

# 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 24, 2017

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

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

**RABBI ASCH:** This week, in the Jewish tradition, we start reading the book of Bamidbar, the Book of Numbers. The beginning of the book details a census that is to be taken. Now this appears straightforward enough for, after all, the Israelites are about to enter the lands and they need to know exactly how many men of fighting age are in their ranks. But the text does not just say that there are X number of men. It asks that the census be taken not merely by counting but by listing the names of each person included and the name of their father. Why this long and roundabout way of finding out how many soldiers are in the community? Nachmanides, a 13<sup>th</sup> Century commentator, says the reason that each person says his name is because God wants to honor each person as an individual. The soldiers are not nameless minions to be deployed, but people with identities, stories, hopes, and dreams. This is an important reminder to us today. Eloheinu v'loheinu avoteinu v'imotainu, our God and God of our ancestors, as we go about the business of governing may we see the people behind the numbers. As we debate bills and work on a budget, may we be reminded of the real people that our decisions will impact. From the new immigrant trying to learn English to the small business owner getting ready for a busy summer, from the parent who hopes that education is a way for their child to get ahead to the summer resident who looks forward to returning home, from the lobsterman hoping for a good haul to the small town mayor and school superintendent trying to balance their budget. People all over our state will feel the impact of the votes you take in the next several weeks. As we enter into the sacred work of governing, may we, like Moses, remember the people we represent. May we keep their stories at the forefront of our minds. May we always acknowledge the impacts that our actions will have on the people of our state. Amen.

Pledge of Allegiance led by Senator Roger J. Katz of Kennebec County.

Reading of the Journal of Tuesday, May 23, 2017.

Doctor of the day, Beth Rockcross, M.D. of Bangor.

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Off Record Remarks

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**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from 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 (C "A" H-165)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-165)** (6 members)

In Senate, May 18, 2017, 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-165)** 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 **SAVIELLO** of Franklin, the Senate **INSISTED**.

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**Non-Concurrent 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  
(C "A" S-90)

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

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

In Senate, May 18, 2017, 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-90)**.

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

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

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**Joint Orders**

The following Joint Order:

H.P. 1116

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the House, a bill regarding dates of review under the State Government Evaluation Act.

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

**READ** and **PASSED**, in concurrence.

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The following Joint Order:

H.P. 1117

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation may report out, to the House, legislation regarding the Maine capital investment credit.

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

**READ** and **PASSED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 426

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

May 23, 2017

The Honorable Michael Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Judge David J. Soucy of Fort Kent for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 427

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

May 23, 2017

The Honorable Michael Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Judge Ethna Mary Kelly of Falmouth for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: S.C. 428

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

May 23, 2017

The Honorable Michael Thibodeau  
President of the Senate  
3 State House Station  
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Judge Peter L. Darwin of Portland for reappointment as a District Court Judge.

Pursuant to Title 4 MRSA §157, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage  
Governor

**READ** and **ORDERED PLACED ON FILE**.

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The Following Communication: H.C. 181

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

May 23, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass as Amended Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Expand Substance Abuse Prevention Projects" (S.P. 213) (L.D. 651) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-81).

The House voted today to adhere to its former action whereby it accepted the Majority Ought Not to Pass Report of 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).

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: H.C. 182

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

May 23, 2017

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

Dear Secretary Priest:

House Paper 185, Legislative Document 252, "An Act To Improve Safety in the Disposal of Expired Marine Flares," 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?"

84 voted in favor and 62 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 384, Legislative Document 540, "An Act To Help Municipalities Prepare for Sea Level Rise," 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?"

84 voted in favor and 61 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 741, Legislative Document 1058, "An Act To Modernize Ballot Notices for City Elections," 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?"

80 voted in favor and 66 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: H.C. 178

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

May 19, 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 877, "An Act To Allow Learner's Permits To Be Issued by Driver Education Schools."

Under current law, the Secretary of State is required to collect learner's permit fees and application materials, and it is the only entity authorized to issue the final learner's permit to individuals. This bill allows driver education schools to do all of these things if they wish to. It may seem like a good idea, but I have significant concerns about the negative consequences that could come of this.

This bill would in effect require all driver education schools to take on this burden; if one school agrees to do this work, most other schools will also have to do it so they can compete with each other. This additional workload will take valuable time away from what instructors are skilled at doing – teaching students how to drive safely. Let's not burden these instructors with work that should be done by state government.

For this reason, I return LD 877 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 Allow Learner's Permits To Be Issued by Driver Education Schools

H.P. 626 L.D. 877

Comes from the House with the **VETO OVERRIDDEN**, 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 (#159)**

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, VOLK, WHITEMORE

NAYS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KATZ, KEIM, MASON, ROSEN, WOODSOME, PRESIDENT THIBODEAU

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, and 24 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 at Ease.

The Senate was called to order by the President.

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.

Senate at Ease.

The Senate was called to order by the President.

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

**SENATE PAPERS**

Bill "An Act To Retain Jobs in Maine"  
S.P. 571 L.D. 1621

Presented by Senator JACKSON of Aroostook.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down 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 Reform Welfare for Increased Security and Employment"

H.P. 1115 L.D. 1620

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.

**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

Jeromey Rancourt, of Lewiston, a senior at Lewiston High School and a player on the hockey team, who has received the Travis Roy Award, which is given to the top senior player in Class A hockey. We extend to Jeromey our congratulations and best wishes;

SLS 297

Sponsored by Senator **LIBBY** of Androscoggin.  
Cosponsored by Representatives: **BROOKS** of Lewiston, **FULLER** of Lewiston, **GOLDEN** of Lewiston, **HANDY** of Lewiston.

**READ.**

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I am very pleased to welcome to the Chamber today Jeromey Rancourt. He's this year's winner of the Travis Roy Award. Jeromey is an exceptionally talented student athlete. He served on the Lewiston Ice Hockey Team and saw them go to two back-to-back State Championships. The Travis Roy Award is the highest honor that a Maine Class A Ice Hockey athlete can receive and we're very pleased to honor him today on that award. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber Jeromey Rancourt. Would Jeromey please rise and accept the greetings of the State Senate.

**REPORTS OF COMMITTEES**

**House**

**Pursuant to Joint Order**

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone"  
H.P. 1118 L.D. 1619

Reported that the same be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, pursuant to Joint Order, H.P. 946.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES.**

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

Bill and accompanying papers **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**, in concurrence.

\_\_\_\_\_  
**Ought to Pass**

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Clarify the Status of the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers under the Maine Insurance Code"  
H.P. 1025 L.D. 1486

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

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

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

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

\_\_\_\_\_  
The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions"  
H.P. 828 L.D. 1191

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

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

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

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

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**Ought to Pass As Amended**

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education (EMERGENCY)

H.P. 95 L.D. 127

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-225)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-225)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-225) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Authorize the Town of Atkinson To Withdraw from School Administrative District No. 41"

H.P. 928 L.D. 1334

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-252)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-252) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Add an Exception to Prescription Monitoring Program Requirements"

H.P. 206 L.D. 273

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

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

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

Bill **READ ONCE**.

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

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Relating to the Provision of Tobacco Cessation Services by Pharmacists"

H.P. 322 L.D. 455

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

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

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

Bill **READ ONCE**.

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

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Access to Neurobehavioral Services

H.P. 911 L.D. 1314

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

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

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-202) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Exempt Holders of Bear Hunting Permits from Archery Hunting License Requirements"

H.P. 721 L.D. 1019

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

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

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

Bill **READ ONCE**.

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

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

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Ensure Life Insurance Claims Are Paid"

H.P. 851 L.D. 1229

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-241)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-241)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-241) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Relating To the Licensure of Physicians and Surgeons"

H.P. 837 L.D. 1200

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

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

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

Bill **READ ONCE**.

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

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Innovation, Entrepreneurship and Maine's Economic Future"

H.P. 918 L.D. 1324

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-207)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-207) **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 Prohibit Any Questions Regarding Criminal History on State Employment Applications"

H.P. 221 L.D. 288

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-242)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-242)**.

Report **READ**.

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

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The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Adjust the Timing for Recounts in Certain Municipal and Local School Elections"

H.P. 881 L.D. 1269

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-243)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-243)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-243) **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 Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds"  
H.P. 1031 L.D. 1498

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-244)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-244) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TAXATION** on Bill "An Act To Strengthen the Farm and Open Space Tax Law"  
H.P. 85 L.D. 117

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-229)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-229)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-229) **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 **TAXATION** on Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2017-18" (EMERGENCY)  
H.P. 756 L.D. 1078

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-237)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-237)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-237) **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 **TAXATION** on Bill "An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes"  
H.P. 833 L.D. 1196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-236)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-236)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-236) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **TRANSPORTATION** on Bill "An Act To Combat Human Trafficking by Requiring Prevention Training for Commercial Drivers"  
H.P. 890 L.D. 1277

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-240)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-240)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-240) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Prohibit the Use of Elephants in Traveling Animal Acts"  
H.P. 287 L.D. 396

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

Signed:

Senators:

DAVIS of Piscataquis  
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town  
BLACK of Wilton  
HIGGINS of Dover-Foxcroft  
KINNEY of Knox  
McELWEE of Caribou  
SKOLFIELD of Weld

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-122)**.

Signed:

Senator:

DILL of Penobscot

Representatives:

ACKLEY of Monmouth  
CHAPMAN of Brooksville  
MARTIN of Sinclair  
O'NEIL of Saco

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#160)**

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Regarding Final Enactment of the State Budget" (EMERGENCY)  
H.P. 366 L.D. 522

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

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  
SEAVEY of Kennebunkport  
TEPLER of Topsham  
WINSOR of Norway

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

Signed:

Representatives:

SIROCKI of Scarborough  
TIMBERLAKE of Turner

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions"

H.P. 821 L.D. 1184

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

Signed:

Senator:  
MILLETT of Cumberland

Representatives:  
KORNFELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
McCREA of Fort Fairfield  
PIERCE of Falmouth

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

Signed:

Senators:  
LANGLEY of Hancock  
MAKER of Washington

Representatives:  
GINZLER of Bridgton  
SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

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

Reports **READ**.

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

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Funding for a Therapeutic Adult Day Service Center"

H.P. 46 L.D. 59

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

Signed:

Senators:  
BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:  
CHACE of Durham  
DENNO of Cumberland  
HAMANN of South Portland  
HEAD of Bethel  
MALABY of Hancock  
PERRY of Calais  
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-168)**.

Signed:

Senator:  
CHIPMAN of Cumberland

Representatives:  
HYMANSON of York  
MADIGAN of Waterville  
PARKER of South Berwick

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-168)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#161)**

YEAS: Senators: BRAKEY, CUSHING, KATZ, KEIM, MAKER, MASON, SAVIELLO, VOLK, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, VITELLI, WHITTEMORE, WOODSOME

Representatives: HYMANSON of York MADIGAN of Waterville PARKER of South Berwick

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-192)**.

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

Reports **READ**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence.

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

Bill **READ ONCE**.

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

Committee Amendment "A" (H-168) **READ** and **ADOPTED**, in concurrence.

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, this bill seeks to request a waiver from the federal government so that we can use Medicaid funds for acupuncture treatment for substance abuse disorders. We had testimony in front of the committee that some folks are already using acupuncture now and finding it to work. I think we need to explore all the options, given the opiate crisis that we face across the state. So I urge you to vote against the pending motion and I request the clerk to read the committee report. Thank you.

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders"

H.P. 141 L.D. 185

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-192)**.

At the request of Senator **CHIPMAN** of Cumberland, Reports **READ**.

Signed:

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

Senators: CHIPMAN of Cumberland HAMPER of Oxford

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought Not to Pass motion and I'll just say, you know, it is very rare, indeed, for myself and my Democrat, my colleague and co-Chairman in the House, Representative Hymanson, to be in agreement on a divided report. In this case, we are such because - so this bill would allow Medicaid reimbursement for acupuncture treatment for substance abuse disorders. Those of us on the Ought Not to Pass Report recognize that there is no evidence basis for acupuncture treatment as a successful treatment for substance abuse disorder. It could be that some people have had success with this treatment, but without any evidence basis for that, without any studies we can point to, it is impossible to know whether or not that's a real phenomenon or simply a placebo effect. I'm very much a firm believer that people should have the right to try whatever treatments they want to try, but when we're going to use taxpayer money for those treatments we should be able to at least point to some kind of evidence based study to support that. We cannot in this case and so that is why myself and some of my colleagues in the House on the Ought Not to Pass Report came to the conclusion that this ought not to pass. Perhaps sometime in the future we may have some evidence based studies to point to and we may change our minds in the future, but that day is not today. Until the evidence bears it

Representatives: CHACE of Durham DENNO of Cumberland HAMANN of South Portland HEAD of Bethel MALABY of Hancock PERRY of Calais SANDERSON of Chelsea

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

Signed:

Senator: BRAKEY of Androscoggin

out, we should not be throwing taxpayer money at the wall, just hoping that it sticks. Thank you.

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

Senator **CHIPMAN:** Thank you, Mr. President. I would point to testimony that we heard in the committee as evidence that this works, and I'm holding up some testimony right here that says that veterans with alcohol and substance abuse issues have found support in their recovery process in this acupuncture program. We heard other testimony as well from folks that are using this now, and I don't need any more evidence than that myself to see that it actually is working. We saw these folks come to the committee. They told us that it's working. I think we need to explore all the options. As I said before, and I would point out, that this is only a two year project so it's not forever. It's something we're going to try out. We're going to ask for a waiver to try this for two years and we'll be using federal funds. There is actually no fiscal note on the bill, so there's no State funds involved, and I don't think anything to lose. So please join me in opposing this motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. With all due respect to my colleague from Cumberland County, anecdotal evidence is not an evidence-based study. People coming to us and saying that this worked for them does not demonstrate - is not the kind of evidence-based study we look for when we are determining medical practices. As to the discussion of this being a pilot project, yes, if this was a pilot project that would result in data that we could use, or some kind of evidence base that we could use to make decisions going forward, that might be worthwhile, but this pilot project will not result in any useable information in giving us more of an evidence basis to determine sound policy.

**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, 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 (#162)**

YEAS: Senators: BRAKEY, CUSHING, CYRWAY, DAVIS, HAMPER, HILL, KEIM, LANGLEY, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, JACKSON, KATZ, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WOODSOME

11 Senators having voted in the affirmative and 24 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-192) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Notification of Long-term Care Policy Proposed Rate Increases"

H.P. 801 L.D. 1138

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

Signed:

Senators:  
WHITTEMORE of Somerset  
CARSON of Cumberland  
DOW of Lincoln

Representatives:  
LAWRENCE of South Berwick  
COLLINGS of Portland  
CRAIG of Brewer  
FOLEY of Wells  
MELARAGNO of Auburn  
PICCHIOTTI of Fairfield  
PRESCOTT of Waterboro  
SANBORN of Portland  
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-161)**.

Signed:

Representative:  
BROOKS of Lewiston

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

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Coverage for Contraceptive Supplies"

H.P. 860 L.D. 1237

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-179)**.

Signed:

Senator:  
CARSON of Cumberland

Representatives:  
LAWRENCE of South Berwick  
BROOKS of Lewiston  
COLLINGS of Portland  
FOLEY of Wells  
MELARAGNO of Auburn  
PRESCOTT of Waterboro  
SANBORN of Portland  
WALLACE of Dexter

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

Signed:

Senators:  
WHITTEMORE of Somerset  
DOW of Lincoln

Representatives:  
CRAIG of Brewer  
PICCHIOTTI of Fairfield

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-179)**.

Reports **READ**.

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

On motion by Senator **CARSON** 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 Carson.

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would like to briefly describe what this bill does from the summary printed on Committee Amendment A. The amendment is the Majority Report of the committee and replaces the bill. It amends the requirements in current law relating to coverage of contraceptives to include coverage for contraceptive supplies without cost-sharing for at least one drug, device, or other product for each contraceptive method. If the healthcare provider recommends a particular contraceptive supply on the basis of medical necessity, coverage must be provided for that particular supply without cost-sharing. The amendment also clarifies that coverage must be provided for contraceptives dispensed for a 12-month period at the discretion of the healthcare provider. Ladies and gentlemen of the Senate, this is the bill to ensure that women have access to reproductive healthcare. A couple of points I would like to make, please. Half of all pregnancies in Maine are unintended, which can have significant consequences for women, their families, and society as a whole. According to a 2016 study, inconsistent use of contraception accounts for 41% of unintended pregnancies. Second point, consistent use of birth control is the most effective method of preventing an unintended pregnancy. To prevent pregnancy, birth control pill must be taken every day. Even one missed pill can leave a woman susceptible to an unintended pregnancy. Third, according to a 2016 study, dispensing a greater supply of contraceptives at a clinical visit is associated with fewer repeat visits, great contraceptive continuation, and a reduction in the odds of unintended pregnancy. Finally, one brief paragraph from a *Portland Press Herald* editorial which endorsed this bill, and I quote: "Compared to women who received a 30 or 90 day supply of birth control, women who received a year's supply were 30% less likely to get pregnant unexpectedly and 46% less likely to get an abortion according to a 2011 University of California study. With fewer unintended pregnancies, employer sponsored insurance plans won't be spending as much on covering prenatal care, labor, and delivery." Ladies and gentlemen of the Senate, I urge you to vote against the pending motion, for the bill as amended by the committee, and make sure that women in Maine have the necessary access to reproductive health services. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Somerset, Senator Whittemore, 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 (#163)**

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, MASON, WHITTEMORE, PRESIDENT THIBODEAU

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

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator WHITTEMORE of Somerset to ACCEPT the Minority OUGHT NOT TO PASS Report, in NON-CONCURRENCE, FAILED.

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

Bill READ ONCE.

Committee Amendment "A" (H-179) 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 MARINE RESOURCES on Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances" H.P. 1043 L.D. 1519

Reported that the same Ought to Pass.

Signed:

Senator: VITELLI of Sagadahoc

Representatives: KUMIEGA of Deer Isle, ALLEY of Beals, BATTLE of South Portland, BLUME of York, DEVIN of Newcastle, HAGGAN of Hampden, HAWKE of Boothbay Harbor, SIMMONS of Waldoboro, SUTTON of Warren

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

Signed:

Senator: MAKER of Washington

Representative: TUELL of East Machias

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

Reports READ.

On motion by Senator MAKER of Washington, Bill and accompanying papers COMMITTED to the Committee on MARINE RESOURCES, in concurrence.

**Divided Report**

The Majority of the Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Strengthen Intragovernment Communication"

H.P. 110 L.D. 152

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-180).

Signed:

Senator: DESCHAMBAULT of York

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

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

Signed:

Senators: DAVIS of Piscataquis, KEIM of Oxford

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

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-180).

Reports READ.

Senator DAVIS of Piscataquis moved the Senate ACCEPT the Minority OUGHT NOT TO PASS Report, in NON-CONCURRENCE.



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

**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** Thank you, Mr. President. I rise to speak in opposition of the motion of Ought Not to Pass. I'll read a little from the original bill because it says it all. "Upon the request of a Joint Standing Committee of the Legislature, a commissioner or designee should appear before the committee and participate in a public hearing, a work session, of that committee. The request must be in writing and must specify the date and time of the work session." I had no problem with that. Fair enough. This came before the State and Local Government Committee, of which I am a member. The only ones who spoke were the sponsors, and it moved me enough that I testified. There was no one else that testified, and I testified to the point that when I was first elected last year I was approached by a constituent that had a very simple issue. I was familiar with the issue but was unsure if the statute had changed. I called the commissioner's office to get a response. I was told that they could not respond to me and I was also asked, I was advised, that they would ask the Governor's Office. I then received a response that the Governor said, "You tell Senator Deschambault she's to submit her question to my office for review and approval before the commissioner could answer a simple yes or no question." I was upset with that and so I testified at the State and Local Government Committee just recently about that experience. There was no one from the Governor's Office present, but I received an e-mail that they were disappointed that I would say that because the Governor's Office has responded in a cooperative and timely manner. Fine. So that's why there's an amendment to this and the amendment reads, "When contacted by a member of the Legislature regarding a Legislative matter or a constituent matter, a commissioner or director shall respond in a cooperative and timely manner." The emphasis is "respond" and not give the delay that I received, or anyone else. I'm very surprised if a lot of people will vote against this since I have heard similar examples. I want to applaud the people in the House who testified about this, and there were a number of them who also had the same experience. So, therefore, I urge you to vote with the Majority. You vote "no" and you vote red. Thank you.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion. You will have an opportunity to voice your support for the restoration of Maine's public health nursing services sometime between now and the end of our session. After I wrote the bill, I sought information from the State Department of Health and Human Services by letter to Commissioner Mayhew and to the Chief Operating Officer of the Center for Disease Control, Ms. Cheryl Peavey. In that request for information, I asked for very specific data on the number of drug affected babies who had been born in Maine during calendar year 2016, how many referrals had been made to the Public Health Nursing Services or to the CDC directly, and, of those, how many had been seen. That letter was sent on February 15<sup>th</sup>. That letter was not acknowledged and on

March 10<sup>th</sup> I received a very general response, giving me no data whatsoever but telling me that Public Health Nursing Services was on the proper track. Ladies and gentlemen of the Senate, for us to make good policy, I believe it is absolutely essential that when we ask for important data in order to fashion that policy we have a timely and courteous response, giving us the data that we need. So I believe that this bill, as amended, is essential for us all to do the work we need to do for the people of Maine. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Piscataquis, Senator Davis, 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 (#164)**

**YEAS:** Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KEIM, LANGLEY, MASON, WHITTEMORE, PRESIDENT THIBODEAU

**NAYS:** Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-180) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Feminine Hygiene Products from Sales Tax"  
H.P. 162 L.D. 206

Reported that the same **Ought to Pass as Amended** by **Committee Amendment "A" (H-196)**.

Signed:

Senator:  
CHENETTE of York

Representatives:  
TIPPING of Orono  
COOPER of Yarmouth  
GRANT of Gardiner  
McCREIGHT of Harpswell  
STANLEY of Medway  
TERRY of Gorham

The Minority of the same Committee on the same subject 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  
WARD of Dedham

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-196)**.

Reports **READ**.

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

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

Senator **DOW:** Thank you, Mr. President. The reason for the Minority Report, one simple reason only, it was not to send so many bills to the Appropriations Committee to sit on their table. Other than that, feel free to vote your emotions or conscience or whatever. Thank you, and I ask for a roll call.

On motion by Senator **DOW** of Lincoln, 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 (#165)**

YEAS: Senators: CUSHING, CYRWAY, DAVIS, HAMPER, KATZ, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KEIM, LANGLEY, LIBBY, MILLETT, MIRAMANT, VITELLI, WOODSOME

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-196) **READ** and **ADOPTED**, in concurrence.

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

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes"

H.P. 511 L.D. 727

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

Signed:

Senators:  
DOW of Lincoln  
CHENETTE of York

Representatives:  
TIPPING of Orono  
COOPER of Yarmouth  
GRANT of Gardiner  
McCREIGHT of Harpswell  
STANLEY of Medway  
TERRY of Gorham

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

Signed:

Senator:  
CUSHING of Penobscot

Representatives:  
BICKFORD of Auburn  
HILLIARD of Belgrade  
WARD of Dedham

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

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#166)**

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, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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**Senate**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Require the Completion of Courses of Study in Home Economics and Industrial Arts Education Prior to Graduation from High School"

S.P. 139 L.D. 412

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

Signed:

Senator:  
MAKER of Washington

Representatives:  
KORNFELD of Bangor  
FARNSWORTH of Portland  
FULLER of Lewiston  
GINZLER of Bridgton  
McCREA of Fort Fairfield  
PIERCE of Falmouth  
SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

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

Signed:

Senators:  
LANGLEY of Hancock  
MILLETT of Cumberland

Representative:  
DAUGHTRY of Brunswick

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-132) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Student Loan Debt Relief to Maine Teachers"

S.P. 442 L.D. 1290

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

Signed:

Senators:  
LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor  
FARNSWORTH of Portland  
FULLER of Lewiston  
GINZLER of Bridgton  
McCREA of Fort Fairfield  
PIERCE of Falmouth  
SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

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

Signed:

Representative:

DAUGHTRY of Brunswick

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Allow Municipalities To Adopt Bus Traffic Ordinances" S.P. 206 L.D. 591

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

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

Reports **READ.**

Senator **COLLINS** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Senator **COLLINS:** Thank you, Mr. President. As you can see, this is a slightly one-sided report. I want to explain why I took this position. Currently, when you are traveling down roads, streets, here in the State of Maine your vehicle has the right-of-way. What this potential change in Maine law would do, it would enable buses to have the right-of-way. They would drop off passengers at the curb and pull out. Now, they are going to have a sign that comes out saying yield, but, I've got to tell you, there's got to be one big marketing job to convince people that this is a new law. I envision a lot of problems, fender benders, and accidents from enabling buses to have the right-of-way when they are pulling out from the curb. I'm not sure if they have the backing of the public on this. For a very long time vehicles in the travel lane on Maine streets have had the right-of-way. All of a sudden now you're going to change it and give it to the buses. It was explained to us at the committee, the Transportation Committee, that sometimes these buses have to wait long periods of time in order to get back on the street. It's a major problem, I guess, and in some cities here in Maine, like Portland or Bangor, whatever, but, nevertheless, we're giving them the right-of-way just to pull out in traffic. I think, I foresee, a lot of problems. What I'm personally trying to avoid is the first time I get a phone call from a constituent and says to me, "What's the idea? I just got a summons, I got a ticket, for not yielding the way to a bus. When did that change?" I can envision that happening if this does, in fact, pass. So I would ask the Senate Chamber to follow my light and vote Ought Not to Pass on this bill, L.D. 591. 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, my colleague from Transportation heard the same testimony and I respect his opinion on many of these issues. In fact, I've learned a lot from him this year in Transportation. He's had the benefit of a long time of experience on one committee so that his depth of knowledge is great for us to learn from. I learned from this too. But, as you saw, he is in the minority a little bit there. We all heard the same testimony and we had a few discussions with public safety, who chose not to come and testify. They did put in their thoughts, but they were not that negative. They thought it would require quite a training curb, but the training is towards something that could eliminate what's already happening. Vehicles are accelerating around buses with their right-of-way. The buses, already seeing a clear spot, started to pull out but someone way back says, "I don't want to follow a bus," so they accelerate. They pull out into oncoming traffic that is shielded from view by the bus. It's already causing accidents. There was one death reported to us in this state. Other states

have gone to this and it takes a bit of training, but it's something that people accept. In the city it's different than the rural areas. These buses are trying to keep a schedule. A schedule is not more important than accidents or lives, but we're already experiencing that problem. So what we're experiencing now has no end-point. It will continue. We'll continue to have accidents because of it in the city because there are different demands than the highways and rural roads. What we do have is the potential of reducing or eliminating these problems with eventual training of drivers and understanding that they have the right-of-way, that the buses have the right-of-way now; slowing and not trying to accelerate around them and not trying to cut up close to them so they can't get out. I also heard very strongly from drivers who came to testify that they understand that they're being given a responsibility and that they understand that responsibility. They're not going to suddenly start saying, "We have the right-of-way," and pull right out. They're going to do the same thing they do now, try to ease out but knowing that maybe they're not going to have someone trying to race around them. I just felt like it would be a real benefit. The other committee members did too. The testimony was strongly in favor and I don't mean any of that to disrespect my colleague who I really do respect a lot after serving with him on this. Thank you very much.

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

Senator **CHIPMAN:** Thank you, Mr. President. Just a little bit of background on this bill. I introduced this bill originally to allow municipalities to have a local ordinance to address this issue and we had a great public hearing in front of State and Local Government. The committee, State and Local Government, felt like it was such a great idea that it really made sense to have a statewide law, so we didn't have confusion from town to town. It got then referred to the Transportation Committee. This is a serious public safety issue in Biddeford, Lewiston, Bangor, Brewer, Portland, everywhere where there's a public bus system in the State. As we heard at the public hearing, there have been several injuries, including one fatality, unfortunately, in my district, which is what prompted me to introduce this bill. It's not about enforcement. It's not about fining people \$100, although that would be the penalty if someone's found guilty of not yielding to a bus, but it's really about allowing yield signs to be put on the back of buses so that when the bus goes to pull away from the curb, and they put on their left turning signal, cars are not accelerating to go around the bus, which is what results in the accidents; rather a yield sign would also light up when that left turning signal goes on and cars would, hopefully, then yield to the bus and reduce the fatalities and the accidents that have happened. It's about making our roads safer and I guess I would just ask the Chamber, before we take this vote: how many more accidents do we need to have? How many more fatalities do we need to have before we take some action? We have a great bill in front of us and I hope that you will join me in opposing this motion so we can pass it. Thank you.

On motion by Senator **MIRAMANT** of Knox, 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 York, Senator Collins.

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, apologies for getting up a second time, but I just wanted to, something quickly I just thought about. You know, we've been talking about and having discussions about distracted drivers. I can envision somebody going down a street in Portland or Bangor or Biddeford and being distracted, for whatever reason, and the bus pulls out and just smacks into them. I think this is a dangerous precedence and I think we should not pass this law. It's a dramatic change and it's a major change for a lot of folks here in the State of Maine. I appreciate you voting for the current motion.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, may I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **CUSHING:** Thank you, Mr. President. To anyone who might be able to provide this information: does the current proposal before us require all vehicles to yield or only vehicles to yield when the sign is flashing or present?

**THE PRESIDENT:** The Senator from Penobscot, Senator Cushing, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you, Mr. President. It is my understanding that it's going to be just the buses in the city areas of Maine, but that opens up to the question possibly down the line: what kind of buses? Are we going to be doing this for all types of buses? School buses or whatever. I don't know, but it's a dangerous precedence and please follow my light.

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

Senator **CHIPMAN:** Thank you, Mr. President. I'll attempt to answer the question. It's all traffic that's traveling behind the bus would have to yield to the bus. We're not talking about a bus pulling out of a road, but as a bus leaving the right hand side of the road, going back into the travel lane. They put on their turning signal. The traffic coming up behind them would have to yield to that bus as opposed to now where they speed up and try to go around the bus and we're having these accidents and the fatality that happened. So it's really about making our roads safer. As to the point about distracted driving, I mean, people are driving distracted now and we're doing our best to try to stop that. We have some legislation on hand-held cell phones and other things, attempting to address that, but this bill, I don't see how this bill is going to increase distracted driving. This bill is going to make our roads safer and, hopefully, result in less accidents. 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, just to answer the question. I have a bus driver's license and we do not pull to the curb. We stay in the travel lane and we have lights that require driver's to yield, stop, and not pass us when those lights are on. But we'll never be pulling off from the curb and expecting the right-of-way. There are different rules for the buses already. Thank you.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from York, Senator Collins, 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 (#167)**

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DOW, HAMPER, KEIM, MASON, PRESIDENT THIBODEAU

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

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **COLLINS** of York 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-133) **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 **TRANSPORTATION** on Bill "An Act Regarding the Motor Vehicle Inspection Program Requirements for New Rental Vehicles First Registered in Maine" S.P. 416 L.D. 1225

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

Signed:

Senators:  
COLLINS of York  
ROSEN of Hancock

Representatives:  
McLEAN of Gorham  
AUSTIN of Skowhegan  
BRYANT of Windham  
GILLWAY of Searsport  
GRANT of Gardiner  
PERKINS of Oakland  
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-134)**.

Signed:

Senator:  
MIRAMANT of Knox

Representatives:  
CEBRA of Naples  
PARRY of Arundel  
SHEATS of Auburn

Reports **READ**.

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

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding Transfers of Liquor between Licensed Manufacturers' Facilities"

S.P. 194 L.D. 579

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-137)**.

Signed:

Senators:  
MASON of Androscoggin  
CARPENTER of Aroostook  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
CASÁS of Rockport  
FARRIN of Norridgewock  
HICKMAN of Winthrop  
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 "B" (S-138).**

Signed:

Representatives:

DILLINGHAM of Oxford  
HANINGTON of Lincoln

Reports **READ.**

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-137)** Report **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-137) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-137).**

Sent down for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act  
S.P. 528 L.D. 1503

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

Ordered sent down forthwith.

Off Record Remarks

**Emergency Measure**

An Act To Allow for the Regulation of Transportation Network Companies at Airports

H.P. 711 L.D. 1010  
(C "A" H-123)

Comes From the House, **FAILED ENACTMENT.**

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in **NON-CONCURRENCE.**

**Emergency Resolve**

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

H.P. 326 L.D. 459  
(C "A" H-183)

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

Ordered sent down forthwith.

**Emergency Resolve**

Resolve, To Require a Review of the State Employee and Teacher Retirement Plan

H.P. 645 L.D. 917  
(C "A" H-184)

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

Ordered sent down forthwith.

**Acts**

An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys  
S.P. 46 L.D. 98  
(C "A" S-102)

An Act Regarding the Eviction Process  
S.P. 55 L.D. 136  
(C "A" S-98)

An Act To Make Creating a Police Standoff a Class E Crime  
H.P. 135 L.D. 179  
(C "A" H-163)

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  
(C "A" H-175)

An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility  
S.P. 67 L.D. 221

An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System  
S.P. 136 L.D. 409  
(C "A" S-99)

An Act Regarding Restrictions on the Purchase of Certain Animals  
S.P. 169 L.D. 508  
(C "A" S-93)

An Act To Recognize Preexisting Land Uses  
H.P. 391 L.D. 549  
(C "A" H-167)

An Act To Provide for Timely Physical Examinations of Children Entering State Custody  
S.P. 197 L.D. 582  
(C "A" S-85)

An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances  
S.P. 203 L.D. 588  
(C "A" S-80)

An Act To Protect Job Applicants from Identity Theft  
H.P. 429 L.D. 613  
(C "B" H-117)

An Act To Improve Safety and Traffic Efficiency near School Grounds  
H.P. 565 L.D. 785  
(C "A" H-159)

An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases  
S.P. 259 L.D. 814  
(C "A" S-83)

An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution  
S.P. 265 L.D. 820  
(C "A" S-73)

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  
S.P. 278 L.D. 832  
(C "A" S-33; H "A" H-186)

An Act To Require the State To Maintain an Interest-bearing Account of Privately Donated Funds for Saxl Park in the City of Bangor  
H.P. 598 L.D. 849  
(C "A" H-178)

An Act To Protect a Homeowner's Equity of Redemption in a Foreclosure Action  
S.P. 280 L.D. 880  
(C "A" S-96)

An Act To Increase Investment and Regulatory Stability in the Electric Industry  
H.P. 744 L.D. 1061  
(C "A" H-173)

An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency  
H.P. 757 L.D. 1079  
(C "A" H-164)

An Act To Increase the Penalties for Hunting Deer over Bait  
H.P. 761 L.D. 1083  
(C "A" H-148)

An Act To Modernize the Voluntary Response Action Program Funding Process  
S.P. 421 L.D. 1258  
(C "A" S-76)

An Act To Protect Children from Sex Trafficking  
S.P. 424 L.D. 1261  
(C "A" S-92)

An Act To Improve the Foreclosure Process by Regulating Mortgage Loan Servicers  
S.P. 444 L.D. 1292  
(C "A" S-95)

An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board  
S.P. 495 L.D. 1425

An Act To Protect the Public from Dangerous Buildings  
S.P. 505 L.D. 1459  
(C "A" S-97)



An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection  
H.P. 1012 L.D. 1473

An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry  
S.P. 527 L.D. 1502

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Senate at Ease.

The Senate was called to order by the President.

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**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.

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An Act To Strengthen the Maine Children's Growth Council  
S.P. 17 L.D. 38  
(C "A" S-64)

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

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An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax

S.P. 31 L.D. 82  
(C "A" S-94)

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

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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  
(C "A" H-174)

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

---

An Act To Require Insurance Coverage for Hearing Aids  
H.P. 148 L.D. 192  
(C "A" H-177)

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

---

An Act To Increase Access to Head Start  
S.P. 76 L.D. 230  
(C "A" S-66)

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

---

An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder  
S.P. 151 L.D. 449  
(C "A" S-79)

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

---

An Act To Enhance Maine's Response to Domestic Violence  
H.P. 369 L.D. 525  
(C "A" H-139)

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

---

An Act To Provide Lung Cancer Screening for MaineCare Recipients  
S.P. 237 L.D. 720  
(C "A" S-86)

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

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An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits  
S.P. 346 L.D. 1044  
(C "A" S-89)

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

---

An Act To Improve Public Transportation in Maine  
H.P. 871 L.D. 1248  
(C "A" H-144)

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

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An Act To Create the Emergency Medical Services Registration Plate

H.P. 872 L.D. 1249  
(C "A" H-160)

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

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**Resolves**

Resolve, Concerning the Ownership of a Causeway on Long Lake near St. Agatha

S.P. 25 L.D. 45  
(C "A" S-88)

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

Ordered sent down forthwith.

---

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  
(C "A" H-176)

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

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

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On motion by Senator **COLLINS** of York, the Senate removed from the **SPECIAL HIGHWAY TABLE** the following:

**Emergency Measure**

An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017

S.P. 341 L.D. 1034  
(C "B" S-35)

Placed on the Special Highway Table - May 23, 2017, by Senator **COLLINS** of York

Pending - **ENACTMENT**, in concurrence

(In Senate, May 11, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-35).**)

(In House, May 18, 2017, **PASSED TO BE ENACTED.**)

**PASSED TO BE ENACTED** and signed by the President.

(See action later today.)

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**RECESSED** until the sound of the bell.

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

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The Senate **RECONSIDERED** whereby it **ENACTED** the following:

**Emergency Measure**

An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017

S.P. 341 L.D. 1034  
(C "B" S-35)

(In House, May 18, 2017, **PASSED TO BE ENACTED.**)

(In Senate, May 24, 2017, **PASSED TO BE ENACTED**, in concurrence.)

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

Ordered sent down forthwith.

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/20/17) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Increase the State Share of the Cost of Health Insurance for Retired Teachers" (EMERGENCY)

H.P. 370 L.D. 526

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-41)** (7 members)

Report "B" - **Ought Not to Pass** (4 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-42)** (2 members)

Tabled - April 20, 2017, by Senator **LANGLEY** of Hancock

Pending - motion by same Senator to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-42)** in **NON-CONCURRENCE**

(In House, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-41)**.)

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Teachers and State employees participate in the Maine Public Employee's Retirement System under the same terms and conditions, yet the terms for retiree health insurance varies significantly for State employees and teachers. Currently, State employees hired after July 1, 2011 are allowed to have a 50% State contribution when they reach 10 - 15 years of service, 75% State contribution at 15 - 20 years of service, and 100% State contribution at 20 years or more. For teachers with less than 10 years of service there is no State contribution; 10 years of service or more with simply 45% State contribution. The Education Committee received many moving e-mails and testimony from teachers who dedicated their lives to educating our children and helping them grow into productive, successful adults. They are professionals who worked hard, contributed to our society, and lived comfortable middle-class lives. Now they are confused and distraught as to how they can be facing poverty

when they gave everything to our communities. Like I mentioned earlier, there was a lot of testimony that was quite moving, but I'm going to share with you one that lives with me even today. "There is an expression that there are two things you can count on in life: death and taxes. I doubt that anyone would disagree that a third could be added: yearly increases in health insurance premiums. This bill is important because it would help to bring more equity to health insurance coverage that the State pays for retired teachers compared to State employees. I retired last June 2016 after having worked all of my adult life. I have a Master's degree and 18 credits towards a second one. For those of you who may be close to my age, it used to be said that a person should spend no more than 25% on their housing costs per month. Health insurance was never even mentioned. Adding together what I pay for health insurance premiums, co-pays for medications, and required over-the-counter or non-covered medications, I spend 30.1% of my income on those items. That doesn't include co-pays or deductibles that may apply. I don't have dental insurance, so you can see that even a 5% increase in what the State pays for teacher insurance would make an important difference. I currently have two teeth that need attention. I haven't been to the dentist in over a year. I have been putting it off. One medication I take for heartburn and reflux used to be covered by insurance and now I have to pay for it with over-the-counter costs. Now I think about what I'm likely to eat that day or if I need the med, so I'll take it or wait until symptoms appear. With my provider's consent, I try to cut back the dose of another med I have been taking long-term and that didn't work out. So by now you're thinking: "Well, cut back on other expenses." I have. I have antenna that, on a good day, gives me two network channels. I tried to get rid of my landline despite poor cell reception but was told by my internet provider it was a package deal and there is no other provider in my area. I do have a smart phone but my son says it's outdated. I don't use a major provider, but TracFone which costs \$10 to \$11 a month. I drive a 12 year old car. I buy what's on sale at the grocery store, the cheapest meats. Fish would be nice but it is too expensive. I get hand-me-downs from my friend's sister. My hair is the longest it's been since I was in my 20's. I decided it was another way to cut expenses." This was just one testimony from a teacher. They were all similar to this and it breaks my heart to hear these dedicated professionals who are taking care of our children day after day, month after month, year after year. I encourage everyone to join me in opposing the motion before us so that we can appropriately support our teachers. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, we had a lot of testimony just exactly as what the good Senator from Cumberland has just read to you and it is very difficult to hear that because I am one of those retired teachers and I served with a number of them here in the Legislature. We know what that means each and every month, but as we looked through this bill and saw, I'm kind of a realist, a \$3.4 million fiscal note in 17-18, \$3.6 million in 18-19, \$7.9 million in 19-20, and \$8.5 million in 20-21. Knowing the constraints that we are in in working through the budget, that was going to make that very difficult. I always try to look for a way. I try to see if there is something that we could do. Even if it's the smallest of little

things that we could do to make it a little bit better because we know where this probably ends up, it just isn't that amount of money that the appropriators could dedicate to this. In this work, I saw language regarding the retired teachers' allotment, I would say, or language in there, and there had been a cap that had been put in in 2011 on the current allocation for this. Right now it's 45% of the cost of the health insurance is picked up by the State. That went into law in 2005. In 2011, some language was put in that said for the years ending June 30, 2012, 2013, 2014, and 2015 the State's total cost for retired teachers' health insurance premiums is budgeted at the fiscal year 2010 and 2011 funding level adjusted for projected membership growth. The increase in the State's total cost for retired teachers' health insurance premiums for fiscal year ending 2015 is budgeted at no more than any percentage increase in the consumer price index as defined in Title V, section 1701 plus 3%. As we were working this bill, I found that to be unfair, that 45% had been passed in law but they had found a way to sort of cap that 45% so that that allotment couldn't increase. So my amendment, I think I'm the lone person on this, I'm not sure - maybe Senator Maker might be there with me - was to lift that cap, and that was my amendment. When the amendment review came back that looked absolutely fine, but the amendment that is currently came across differently and so if this motion were to pass then I would amend it to fix the language problem that came out of the Revisor's Office. I would ask that you stick with me because we could get something for the retired teachers through this. I don't see how we get that big of a fiscal note across the finish line and I would dearly love to do something that would be helpful to them. Thank you, men and women of the Senate.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept Report "C" Ought to Pass as Amended by Committee Amendment "B" (H-42), 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 (#168)**

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-42)**, in **NON-CONCURRENCE, PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "B" (H-42) **READ.**

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-41) to Committee Amendment "B" (H-42) **READ** and **ADOPTED.**

Committee Amendment "B" (H-42) as Amended by Senate Amendment "A" (S-41) thereto, **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-42) AS AMENDED BY SENATE AMENDMENT "A" (S-41)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/9/17) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Recognize Local Control Regarding Food and Water Systems" S.P. 242 L.D. 725

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-74)** (7 members)

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

Tabled - May 9, 2017, by Senator **MASON** of Androscoggin

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

Senator **MASON** of Androscoggin requested and received leave of the Senate to withdraw his motion to **RECONSIDER** whereby the Senate **FAILED** to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Bill **READ ONCE.**

Committee Amendment "A" (S-74) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME.**

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-136) **READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment, if everything goes well, the way I hope, certainly would bring to a great end something that I've watched go for six years now. The amendment clarifies where this food can be sold, in the municipality that passes the ordinances. I'd just like to say that, first off, Representative Hickman is in the room and I'd like to thank him for all his dedicated work on this. I'd also like to thank Senator Davis for, you know, coming along and, you know, trying to come to a compromise that worked for everyone. I'd also like to thank Senator Langley, who did a great job initially speaking on this bill and actually carrying it much better than I ever would have. So with that I certainly appreciate people supporting the amendment and send this bill forward.

On motion by Senator **JACKSON** of Aroostook, Senate Amendment "A" (S-136) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-74) AND SENATE AMENDMENT "A" (S-136).**

Ordered sent down forthwith for concurrence.

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

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions"

S.P. 140 L.D. 413

Report "A" - **Ought Not to Pass** (11 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "A" (S-77)** (1 member)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-78)** (1 member)

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

Pending - **ACCEPTANCE OF ANY REPORT**

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** Report "A" **OUGHT NOT TO PASS**.

On motion by Senator **CARPENTER** of Aroostook, 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 York, Senator Chenette.

Senator **CHENETTE**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion and in support of the bill before us. This year marks the seventh anniversary of Citizens United, the catastrophic decision by the United States Supreme Court that declared money is

speech and in doing so exposed our politics to a deluge of special interests and lobbyist cash. Citizens United told the wealthiest people and the biggest corporations that politics could be their plaything; that democracy could be bought for the right price. By removing any limits on the amount of money that could be spent on elections, the decision put our politics on sale to the highest bidder. Make no mistake, corporations, lobbyists, and political action committees do not donate out of the charitable goodness of their hearts. They don't give millions of dollars because they're friends with the politicians whose pockets they line. They do it because they believe it will buy them access, influence, and, perhaps, a vote. This just isn't a problem in Washington, it is a problem right here under our Dome. Here in Maine, between 2014 and 2015 more than 400 companies hired 229 lobbyists and spent nearly \$5 million to lobby State Legislators. That's insane, but the dollar amount pales in comparison in the amount of financial contributions that flows from these lobbyists and the groups that hire them directly to Legislators, political action committees, and campaigns. Mr. President, we have a system at the State House that's rigged against the average Mainer. The lobbyists and special interest group with the largest checkbook has the most direct influence over public policy decision making. It doesn't surprise me that the public has waning faith in our democratic institutions.

**THE PRESIDENT**: The Senator will defer. Will leadership approach the rostrum.

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Senate at Ease.

The Senate was called to order by the President.

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**THE PRESIDENT**: The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE**: Thank you, Mr. President. I'd like to give a hypothetical situation, not calling out any individual. For instance, and this really gets to, I think, the core of this bill: if we take, let's say, the Energy, Utilities and Technology Committee that oversees telecommunication regulations. Why should it be okay for any Legislator to accept money from companies like AT&T, T-Mobile, Verizon, Time Warner Cable? To me, that's a direct conflict of interest. Legislators should not be allowed to take monies from the very industries we're supposed to be regulating and passing public policy decision making on. Now whether these contributions actually cause lawmakers to vote on the lobbyist's favor or not, the very existence creates a cloud of uncertainty.

**THE PRESIDENT**: Would the Senator defer. Can we get leadership again?

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Senate at Ease.

The Senate was called to order by the President.

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**THE PRESIDENT:** The Chair recognizes the Senator from York, Senator Chenette.

Senator **CHENETTE:** Thank you, Mr. President. In summary, what this bill actually does is, currently we have an in-session ban on lobbyist contributions. So right from the start of the bell for opening session to the end of the bell for sine die, Legislators are not allowed to accept contributions from lobbyists. This bill would, basically, extend that in-session ban for the entire year. So, for me, to restore public trust, Legislators should be banned from accepting these contributions. We would not be the only state that does this, Mr. President. According to the National Conference of State Legislatures, a total of six states actually do this; Alaska, Tennessee, California, Connecticut, Kentucky, and South Carolina all have various bans on lobbyist contributions year-round. South Carolina has what many ethics organizations, including the Campaign Legal Center, believe is the model law and the language provided in this bill seeks to capture the essence of that law. So, Mr. President, I'll wrap up. This is the same, similar, testimony that I gave to the Veterans and Legal Affairs Committee. Reforming this system takes time and political courage, but I know this Body is up for the task. Together we can make incremental reforms to our campaign finance system here in Maine to fundamentally restore a sense of trust and credibility back into the institution of government. Now is the time to strengthen the integrity of the Legislature and I hope you follow my light.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President. Men and women of the Senate, I'm, even though I was originally - still on paper - on the Ought Not to Pass Report, that was a mistake on my part and I apologize. I have apologized to the committee Chair. I'm supporting this bill for slightly different reasons than Senator Chenette. When I came back, you know, this term a lot of people back home who knew that I was previously in the Legislature asked me how things had changed and what it was like and what are the people like that I'm dealing with. I said, and this is something I've talked about over the years, so this isn't completely new, I believe the people of Maine should be pretty proud of who they send down here. They send businessmen. They send lawyers. They send retired NGO non-profit representatives. They send a vast variety of people to this Chamber. I agree we need to regulate money in politics. That's important. However, I don't want this to go from here today having somehow leaving the impression that there is this terrible corrupt system and a whole bunch of corrupt people in Augusta. I refuse to do that. I have served with thousands of people, the parents of some of the people who serve in this Chamber today, and I can count on one hand and have fingers left over the number of people I have ever served with that I thought were corrupt or unethical. I'm proud to say that and I think the people

of Maine should be very proud. Is the lobby a factor? Of course the lobby is a factor. Perhaps this is something that will come back to haunt me if I run for reelection, so be it. I'm not going to stand up here and pander to the worst fears of Maine people that think that because the lobby is out there providing information, and I believe in my experience, straight forward information from their own perspective. They are hired by people to put forward their perspective and that's fine. They give money to political candidates. I don't have to worry about it because I'm a Clean Elections candidate. I don't think for a second that any of the traditionally financed people in this Chamber are corrupt because they've accepted money from various business interests or labor interest or anybody else. I don't think that's the case. I wish everybody was a Clean Elections candidate. We wouldn't have to have this debate. But I don't want the impression left from this bill, and I think even Senator Chenette, he certainly has his perspective of this, I have mine. I'm older than him and I'm entitled to have more of a perspective than he is. Seriously, I don't want people in Maine to believe, any more than they probably already do, that the system is corrupt because I think we're very fortunate. Go pick up, no offence Massachusetts, go pick up the *Boston Globe* or go pick up the *New York Post* and you will find people being indicted. That doesn't happen in Maine and we should be darned proud of that. Yes, we need to regulate money in politics, but only to see that we don't get to the point where Massachusetts and New York and the other states are. Thank you, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in support of the Ought Not to Pass motion and I would encourage the membership to vote with me. I would agree with my good colleague from Aroostook, Senator Carpenter, that we do not have the problems that so many other states have here in Maine. We are lucky to have people that, in my view, have a lot of integrity. The people that get sent down here are generally not for sale and I take umbrage with some of the comments that were made earlier in that the assumption could be made that so many of us have a for sale sign on our back. That is offensive and it's not true. So I would encourage the membership to vote Ought Not to Pass on this bill because it's a work-around on something that has already been proven to be Constitutional at the U.S. Supreme Court. Some might like Citizens United. Some might not like Citizens United. That's not what's up for debate here. The fact is that under the current law of the land that money is speech. This does affect that. This has Constitutional concerns. Mr. President, I feel like if we did do that we would be doing exactly what the good Senator from Aroostook said. We would be pandering to the fears of most Mainers. I encourage an Ought Not to Pass vote. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. I would like to pose a question through the Chair, please.

**THE PRESIDENT:** The Senator may pose her question.

Senator **VOLK**: Thank you, Mr. President. Would this ban apply to labor and non-profit lobbyists?

**THE PRESIDENT**: The Senator from Cumberland, Senator Volk, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON**: Thank you, Mr. President. I rise to answer the question of the Senator from Cumberland. The answer to that question is yes and yes to both labor union lobbyists and non-profit lobbyists whose membership is usually comprised of so many people that cannot otherwise make their voice heard here in Augusta. So thank you for the question.

**THE PRESIDENT**: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason, to Accept Report "A" Ought Not to Pass. 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 (#169)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** Report "A" **OUGHT NOT TO PASS PREVAILED**.

Sent down for concurrence.

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

HOUSE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

H.P. 165 L.D. 209  
(C "A" H-111)

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-111)**

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

Pending - **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111).**)

On motion by Senator **COLLINS** of York, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-111), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-141) to Committee Amendment "A" (H-111) **READ** and **ADOPTED**.

Committee Amendment "A" (H-111) as Amended by Senate Amendment "A" (S-141) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111) AS AMENDED BY SENATE AMENDMENT "A" (S-141)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

Bill "An Act To Promote Keeping Workers in Maine"  
H.P. 350 L.D. 487

Tabled - May 17, 2017, by Senator **VOLK** of Cumberland

Pending - **FURTHER CONSIDERATION**

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

(In House, that Body **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).**)

Senator **VOLK** of Cumberland moved the Senate **INSIST**.

Senator **JACKSON** of Aroostook moved the Senate **RECEDE** and **CONCUR**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#170)**

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **RECEDE** and **CONCUR FAILED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/18/17) matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-103)** (6 members)

Tabled - May 18, 2017, by Senator **MASON** of Androscoggin

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. We heard testimony from the Department that 31 states allow TANF benefits for up to 60 months. There is a good reason for that. This program benefits the poorest kids in our state. It benefits folks that are disabled and have other issues in their lives that keep them from being able to support themselves. Unfortunately, that's the situation they're in. I would say that very few people actually do use TANF for 60 months, but for those that do it's a social safety net that's important to have there and I think if this were to pass it would have the unintended consequence, I'm pretty sure, of folks who reach the 36 month limit under this bill would then be going to get General Assistance from their city or town and it would cost our towns more money, and the State more money, where TANF is federal funds. So I hope you will join me in opposing the pending motion. Thank you.

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

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

Senator **BRAKEY:** Thank you, Mr. President. This item, which is also in the budget, changes the lifetime limit for receiving benefits from the Temporary Assistance for Needy Families from 60 months to 36 months. Once an adult has received TANF assistance for 36 months, unless the adult has been exempted or granted an extension by the Department, the family unit in which the adult is a member would be ineligible for assistance. Since the Clinton era welfare reforms on the federal level, states have been able to set time limits and only in 2011 did Maine catch up with most other states across the nation, setting a time limit of 5 years. Many of our New England neighbors, however, have shorter time limits. Massachusetts and Rhode Island have 24 month time limits. Connecticut has a time limit of 21 months. This proposal would set Maine's time limit at 36 months. Three years is plenty of time to get on track and get on your feet for a program that is supposed to be temporary and supposed to help people move to getting back to work. The Temporary Assistance for Needy Families program, as I've stated, is designed to be temporary. It is supposed to be a short term hand-up for those falling on hard times, not a long-term solution. For those able bodied and capable of work, there is a fine line between helping and enabling. Long-time limits on this temporary program can rob people of their ambition and their initiative, setting them back instead of moving them forward. Let's set time limits that provide people enough time to get on their feet but also encourage proactivity. Thank you for your time today, Mr. President, and I would encourage folks to follow my light.

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

Senator **CHIPMAN:** Thank you, Mr. President. I just wanted underscore a point that was just made by my good friend from Androscoggin, and that is in 2011 we just recently, a few years ago, reduced the lifetime cap to 60 months. It hasn't been in place that long and we have the new Fedcap program that's supposed to be geared towards helping people become self-sufficient and I'd like us to give that a chance to work before we go and ratchet this down from 60 months to 36 months. It's a lifetime cap. People's circumstances change in their lives. Let's not go with this approach today. 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 to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.



**ROLL CALL (#171)**

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

\_\_\_\_\_  
The Chair laid before the Senate the following Tabled and Later Assigned (5/23/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a County Jail Drug Rehabilitation and Treatment Grant Program" S.P. 118 L.D. 377

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-112)** (7 members)

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

Tabled - May 23, 2017, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report

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

Bill **READ ONCE**.

Committee Amendment "A" (S-112) **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 (5/23/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Certain Sexual Offenses" S.P. 216 L.D. 654

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-113)** (11 members)

Minority - **Ought Not to Pass** (2 members)

Tabled - May 23, 2017, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE** of Majority **OUGHT TO PASS AS AMENDED** Report

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

Bill **READ ONCE**.

Committee Amendment "A" (S-113) **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 (5/23/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Healthy Workplaces and Healthy Families by Providing Paid Sick Leave to Certain Employees" S.P. 380 L.D. 1159

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-126)** (7 members)

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

Tabled - May 23, 2017, by Senator **LIBBY** of Androscoggin

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This is about basic fairness for Maine families. Access to sick leave, as would be guaranteed by this piece of legislation, ensures that no Mainer has to choose between their health and their economic security. It guarantees, in a state that values families, no Mom or Dad is punished for choosing to care

for their sick child or that no child is punished for taking the time necessary to care for a sick parent. I'm pretty sure that everyone in our Chamber has been sick at one time or another. The fact is it happens to all of us. Illness is as much a part of life as good health is. Sick leave ensures that when the unavoidable happens a worker can take the time off necessary to get well. This is a benefit that many white collar professionals take for granted. Those of us who count our salaries by the year instead of by the hour know that if we fall ill, or if our children become sick, we'll have the time we need to get back to good health, but for many people in Maine this simply isn't the case. Nationally, 4 in 10 private sector workers don't have paid sick leave. Below income workers, including food service, personal healthcare, and childcare workers, are among the least likely to have paid sick days. Less than 1 of every 3 workers who earn \$19,000 or less per year have access to paid sick days, compared to more than 80% of workers who make more than \$65,000 or more per year. Without sick leave, workers are forced to choose between their health and their incomes, and that's no easy choice. Choosing to stay home means forgoing pay for that day. In some instances it can also trigger disciplinary action from the employer. Companies with harsh policies for so-called unplanned absences may punish a worker for calling in sick by reducing their hours, even after the illness is over. According to state research by the State Innovation Exchange, nearly 1 in 4 adults in the United States says they have been fired or threatened with job loss for taking time off to recover from illness or care for a sick loved one. With these consequences, many workers without sick leave choose to shoulder on and go to work. In doing so, they prolong their illness and most likely spread it to their co-workers and customers. The Centers for Disease Control and Prevention found that more than 2.5 million cases of food-borne illness per year were caused by sick restaurant workers contaminating food while they were at work and more than half of all norovirus outbreaks can be traced back to sick food service workers. It's not just restaurant workers. How many of us have heard the adage about daycares and schools being "germ factories"? Perhaps if more parents were offered sick leave to take care of their children they wouldn't feel the need to send them to school when they were sick. The United States is one of the only industrialized countries in the world where citizens are forced to make this choice. In a country that claims to value families, too many are punished for being good parents to a sick child or good children to a sick parent. So I hope you will join me in opposing the pending motion so we can move the amended Ought to Pass Report and pass universal sick leave, which is a good deal for families, for workers, and for public health. 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 rise in support of the pending motion. The issue of providing mandatory paid sick leave is not a new one to this Legislature, this Body, and it is one of the issues that has been debated by many previous Maine Legislatures. Many Maine employers do provide some form of paid leave in the form of vacation, holiday, or sick time. However, many businesses do not extend those benefits to part-time, temporary, or seasonal workers, and requiring employers to provide these workers with paid leave, as this bill would seek to do, is a

significant departure from current practice. Maine already actually goes above and beyond when it comes to federal law and the law of most other states. Yes, we were actually a leader in our leave policy. However, adding mandatory paid sick leave will only increase the bottom line of many businesses due to increased paid time off. It will also increase costs due to the very cumbersome tracking requirements that would be required under this legislation. They would need to track leave time, particularly seasonal and temporary workers. Tracking that is very, very difficult and expensive. Only five other states, California, New York, Massachusetts, Oregon, and Connecticut, mandate this kind of leave, making multi-state employers with operations here in Maine responsible for having two different systems, one for Maine and one for the other 45 states that they might possibly be doing business in. So this, once again, would make us - make it more expensive to do business here in Maine and make us less appealing. You know, we hear a lot about some of the things that we cannot control. We cannot control our geography. We cannot control our climate, our cold winters. We cannot control a whole lot of other things, but there are some things, such as legislation like this, that we can control. You know, there's a lot of talk about perhaps there being some changes on the federal level. Members of the President's family, in fact, are in favor of that and I would support that. That would put us all on an even playing field, but making Maine a leader here in this area compared to the 45 other states that don't currently have this type of paid leave is just a really, really bad idea, especially in light of many of the other pressures that our businesses face. Thank you.

**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 rise in support of the concept behind this. Simply, we have a system now that is unfair to different categories of citizens and I was struck by the prayer we had this morning where the Rabbi talked about the Israelites who put down their names as people, as individuals. They were not numbers. They were people. We're talking about individual people who are important, just as important as we all are here. The good Senator said that we have "two different systems" here and the systems that I see when I see patients in my office are people who have health insurance, who have days off, and those who don't. They have very, very different ways that they look at life. Makes it exceedingly difficult if you don't have good health insurance, if you do not have days off, to take care of your health early and to take care of it well. I think that the idea behind this is very, very important. If we're a leader I'm proud of it. We should be able to take care of everybody when they are sick so that they can get well and become productive citizens again. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I have had the good fortune to work largely for organizations that have had paid sick leave, but in my 20's I went to work sick, nonetheless, thinking I was putting in the extra time and my boss took me aside one day and she said, "For you being sick is an inconvenience, but for your colleague that just had a kidney transplant it could be life or death. Please stay

home. Please take advantage of this paid sick leave." That was a great lesson to me. When I became an employer, and ran payroll for three different organizations at three different times that offered paid sick leave to both full-time and part-time employees, I found that payroll systems, including ADP, Bangor Savings Payroll, and my accountant, could, in fact, track that with software fairly easily. I don't see this as an undue burden on businesses and I do think of my colleague. Whenever I go into a business establishment where someone is clearly working despite being sick because of the lack of paid sick leave, for me, maybe I'll walk away with a cold. I'll get sick too. For someone else it could be life threatening. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. May I pose a question through the Chair?

**THE PRESIDENT:** The Senator may pose his question.

Senator **BRAKEY:** Thank you, Mr. President. Question to anyone who may answer it. As I'm reading this bill, I couldn't help but notice on the first page there's a section for exceptions, which reads, "This session does not apply to an employee covered by a collective bargaining agreement." So my question for anyone who may be able to answer it is: if this is such a common sense policy about fairness for everyone, why is not proposed to apply to everyone? Why would those who are members of the union be exempt from it? Thank you very much.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Brakey, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. In response to your question, I believe you are misreading the bill itself. The text of the bill, as I read it, does not create an exemption for collective bargaining. You are reading an underlying portion of statute that is not, in fact, I believe, exempting employees who are subject to collect bargaining agreement and, furthermore, the committee did not hear any testimony that suggested otherwise, even in opposition.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm sorry to rise a second time, Mr. President, but even the bill summary says this bill creates a right to paid sick leave for employees not covered by a collective bargaining agreement. Thank you.

**THE PRESIDENT:** The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Mr. President, not knowing for certain from the testimony, but I would say that any union worth its salt would already have paid sick days included in the contract.

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

Senator **BELLOWS:** Thank you, Mr. President. I encourage everyone to read the text of L.D. 1159 and I would just urge you to read the text of the bill itself because the underlying statute refers to employers who, under terms of collective bargaining agreement, do provide paid sick leave. I don't believe this exemption exists. We could debate it all day. We could read the entire text of the bill, and I don't wish to do that. I encourage people to read for themselves.

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

Senator **CUSHING:** Thank you, Mr. President. I'd like to pose a question through the Chair.

**THE PRESIDENT:** The Senator may pose his question.

Senator **CUSHING:** Thank you, Mr. President. Can someone answer for me as to whether the State of Maine now, in their collective bargaining, offers paid sick leave for its employees?

**THE PRESIDENT:** The Senator from Penobscot, Senator Cushing, poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Thank you, Mr. President. Mr. President, I'm simply rising, I'm not sure whether this is in order or not, I would be more than happy to read lines 31 and 32 of the bill.

**THE PRESIDENT:** The Senator may proceed.

Senator **VOLK:** Thank you, Mr. President. Four: exceptions. This section does not apply to an employee covered by a collective bargaining agreement or to an individual employed by a parent or spouse. That is on lines 31 and 32, page 1 of the bill.

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

Senator **MIRAMANT:** Thank you, Mr. President. A great discussion. I'm a bit confused now. Were we suggesting that folks should work when they're sick? I don't think you want your pilots working when they're sick. Probably your doctors, a few others. So I'm just not sure what we're arguing about here. Is it just the language of whether the collective bargaining is covered? My collective bargaining is covered. I had incredible sick leave because they don't want pilots showing up sick. I don't know. I don't know if it helps you, but this also doesn't help me, so thanks.

**THE PRESIDENT:** The Chair would remind members that we're actually debating the acceptance of 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 (#172)**

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, DION, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

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

Sent down for concurrence.

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

**ORDERS**

**Joint Order**

On motion by Senator **MAKER** of Washington, the following Joint Order:

S.P. 573

**STATE OF MAINE  
128<sup>TH</sup> MAINE LEGISLATURE  
JOINT ORDER**

**Whereas**, the Downeast Correctional Facility is established in state law in the Maine Revised Statutes, Title 34-A, chapter 3, subchapter 6 for the purpose of confining and rehabilitating persons who have been duly sentenced and committed to the Department of Corrections; and

**Whereas**, the current state budget establishes the Downeast Correctional Facility as a discrete program by making appropriations specific to that facility; and

**Whereas**, the Joint Standing Committee on Criminal Justice and Public Safety voted on March 20, 2017 to recommend that the budget for the fiscal year beginning July 1, 2017 include funding for the Downeast Correctional Facility; and

**Whereas**, because of the scarcity of available beds in the state correctional system available to house inmates, it is essential that the Downeast Correctional Facility be funded for the fiscal year beginning July 1, 2017 in order to ensure the safety of the public; now, therefore, be it

**ORDERED**, the House concurring, that the Joint Standing Committee on Appropriations and Financial Affairs shall report out, to the Senate, a bill that provides funding for the operation of the Downeast Correctional Facility for fiscal years 2017-18 and 2018-19.

**READ.**

**THE PRESIDENT:** The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Thank you, Mr. President. You all can read for yourself this Joint Order. This is very difficult for me because I never believed that we would have to go this far, but I want to thank Senator Jackson; I want to thank everyone in this Body for suggesting that I do this. This is something that will destroy our county and not only destroy our county but it's going to destroy the State of Maine with releasing prisoners. I read part of the announcement of the commutation and it said, "Provide inmates from throughout Maine State Prison with pathways to employment," but he's leaving unemployment in Washington County. So I hope that you will join me in passing this Joint Order and I would like to ask for a roll call, please.

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

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

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wholeheartedly support this order and I thank the good Senator from Washington County for putting it in before us. The Committee on Criminal Justice and Public Safety reviewed this whole idea of shutting down the Downeast facility, and we studied that thoroughly, and after doing so we came out with a unanimous committee report that said this should not happen. It should not happen for a lot of reasons. Some of them are very basic, such as the Department of Corrections' Commissioner testified before our committee saying that on a good day you would have 50 beds, on the next day you could have 10 available. So capacity to handle 100 new prisoners is not there. Number two, the other concern is if we're going to just release these inmates and send them out into the community, I think that raises a great deal of concern amongst all of the communities who might be receiving these people. Releasing somebody is a serious matter. I think, as opposed to what this motivation seems to be, it's a budgetary matter, and I support the order and I hope you will all support it as well. Thank you, Mr. President.

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

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in support of this motion as well. For me, this has to do with what our role is as a Legislature because we have reserved to ourselves, in law, the authority to decide whether to build a facility and when to close a facility. In statute, that is our role. We have also reserved to ourselves, Mr. President, the right to begin programs of government and the right to end programs of government. Those are both solely, I believe, the role of the Legislature, not of the Chief Executive, not of the courts, but solely of the Legislature. Those facts, or that opinion, is buttressed by an opinion from Linda Pistner in the Attorney General's Office, who weighed in on this issue and said exactly those two things: that the establishment or closure of a government facility is our job, establishment or ending of a government program is our job, and our job only. This is one of those moments, Mr. President, when I think we need to stand up and assert our authority as the Legislature. I think there's a second reason, and may be equally important one, why we need to support this motion. That has to do with the fact that a deal is a deal. When you shake hands on something you follow through with it. Those of you who were here with us in the 127<sup>th</sup> Legislature will recall L.D. 1447, which was an act that we passed authorizing a Maine governmental facility's bond issue, primarily related to the Windham facility. Well over \$100 million. Part of the negotiations to get this thing passed, and I remember so clearly the good Senator from Washington's predecessor, Senator Burns, who was, I think we can all agree, the conscience of the Senate. Senator Burns, being part of negotiating part of this deal, that said that, yes, this money was going to be used for Windham but it would also be for a facility owned by the Department of Corrections in Washington County. That's in the text of the bill. It's in the title of the bill. We're, by closing this facility, which is essentially what is happening, dishonoring this agreement that was made and we shouldn't do that because if an agreement is only good for this month or next month or the next six months it's going to make it that much harder to get consensus around here. We need to honor this agreement. Whether you now think it was a good thing for us to do or not, we need to honor this agreement. For both of those reasons, Mr. President, I hope that everyone will see this as a matter of legislative principle. It's got nothing to do with political parties. I hope everyone will support the motion. Thank you, Mr. President.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to briefly support the Joint Order brought to us by the Senator from Washington County, Senator Maker, and I would offer this basis for my urging us to support this Joint Order. Since the issue of whether or not to close the Downeast Correctional Center has been in the news, the people of Maine listening to it or watching it on television or reading

about it in the newspaper might well have wondered do we know what we're doing because the rationales have been hazy, the arguments have been not well articulated, and I think it is very important for the integrity of our State government, whether we're Democrats or Republicans or Unenrolled, to state very clearly to the people of the State of Maine we do know what we're doing. We're going to honor that kind of commitment that Senator Katz has just mentioned and we are going to do what is right in this situation, not just for the safety of the people of the State of Maine, the inmates at the facility, the people of Washington County, but for all our constituents all over the State of Maine. So I urge us all to support this Joint Order and I thank you for allowing me to speak.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, stand here in support for the Senator Maker, for what she's bringing about, and also for all the Senators here that have spoken. I sat in the Committee of Criminal Justice and Public Safety and I feel that, listening to both sides, they really did not have an answer where these prisoners were going to go. They wanted 150 prisoners throughout the State put on ankle monitors, which it has been proven that it really hasn't the ability to have 150. In fact, we had an escape not too long ago, if you remember. Jim Cameron, who had pornography, escaped and went to New Mexico, I believe. They caught him eventually. We really have to be careful for public safety here. This is very important, that we take this very seriously and make sure that we protect the safety of Maine. I think that this has been agreed upon, as Senator Katz had mentioned, and Senator Dave Burns worked very diligently and got that agreement that they were going to continue to work hard and have a facility in Washington County. I believe not only do they have safety there, but they also integrate them back into the community. They do a lot of work with these prisoners in the blueberry fields and other assets. I think that that's an important piece that will be taken away if they're moved to another county or whatever. I think it's very important for the people in that area to have jobs, and we're taking that away as well. So I think this is a very important piece that we really need to support. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Washington, Senator Maker, to Pass this Joint Order. 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 (#173)**

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

NAYS: Senators: BRAKEY, CUSHING, HAMPER

EXCUSED: Senators: LANGLEY, SAVIELLO

30 Senators having voted in the affirmative and 3 Senators  
having voted in the negative, with 2 Senators being excused, the  
Joint Order was **PASSED**.

Sent down for concurrence.

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Off Record Remarks

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED**  
until Thursday, May 25, 2017 at 10:00 in the morning.