the child's driver's license application. It is also not hard to imagine a scenario whereby that child would get in a serious accident without the child's biological parents knowing they could legally drive.

Because young drivers are easily distracted and more apt to get into accidents, it is very important that only biological parents be given the authority to sign off on driver's license applications.

For this reason, I return LD 1025 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE.**

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.

The accompanying Bill:

An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor

S.P. 332 L.D. 1025

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

Senator **SAVIELLO:** Thank you, Mr. President. I believe this is the item related to stepparents and not being able to sign for driver's licenses. Is that correct?

THE PRESIDENT: That is correct.

Senator **SAVIELLO:** Thank you, Mr. President. I'd like to speak briefly to that.

THE PRESIDENT: The Senator may proceed.

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just to be clear, this is my bill. The reason I put it in is that under the definitions of the Secretary of State for family members it defines an immediate family member, we did this in 2013, means a grandparent, step-grandparent, parent, stepparent, and so forth. Stepparents are covered in the definitions by the Secretary of State. This is one of those cases where the definition was changed in 2013 and it didn't get captured in the rest of the law. So this simply moves that so that a stepparent can sign for driver's licenses. Just clearing up some confusion that was created by us in 2013, not that we ever do that. Thank you, 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, I'd just like to say a little bit on this, from the experience of working in the courts. I've seen where, you know, parents break up, they get separated, and then they get remarried and whatever. Sometimes there's this thing about being the parent. Kids sometimes use each parent against each other and this is one of those spots where they may say, you know, "My father doesn't want me to get my license yet, so can you get me, can I have the license?" Then the step-dad signs for it. It can cause a lot of friction. I just think that sometimes we just have to let parents make decisions and allow that, so sometimes, you know, these laws - it's all fine and good, but when it comes to real life, you know, just to be sensitive that these are parents and they should have a right to make decisions, responsible decisions, like that for the child. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, in committee we heard different stories, but the one that stood out, well two. Just what the Senator from Franklin pointed out, it's already there. This has already been

argued a long time ago. It helped. We didn't see any evidence of it, in its practice over the years, that it was dividing families or pitting them against each other. What we found was that in rural areas where people travel a long distance and assume, because it's already in law in much of the Secretary of State's statutes, that it's something that can be done and then this one area it can't be. Folks at the registry are quite good at picking up on the nuances. This little piece gets in the way and all we're asking for, and all we have in statute already, is who can verify that this person's mature enough to drive, to fit in our system, to drive better than I do. That, sometimes, is a stepparent and that's who takes them, that's who's the responsible party, that's who knows them best. I would say anybody who would vouch for that, who was a responsible person, should be the person, but it limits it. It's already in law. Let's just fix it to make it uniform. Thank you very much.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, two points. One, presently stepparents can sign for a learner's permit. The second was a story that was shared by an individual in the committee hearing that day, where she got up and testified and talked about her own personal life, where he father was no longer part of her life and her stepfather was her father. At the end of the day, he would not be able to sign for her driver's license. That's why she came in and supported the bill. Thank you very much, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#146)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BRAKEY, CUSHING, CYRWAY, DAVIS, KEIM, WHITTEMORE

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, and 29 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: H.C. 170

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

May 16, 2017

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 905, "An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham."

This bill would allow the Maine Turnpike Authority to construct and operate a connector in Cumberland County from Route 114 in South Gorham to an interchange on the turnpike in order to address congestion issues. The Maine Turnpike Authority and the Maine Department of Transportation have been studying this issue since 2007, and I agree that this area has a traffic problem that needs to be resolved.

Recently, I stated publically that I support a connector in this area, but I don't think that it should be a toll highway with the Maine Turnpike Authority. Maine citizens already pay enough in tolls when they travel in certain areas of the state, and we should not add additional toll costs to Maine citizens and businesses. I would support this project being done by the Maine Department of Transportation through general obligation bonds, as long as it can be done without the need for tolls.

For this reason, I return LD 905 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Authorize the Construction of a Maine Turnpike Connector to Gorham

H.P. 633 L.D. 905

Comes from the House with the **VETO OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#147)

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

NAYS: Senators: None

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

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Fund the Maine Science, Technology, Engineering and Mathematics Loan Program"

S.P. 570 L.D. 1614

Presented by Senator VOLK of Cumberland. (GOVERNOR'S BILL)

Cosponsored by Representative FECTEAU of Biddeford and Senators: LANGLEY of Hancock, MAKER of Washington, Representative: KORNFIELD of Bangor.

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

Sent down for concurrence.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Honorable Rodney Whittemore and Coralee Whittemore, of Skowhegan, who are celebrating their 50th Wedding Anniversary. We extend to Senator and Mrs. Whittemore our congratulations and best wishes;

SLS 272

Sponsored by President THIBODEAU of Waldo. Cosponsored by Senators: BELLOWS of Kennebec, BRAKEY of Androscoggin, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, HAMPER of Oxford, HILL of York, JACKSON of Aroostook, KATZ of Kennebec, KEIM of Oxford, LANGLEY of Hancock, LIBBY of Androscoggin, MAKER of Washington, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, ROSEN of Hancock, SAVIELLO of Franklin, VITELLI of Sagadahoc, VOLK of Cumberland, WOODSOME of York, Representatives: AUSTIN of Skowhegan, FARRIN of Norridgewock, GRIGNON of Athens, PICCHIOTTI of Fairfield, SKOLFIELD of Weld, STETKIS of Canaan, STROM of Pittsfield.

READ.

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

Senator **MASON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it's an honor to stand here and congratulate my friends, Rod and Coralee Whittemore, on their 50th wedding anniversary. I've had the opportunity to get very close with Senator Whittemore and Mrs. Whittemore. Rod and I sat together for four years in this Body as seatmates and, as you know, you grow very close to people that you sit next to in these legislative chambers. I got to know the both of them outside of this Chamber as well and they are a shining example of what a human relationship should be and what a marriage should be on this earth. Mr. President, if I'm ever so lucky to marry my girlfriend I hope that it will be a relationship like Rod and Coralee's. Congratulations to both of you. I appreciate your friendship and congratulations from your legislative family.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I rise to also add my best wishes to this special occasion. Rod and Coralee are the parents of three fine sons, eight grandchildren, the youngest being 17 and the oldest 22. They've worked together in a family business for over 45 years, so this is truly a relationship that has prospered through

good and probably some interesting times, but they have exhibited, in my time knowing them, just the characteristics that make you very appreciative of what it's like to have a partnership. For those of us who have worked with a spouse, my wife and I knew we reached a milestone in our relationship when we could wallpaper together. Working together, raising a family, they have been a great example and it is an honor for me to stand today, Mr. President, and add my words to this special occasion. Thank you very much.

THE PRESIDENT: The Chair recognizes the Senator from Somerset, Senator Whittemore.

Senator **WHITTEMORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to rise to make a few comments. First of all, thank you very much for the sentiment. It is in recognition of a very important day in our lives. I also, for those of you who are probably wondering at what age we got married, would like to talk about that for just a second. My wife, Coralee, was 18 years old. Back in the 60's when you were 18, as a woman, you were considered an adult. I, however, was 20 years old and at 20 years old, as a young man, I was considered a minor still. So I just want it to go on record that my wife was the one who robbed the cradle. I also want to say that I have been blessed with such a wonderful wife and she is truly the wind beneath my wings. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize Senator Whittemore and his child bride. Would they both stand and accept the congratulations of the State Senate.

Kristin Malin, of Georgetown, for her 23 years of service on the Georgetown School Committee. Ms. Malin served as Chair of the School Union 47 Joint Board from 1995 to 2002; on the Maine School Boards Association Board of Directors from 2004 to 2017, serving as President in 2007 and 2012; and on the National School Boards Association Board of Directors as Northeast Region Director from 2009 to 2015. We extend to Ms. Malin our appreciation for her service and offer her our best wishes;
SLS 271

Sponsored by Senator VITELLI of Sagadahoc.
Cosponsored by Representative: PIERCE of Dresden.

READ.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Members of the Chamber, I just want to speak very briefly about Kristin Malin in this order. She's a neighbor, a colleague, and a friend, and has been an outstanding educational leader for over two decades. I had the good fortune to serve with Kristin on the school board for ten years and during our time together we, she, guided us through the dissolution of one school system, the formation of a

new school district, and the creation of the first regional school union, RSU 1. In that time we also worked together to hire three different Superintendents. Kristin Malin led us all through that process with openness, deliberateness, and the kind of leadership that she has been known for throughout her time as an educational leader. She's well-deserving of this recognition and I'm delighted to be here to speak on her behalf. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"

H.P. 1012 L.D. 1473

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

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

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

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

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, To Require a Review of the State Employee and Teacher Retirement Plan

H.P. 645 L.D. 917

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-184).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-184).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-184) **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, To Establish the Commission To Streamline Veterans' Licensing and Certification (EMERGENCY)

H.P. 170 L.D. 214

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-187)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-187)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-187) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General"

H.P. 68 L.D. 100

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

Signed:

Senator:
BREEN of Cumberland

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:

Senators:
HAMPER of Oxford
KATZ of Kennebec

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**.

Reports **READ**.

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

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

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to just pause this movement a little bit. This is, by the way, the National Police Week and these detectives, which were left out of the plan in 1998, the retirement plan, I think they deserve our consideration. They deal with some very serious issues, like all law enforcement officials; homicides and etcetera. I'm not even sure why they were left out in the first place. This would include them and no impact to the budget. It looks like the cost will be minimal and whatever it is can be absorbed. There aren't that many left. So I would ask your consideration that we think about these people and the work they do. Like all law enforcement officers, I think they deserve our respect and I would ask your consideration to include them since it won't cost us, the State of Maine, anything. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Hamper, 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 (#148)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KATZ, KEIM, LANGLEY, MASON, MILLETT, ROSEN, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, LIBBY, MAKER, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Minority **OUCHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUCHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-174) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Creating a Police Standoff a Class E Crime"

H.P. 135 L.D. 179

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-163)**.

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow

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

Signed:

Representatives:

WARREN of Hallowell
RECKITT of South Portland
TALBOT ROSS of Portland

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-163) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Exempt from Criminal Liability Persons Reporting a Drug-related Medical Emergency"
H.P. 757 L.D. 1079

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-164)**.

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
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:

Senator:

CYRWAY of Kennebec

Comes from the House with the Majority **OUCHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-164)**.

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-164) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding the Construction or Placement of Decks within the Shoreland Zone" H.P. 291 L.D. 400

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

Signed:

Senator:
GRATWICK of Penobscot

Representatives:
TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-165)**.

Signed:

Senators:
SAVIELLO of Franklin
VOLK of Cumberland

Representatives:
CAMPBELL of Orrington
KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

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

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-165) **READ** and **ADOPTED**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Concerning Pavement Sealing Products"

H.P. 858 L.D. 1235

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

Signed:

Senators:
SAVIELLO of Franklin
VOLK of Cumberland

Representatives:
CAMPBELL of Orrington
KINNEY of Limington
MARTIN of Eagle Lake
PIERCE of Dresden
STROM of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Senator:
GRATWICK of Penobscot

Representatives:
TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
ZEIGLER of Montville

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

Reports **READ**.

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

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

Senator **GRATWICK**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I stand in opposition to the current motion on the Floor and will speak to this. This is an interesting bill. It came before the Environment and Natural Resources Committee. It has to do with the use of coal tar sealants on our driveways, that make them look pretty, black, shiny, and very neat and tidy. The only problem is that coal tar is a nasty substance. They are found largely, they're found all over in nature, burning products, but they are not good, small amounts or large amounts, they are not good things to have around our environment. There are other alternatives available. Asphalt, latex sealers, are not as toxic as this. Coal tars are used mostly in the east coast for unclear reasons. Asphalt is used on the west coast. There are some products from abroad, from Europe, that seem to be significantly less toxic that we could use. The coal tars are complicated emissions of polycyclic aromatic hydrocarbons which are complex organic molecules which have numerous bad side effects on humans, animals, invertebrates, aqua, and marine health. As long as we have other sealants that can work nearly as well, achieve the same objective, I think we should be working towards that end. We had a woman come in, a toxicologist, who is doing studies here in Augusta, studying the parking lot over by the mall and one by the Civic Center, showing that those parking lots are hazardous; coal tar on them. They had a significant increase in leaching off into the waters surrounding them. We also had a number of different people from the industry come to speak about how good they were, how non-toxic they were, but one thing I've learned on the Environmental and Natural Resources Committee is you always ask, "Who sent you here? Who's paying your bills to be here?" I think that's a very important factor. This is a public health issue. I view this as - I think it's unlikely that my view will prevail today, although I encourage you to follow my light, but I think I'm in the same position as people were when they were talking about smoking in the early 1950s. This is something that will, eventually, pass. It's not a good substance. There are better things available and, indeed, I urge you to follow my light. Thank you, Mr. President.

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

Senator **SAVIELLO**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate my good colleague's comments. However, let me straighten a few things out. Coal tar is used in Maine because it's really the only product that we can use with the time window we have that we can seal these pavements. We have to start in the summertime, but can continue to use these materials until late into the fall. Number two, he talked about alternatives. Well, it's interesting because the alternative abroad is not readily available and it takes years for it to get here if you make that order in time. Number three, coal tar - by the way, if you have dandruff, if you read on the container, or the jar, what's in the container is coal tar. So I guess it might be bad on the parking lot but it's okay to put in your hair. Finally, Mr. President, when I walk in the parking lot in Augusta, by the way it's when it's dry it does not release the materials, I see the rainbows of color. That rainbow of color is oil that is leaking from gaskets and so forth. That rainbow of color far outweighs anything that would come from coal tar. Thank you very much, Mr. President.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Testing of Drinking Water for Maine Families"

H.P. 702 L.D. 1001

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-162)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Allow Certain Municipal Shellfish Conservation Wardens To Seize and Sell Marine Organisms Taken in Violation of a Shellfish Conservation Ordinance"
H.P. 156 L.D. 200

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

Signed:

Senators:
MAKER of Washington
VITELLI of Sagadahoc

Representatives:
KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
DEVIN of Newcastle
HAWKE of Boothbay Harbor
SUTTON of Warren
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-172)**.

Signed:

Representative:
SIMMONS of Waldoboro

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt from Taxation Certain Out-of-state Pensions"
H.P. 663 L.D. 935

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

Signed:

Senators:
DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:
TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
TERRY of Gorham
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-170)**.

Signed:

Representative:
McCREIGHT of Harpswell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Include the Vehicles of Emergency Medical Services Persons in the Firefighter Registration Plate Program"
H.P. 872 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**.

Signed:

Senators:
MIRAMANT of Knox
ROSEN of Hancock

Representatives:
McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
CEBRA of Naples
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:

Senator:
COLLINS of York

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-160)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess the Senate was called to order by the President.

Divided Report

Six members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature"
H.P. 599 L.D. 850

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

Signed:

Senator:
DESCHAMBAULT of York

Representatives:
MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-181)**.

Signed:

Senator:
DAVIS of Piscataquis

Representatives:
GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-182)**.

Signed:

Senator:
KEIM of Oxford

Representative:
SPEAR of South Thomaston

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

Reports **READ**.

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-182)**, in **NON-CONCURRENCE**.

Same Senator requested a Roll Call.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-182)**, in **NON-CONCURRENCE**. (Roll Call Requested)

Senate
Ought to Pass

Senator DOW for the Committee on **TAXATION** on Bill "An Act Regarding the Taxation of Certain Nonprofit Organizations"
S.P. 334 L.D. 1027

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

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

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

Sent down for concurrence.

Senator DOW for the Committee on **TAXATION** on Bill "An Act To Provide a Definition of 'Primary Residence' for Purposes of Property Tax Abatements Based on Hardship or Poverty"
S.P. 401 L.D. 1180

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

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Adjust the Lifetime Limit for the Receipt of TANF Benefits"
S.P. 12 L.D. 33

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

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-103)**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUCHT TO PASS AS AMENDED** Report.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUCHT TO PASS AS AMENDED** Report.

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

ORDERS OF THE DAY

Unfinished Business

The following matter 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 (5/16/2017) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Death with Dignity"

S.P. 113 L.D. 347

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-90)** (5 members)

Tabled - May 16, 2017, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUCHT 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. Men and women of the Senate, some policy issues we deal with are easier than others and issues involving end of life are, I think, among the most difficult we face. It's impossible to think about this bill, Mr. President, without each of us reflecting backwards to experiences in our own lives with our grandparents, with our parents. I also think it's impossible to think about this bill without thinking forward to our own mortality. I appreciate your indulgence to explain what this bill does and what the experience has been in other states. The premise of this is really very simple, that a competent adult ought to have control over his or her own life, generally free from government interference. We recognize that principle and we honor that in many ways currently. We all have the right to make medical decisions for ourselves during our lives and also to refuse treatment. Even if a doctor and our family members think that a particular treatment would benefit us, we have the right to refuse

because it's our life and it's our body. Life is a continuum, and just as we respect the right to make decisions during our life, we should have that same ability at the end of our lives. From my perspective, Mr. President, it's about personal dignity. It's about self-determination. It's about the right to choose one's own path, not the path that others might choose for you.

The bill is very simple in its goal. If a competent terminally ill patient does not have long to live they can make a decision to end their life sooner rather than later. It should be each individual's right to make that decision because it is our life. That option existed for Brittany Maynard. You remember her. She was the poster child, if you will, for this issue several years ago. A beautiful 29 year old woman from the State of Oregon, from California who moved to Oregon to be able to take advantage of their law. She made a video on the last day of her life and this is what she said: "Goodbye to all my dear friends and family that I love. Today is the day I have chosen to pass away with dignity in the face of my terminal illness, this terrible brain cancer that has taken so much from me, but would have taken so much more." She said, "For people to argue against this choice for sick people really seems evil to me. They try to mix it up with suicide and that's really unfair because there's not a single part of me that wants to die, but I am dying."

I'd like to just walk through the bill, which is modeled after legislation in other states, and I want to emphasize a number of things in the bill and all the safeguards that are there. First of all, no one can use this process, or participate in this process, unless they are competent, unless they are capable of making intelligent decisions. A doctor, a physician, has to make that call, and if the doctor has any question whatsoever the doctor refers the person to a psychologist or other mental health professionals for making that decision. The person has to physically appear before their doctor and make a request orally for the oral medication that can end their lives. That's not the end of it. The person must go back no sooner than fourteen days later and make the same request. That is not the end of it. The person must now go back a day after that and make a request in writing to be witnessed by two witnesses who are disinterested; not family members, not the doctor, but other people who can determine whether the person is acting in their own free will. Even that, Mr. President, doesn't end the process. The doctor is under an obligation under the law to advise the patient of the full range of other options which may be available to the patient in terms of hospice care, surgery, or other procedures that they might undergo. The doctor, if not the primary care physician, must consult with the primary care physician and then, and only then, can the doctor write a prescription for the life ending medication. I want to emphasize that no doctor is ever under any obligation to do this if he or she doesn't want to, ever. No hospital, no nursing home, no pharmacist has to participate in this process if they don't choose to, ever.

I know that there are colleagues in this Body who have religious objections to this bill and I honor that and I appreciate that. For others of you who might have reservations based upon your fear of unintended consequences or some kind of a slippery slope, I'd like to address that because this is already the law in Oregon, Washington, Montana, Vermont, California, Colorado, and now Washington D.C. We have that experience, and I particularly point to the State of Oregon. It hasn't been the law there for one year or two years or five years or ten years; it's been the law in Oregon now, Mr. President, for 19 years and they have a tremendous range of experience with this law. A few things, I

believe, are interesting about their experience. First of all, the median age of the person, or people, who has chosen this process is 73. They come from mostly upper socially economic sectors of society. Eighty percent of the patients who have used this have cancer. In all these years, in 19 years in the State of Oregon, which has many more people than Maine, about 1,750 people have gotten a life ending prescription. What's particularly interesting, I think, is that only about 1,100 of those people have actually taken the medication. That is, it's been a comfort to folks to know that they had this option available to them, whether they choose to exercise it or not.

When I started learning about this bill I, frankly, had reservations about this in terms of unintended consequences. For instance, if doctors might prescribe medication for people who really weren't eligible; that disabled people might attempt to use this more than others, and this is certainly a direction we don't want to go; that greedy heirs might attempt to convince their relative to use this as a way of getting at their estate. There have been nine studies in the State of Oregon over the years. Nine studies and every single one of them shows that these legitimate fears, which, frankly, I have or would have, just haven't come to pass in the State of Oregon. It's been studied and studied and studied. Some argue that pain can be controlled by opiates and so this law isn't needed because palliative care and hospice is enough. Well, I'm sure it is enough for most people, but try telling that to someone who is in extreme pain from cancer because palliative care, as effective as it is, is successful at ending suffering for some but not for all. I suggest that in true compassion we should not judge the choice of the dying person about how and when to end their life because each will see, and each of us will see as we get to that point in our lives, our or their own, end of life in a different and personal way. I've also heard concerns, Mr. President, and very legitimate concerns, about the fact that since most of us have insurance or we have Medicaid, or will have Medicare, that because of insurance and third party payer issues, that payers are going to attempt to steer people toward this solution because it's going to be cheaper for insurance companies. I understand that concern, but, again, 19 years history in the State of Oregon and not one documented case that that's ever happened. Not one documented case that's ever happened in the State of Oregon, and if it were starting to happen I think people would start to come down hard on that process.

Some of the former opponents of this law are now its biggest advocates. One of the people who testified at the hearing was a woman named Ann Jackson. She is the former head of the Hospice Association in the State of Oregon. She was a vehement opponent of this bill when it came up in Oregon, worked very hard against it. It passed and since then she has seen how it's worked and she has become a vigorous proponent and came, at her own expense, to Maine to tell us about that. The American Academy of Hospice and Palliative Care, which previously opposed this bill, has now withdrawn their opposition to this bill. This isn't a choice between hospice and this legislation. Hospice, my parents both had hospice care. Those people are angels and they do a tremendous job, but this is - many, many, or most, patients who take advantage of this law in Oregon are, in fact, in hospice at the same time. Doctors' attitudes are changing. The California Medical Association, the Hawaii Medical Association, has withdrawn their opposition to this bill and the Maine Medical Association, which has traditionally been opposed to this bill and has testified in opposition, is now neutral because

their physicians are evenly divided. A national poll of physicians has shown that more than half of physicians in this country now support this legislation. We shouldn't ever make public policy, Mr. President, by public opinion poll but, to the extent it matters, 74% of the people in America favor this kind of option at the end of life and a poll recently in the State of Maine, a professional poll done, which asked people if they support this particular bill, describing what this bill does, again, I think it was 73% supported it.

I'd like to end, Mr. President, with a few words from other people who wrote in as this bill was going through the legislative process. One person wrote: "I understand the objections and, of course, those who have such objections will never exercise this right, but for those who wish to die on their own terms before a crippling incident robs their memory or strength or causes them unyielding pain, we, as a society, are doing more harm than good if we prevent them from access to such methods to end their suffering." Another person wrote: "When a terminally ill patient accepts death it's our turn to be selfless and honor their wishes." Another person wrote, Mr. President: "If you want to fight to the last moment to cheat death go for it. Not my place to judge. But if you want otherwise, what possible business is it of the State of Maine to prohibit me from exercising my right to have a death with dignity?" Lastly, Mr. President, a writing from a Maine person who moved to the State of Washington, an engineer, who suffered from brain cancer and took advantage of Washington's law wrote this, and I'll end with this: "I received some feedback on my thoughts about the death with dignity act. As I said, I have not decided whether to use this option or not, but I feel strongly that it should be legally available to mentally competent and terminally ill people such as myself. As I also said, I do not view it as suicide, although that's a convenient term, because I would not really be choosing between living and dying. I would be choosing between different ways of dying. If someone wishes to deny me that choice it sounds to me like they're saying I'm willing to risk that your death will be slow and painful. Well, thanks a lot. That's very brave of you." Those are the words of Ethan Rimmel shortly before he passed away. Thank you, Mr. President.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

Senator GRATWICK: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I wish to just get up and very briefly tell you about my perspective, as a physician, caring for patients near the end of life. I've had patients who have had death with dignity and patients who had death without dignity. Patients who have said to me; "I realize I'm going to die and I want to die at home, to sit under an apple tree, on my couch, with familiar sounds and surrounds, with my family, with my dog close by." They want support as they go. They don't want to be in

strange, foreign, places. They want the doctor, they wanted me, to be there with them at the end, to listen to them, listen to their needs, and their wants. People die and, in essence, it was a good death. Then I've had patients who have not done well, who have not had good deaths. Really very few for whom I could have made a big difference but I could not, and they still stay with me. I've only had two or three patients who fall into this latter category. I have perhaps 25,000 over the 45 years of medical practice. Only two or three but they are really very real. With apologies, I'm going to tell you of one, a very unpleasant tale but I think it's an important one for us as we talk about this. A man in his late 50s. A very strong fellow. A logger. He had been a farmer. He became a very good friend of mine over time. I had enormous respect for him. He developed bowel cancer. Obstructed. He had surgery. Colostomy. He did actually fairly well, but the problem was there was lots more cancer in his belly. They didn't get it out. He went home. He knew that he probably had two or three months to live and he wanted help, in one way or another, to die. I could not do that. That was not within our law at that time. He lived. He gradually went downhill but he was still brain intact. Then he obstructed again. In case you don't know, bowel obstruction is really horrible, horrible. In other words, nothing goes through. The cancer has obstructed your bowel. Gas. Gas pains times ten, times a hundred, hundreds of thousands. He was howling with pain at home. They had to bring him to the hospital. There was nothing they could do. When you go to the hospital your life is out of your control in one sense. They operated, he was operated on. They relieved the obstruction. Off to the ICU. But then the disaster really happened because he was dying. His tissue would not heal. He wounds opened back up. He began to lose feces through his wound. He was in the ICU. When you would go into the ICU you could smell it. You knew he was dying. You could smell it there because it was a smell of death there. His skin - when you haven't bathe, when you've had a high fever of 105 or 106, your skin is just different at that time. It was the noise, the noise of the respirators and the monitors, everything going on there. There was a tactile part of that death that still stays with me. He was unconscious. Eventually his family decided that enough was enough and they pulled the plug after five days. But it's a death that stays with me. It was the last thing that this independent man would have wanted to have and, as I said, he is one of perhaps two or three people that I saw in a long practice and I failed him. I failed myself. I feel bad for this. So I am voting for this and I thank the good Senator from Kennebec for bringing it forward. I'm for this because I think I could have done much better by this man, who was both my patient and my friend. Thank you, Mr. President.

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 completely respect everybody in this Chamber and this is a very difficult subject, more difficult for some than others, but certainly difficult for everybody. I expect this to be one of the more interesting votes that we take in terms of party delineation. I do want to talk a little bit about my colleague from Kennebec, discussed to some length the Oregon law. The Oregon law is quite interesting in that the data that they have been collecting has not been completely accessible to the public, or at least that is the understanding that I have. This lack

of oversight and meaningful safeguards in the Oregon law, which is similar to the legislation before us today, should actually give us great pause. Indeed, in the years since the law's implementation the media has uncovered cases of abuse or complications in both Oregon and Washington and we also had a woman here a month or two ago from California who is terminally ill and who's insurance company had offered to pay for the drugs for her to die with dignity and denied her some other medications that she felt would have been helpful in her treatment. That was very disturbing to hear. According to the Disability Rights Education and Defense Fund, which has compiled a list of these abuses and complications, there have been questionable and complicated cases such as an elderly patient with early dementia receiving a lethal prescription despite psychiatric concerns and possible coercion, failure to refer a patient for psychiatric evaluation despite a medical history of acute depression and suicide attempts, and violation of the law's self-administration requirement without any legal consequences. Finally, the most recent reports from Oregon revealed some troubling trends. Over 96% of patients are given the lethal drugs without a psychological or psychiatric evaluation. The prescribing doctor is absent in 90% of cases and no healthcare provider is present in 80%. Diagnoses that qualify patients for the drugs include less predictable conditions like chronic respiratory or cardiac disease, diabetes. Nineteen patients who died from the drugs in 2016, as well as seven in 2015, and eleven in 2014, had been diagnosed as having less than six months to live in previous years. So they had been diagnosed, survived, and now felt that they were on the road to dying again. In 2016, patients taking the drugs are known to take as long as nine hours to die. At least 30 patients in Oregon have regurgitated some or all of the drugs. In all, six regained consciousness after taking them, dying later. Seventy percent of the patients taking the drugs in 2016 had no, or only governmental, health insurance.

I actually had the interesting opportunity to go to a forum hosted by the Maine Medical Association where people from both sides were presenting, you know, both the case for and the case against physician assisted suicide or death with dignity, depending on how you look at it. It was a very, very interesting discussion and I was actually there to read the testimony from a colleague, in the other Body actually, who has lived his entire life largely dependent upon others. One of the arguments for death with dignity, or physician assisted suicide, tends to be: "Well, I don't want to be a burden. I don't want to be dependent upon others." What does that say to the person that lives their entire life dependent upon others? Does that say that their life has no meaning, no purpose, and that they should consider suicide? I'm very uncomfortable, as the mother of a child with disabilities myself, with that position, with that idea and I had the honor of reading, again, one of our colleague's testimony to this room filled with medical providers and it really gave me pause to think. Some people live really, really meaningful lives and have a lot to give and a lot to offer others and are important to others in spite of the fact that they are dependent upon others.

Lastly, the other take-away that I got from that, a couple of other take-aways, were that the physician community is very, very divided on this issue. There are certainly some who feel like, you know, as the good Senator from Penobscot, that this is a helpful thing for patients and a desirable choice, even, for some, but there are a lot of others who are incredibly, incredibly, uncomfortable with being placed in the position of even having to have a conversation with a patient whom they feel they should be

taking care of and helping, to even have a conversation about this subject with them. Lastly, and then I'll sit down because I know there are others who want to speak and the afternoon is fleeing fast, there was a palliative care physician there who spoke very eloquently on the fact that in his opinion, and this is what he does day in and day out every day in one of our hospitals here in Maine, I don't remember exactly where, he said there is, given today's medications, no patient that he cannot keep comfortable right up until the end, that there is no need, given modern medical care, for anyone to die in great pain. So that, to me, just really was good to hear, a comfort to hear. I think many of us have heard stories of people dying in great pain, but those may be older stories or perhaps they were not offered the correct medical care and so, in my opinion, we should be ensuring that every Maine resident has access to that kind of palliative care as opposed to concerning ourselves with death with dignity, or physician assisted suicide. So for these reasons, I believe that legalizing physician assisted suicide is just too dangerous for the State of Maine and I ask that you vote in favor of the pending motion.

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 took a seat on the Floor.

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

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

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we're going to make a lot of important decisions on behalf of our constituents over the next month and a half and some of them are financial, most of them probably are, and I know that I say often that each and every member of the Legislature comes here for the right reasons. We're all here trying to do the exact right thing on behalf of our constituents and I know that there are very different opinions in this Chamber today on this issue. I want to say I 100% believe that everybody is sincere in their belief. I didn't want to not at least share my feelings on this. You know, every one of us has lost somebody they care deeply about and felt that pain, and everybody's lost somebody in a different way. For some folks, they see this as a way to ease what can sometimes be a very tough way to die. I want to tell the folks about an experience that I had just a couple of years ago. You know, as President of the Senate you get invited to speak to a lot of different groups and that's a real honor. I was invited to Portland to speak to a group. It was a group of folks that were, what I would say, probably a pretty highly educated group. A lot of them with, what I would guess, law degrees, things of that nature. It was during the time when we were debating this very issue two years ago. After the meeting had broke up we went to Becky's Diner, and most of you have probably been there. It was myself and my Chief of Staff Rob Caverly. I had this man come up to me who was part of the group

that I'd been speaking to. As I remember it, he was an attorney. He wanted to weigh in on this important issue. He wanted me to know, clearly, that there was no reason not to embrace the physician assisted suicide because it would be a great cost savings for our state. I know for a fact that none of you in this room believe that, okay. It's not why I'm saying this. When I was told that I was so taken back I didn't even know how to respond. I don't know how to react to something like that. You know, we worry about elder abuse and I know that we've talked about statistics and the fact that the statistics don't back this up. I'm not sure what that man would have done had his Mom or his Dad been at end of life. I don't know but it makes you pause and wonder what kind of advice he may or may not have given to his own parents. I find that just so sad, and I don't want to put anybody in that position. So I would encourage everybody, I believe this, everybody is going to vote and do what they absolutely believe in their heart is the right thing. I hope today that we don't put any of our constituents in that position. Thank you.

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

Senator **DOW:** Thank you, Mr. President. I rise because I can do no other. We've talked about cheating death, but I come from a world where cheating death is a regular thing, a world of biblical understanding and a world where the cross and the resurrection cheats death every day. I come from a world that understands from biblical principles that we're born into this world for special occasions and special reasons and that life is not easy. It's a struggle, and the whole biblical record speaks about this struggle which we go through every day from life until death. And death also is probably the hardest struggle of all; but nowhere in the readings that I do does it say that life is not precious enough that we should take it early, that we should not fight to the last breath to keep our dignity of life. I can do no other than believe these principles. I'd have to be convinced through the arguments of scripture that it would be different. I know that death is difficult for many people and death can be painful, but death can come sudden and quick; but death is as much a part of this life as anything, but I believe that regardless of everything we suffer in this life, or suffer going through our process of death, that we have hope. The word hope is not a verb that Paul uses. Paul speaks of hope as a noun. Hope for Paul is absolute certainty that what God has begun He will finish, and in my world He did finish through the death and resurrection of Christ. I cannot conform to the patterns of this world. That is a major idea and words of Christ himself. So I must stand here today and oppose this bill. Unless I am convinced by the words and arguments of scripture, I cannot support. In the words of Martin Luther, here I stand; I can do no other.

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

Senator **HILL** of York who would have voted NAY requested and received leave of the Senate to pair her vote with President Pro Tempore **MASON** of Androscoggin who would have voted YEA.

Senator **CUSHING** of Penobscot who would have voted YEA requested and received leave of the Senate to pair his vote with Senator **KATZ** of Kennebec who would have voted NAY.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#149)

YEAS: Senators: BRAKEY, CARPENTER, COLLINS, CYRWAY, DAVIS, DOW, HAMPER, JACKSON, KEIM, LANGLEY, MAKER, THIBODEAU, VOLK, WHITTEMORE, WOODSOME

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI

PAIRED: Senators: CUSHING, HILL, KATZ, PRESIDENT PRO TEMPORE MASON

15 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 4 Senators having paired their votes, the motion by Senator **BRAKEY** of Androscoggin 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-90) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits"

H.P. 1111 L.D. 1615

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.

Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY)

H.P. 1112 L.D. 1616

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

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

Bill "An Act To Initiate the Process of Terminating the Maine Turnpike Authority"

H.P. 1113 L.D. 1617

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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

Off Record Remarks

Senator **DAVIS** of Piscataquis was granted unanimous consent to address the Senate on the Record.

Senator **DAVIS**: Thank you, Mr. President. Mr. President, I attended the memorial, Law Enforcement Memorial, down below the State House here today and I got to tell you, Mr. President, that a number of the names speak out to me pretty loudly. I know there is a story behind each name and I know several of the stories. A young man from Lewiston by the name of David Payne responded to an automobile accident and he was murdered. Another young man named Giles Landry responded to a domestic violence, investigating child abuse, and he was shot and killed. The young Trooper run down by a drunk driver up in Palmyra on July 12th of 1980. I was there and that date will always be etched in my mind as to what happened that night. Finally, and perhaps not the only name that I knew there, was a young man by the name of Jeff Parola and my last call as a Maine State Trooper was to tell his mother that he was dead. Mr. President, when you close today would you close in honor of all the fallen police officers. Thank you.

Off Record Remarks

On motion by Senator **THIBODEAU** of Waldo, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, May 23, 2017 at 10:00 in the morning in memory of and lasting tribute to the Honorable Neil Rolde of York and to all of the fallen officers who have died in the line of duty.