

MAINE STATE LEGISLATURE

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Senate Legislative Record

One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber
Thursday
June 1, 2017

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

Prayer by Reverend Effie E. McAvoy McClain, Oakland Sidney
United Methodist Church.

REVEREND MCCLAIN: Let us pray. Gracious God, as we
gather today to do the work of the people, direct us in how we
should be. Lead us in the decisions we make. Enable us to
embody the prophet Micah; to do justice, love kindness, and
humbly walk before You. Infill Your created with Your love of
Your creation. Remind us that we have been granted the
blessing of stewardship, so please bestow wisdom that this work
may be done with dignity and with honor. Holy One, we are
reminded daily in the news of those things which may divide us,
yet all are here with a common purpose of service. So may eyes
and hearts be open to recognize the common good in each
member. May diligent work and the ability to truly listen to one
another be the blessed hope of the day. May action together be
the work not just today but be the good work of Your people
everywhere. Finally, God, we ask that You enlighten our minds to
be the doers of the great commandment; to love You, to love
neighbor, and to love self. As Jesus said that in regards to the
law, may these here who write law be mindful of that as well.
This is my prayer. This is our prayer offered to You today. Amen.

Pledge of Allegiance led by Senator David C. Woodsome of York
County.

Reading of the Journal of Wednesday, May 31, 2017.

Doctor of the day, Joel Kase, D.O. of North Yarmouth.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 579

Ordered, the House concurring, that when the Senate adjourns
Thursday, June 1, 2017, it does so until Monday, June 5, 2017, at
10:00 in the morning and when the House adjourns Thursday,
June 1, 2017, it does so until Monday, June 5, 2017, at 9:30 in
the morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

The President retired from the Chamber.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND
LEGAL AFFAIRS** on Bill "An Act To Require the Secretary of
State To Automatically Register Nonregistered Persons Who Are
Qualified To Vote through Records of the Bureau of Motor
Vehicles"

H.P. 854 L.D. 1232

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-267)** (7 members)

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

In Senate, May 30, 2017, on motion by Senator **MASON** of
Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Majority **OUGHT TO PASS AS AMENDED**
Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-267)**.

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

Non-Concurrent Matter

Bill "An Act To Validate Certain Proceedings Authorizing the
Issuance of Bonds and Notes of Regional School Unit No. 5"
(EMERGENCY)

S.P. 534 L.D. 1528

Committee on **EDUCATION AND CULTURAL AFFAIRS**
suggested and ordered printed.

In Senate, April 27, 2017, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Comes from the House, Bill **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent 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)

In Senate, May 24, 2017, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-126)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY) S.P. 37 L.D. 89 (C "A" S-101)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-101)** (9 members)

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

In Senate, May 17, 2017, on motion by Senator **HAMPER** of Oxford, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-101)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-101) AS AMENDED BY HOUSE AMENDMENT "A" (H-286)** thereto in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: S.C. 464

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 30, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of James R. Erwin, Esq. of Yarmouth, for reappointment to the University of Maine System, Board of Trustees.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	8	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Sampson of Alfred, Stewart of Presque Isle
NAYS		0	
ABSENT		2	Rep. Pierce of Falmouth, Rep. Turner of Burlington

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of James R. Erwin, Esq. of Yarmouth, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

The President Pro Tempore laid before the Senate the following:
"Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#203)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: CHENETTE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **James R. Erwin**, Esq. of Yarmouth for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 465

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 30, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Mark R. Gardner of Kittery, for reappointment to the University of Maine System, Board of Trustees.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	8	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Sampson of Alfred, Stewart of Presque Isle
NAYS		0	
ABSENT		2	Rep. Pierce of Falmouth, Rep. Turner of Burlington

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Mark R. Gardner of Kittery, for reappointment to the University of Maine System, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

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

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#204)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: CHENETTE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Mark R. Gardner** of Kittery for reappointment to the University of Maine System, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 466

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

May 30, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of John P. Butera of Waterville, for appointment as the Commissioner of the Department of Labor.

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	7	Fecteau of Biddeford, Austin of Gray, Bates of Westbrook, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Vachon of Scarborough
NAYS	Representatives	1	Handy of Lewiston
ABSENT		3	Sen. Langley of Hancock, Rep. Dunphy of Old Town, Rep. Sylvester of Portland

Nine members of the Committee having voted in the affirmative and one in the negative, it was the vote of the Committee that the nomination of John P. Butera of Waterville, for appointment as the Commissioner of the Department of Labor be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **VOLK**: Thank you, Mr. President. Mr. President Pro Tem, I just want to take a few minutes to address the Body regarding this nomination, this nominee. This was a wonderful confirmation hearing that we had in the Labor, Commerce, Research and Economic Development Committee. Mr. Butera enjoyed a lot of bi-partisan support. There was overwhelming praise for the job that he has done in terms of his responsiveness, in terms of economic development in the Waterville area before he began to work for the Administration, and the confidence that many people have in him to lead the Department of Labor. We

are very pleased with the vote that we received in committee on Mr. Butera and I'm very pleased that, I believe, he's able to be with us today.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#205)

YEAS: Senators: None

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

ABSENT: Senator: CUSHING

EXCUSED: Senator: CHENETTE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 1 Senator being absent and 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John P. Butera** of Waterville for appointment as the Commissioner of the Department of Labor was **CONFIRMED**.

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

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber John Butera of Waterville. Will he please rise and accept the congratulations of the Senate.

The Following Communication: S.C. 467

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

May 30, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Labor, Commerce, Research and Economic Development has had under consideration the nomination of Wade E. Merritt of South Portland, for appointment as the Director, International Trade Center.

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

YEAS	Senators	2	Volk of Cumberland, Bellows of Kennebec
	Representatives	8	Fecteau of Biddeford, Austin of Gray, Bates of Westbrook, Handy of Lewiston, Lockman of Amherst, Mastraccio of Sanford, Stetkis of Canaan, Vachon of Scarborough
NAYS		0	
ABSENT		3	Sen. Langley of Hancock, Rep. Dunphy of Old Town, Rep. Sylvester of Portland

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Wade E. Merritt of South Portland, for appointment as the Director, International Trade Center be confirmed.

Signed,

S/Amy F. Volk
Senate Chair

S/Ryan M. Fecteau
House Chair

READ and ORDERED PLACED ON FILE.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President Pro Tem, I just wish to take a couple of minutes in additional time to speak on this nominee who happens to be with us today as well. It's not often in this Body that we get to talk about bright spots in Maine's economy, but our exports, due to the efforts of the Maine International Trade Center, absolutely have been a bright spot in Maine's economy. I can't imagine actually where we would be without the work of MITC. It has been incredible. Those of us who have served on the Labor, Commerce, Research and Economic Development Committee over the last seven years

have had the opportunity to watch as MITC has grown, has led trade missions all over the world. Janine Bisailon-Cary has been instrumental in that and we will miss her very much, but Wade Merritt has been at her side the whole time and we have full confidence in his ability to continue to increase exports in the State of Maine. We are one of the leaders in the country in increasing exports, and that's really saying something. So I'm very pleased to be able to speak on this nomination and very pleased to have Mr. Merritt with us today.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#206)

YEAS: Senators: None

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

EXCUSED: Senator: CHENETTE

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Wade E. Merritt** of South Portland for appointment as the Director, International Trade Center was **CONFIRMED**.

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

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber the Honorable Wade Merritt of South Portland. Will he please rise and accept the congratulations of the Senate.

The Following Communication: S.C. 469

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 31, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1555 An Act To Facilitate a Statewide Teacher Contract

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Tori P. Kornfield
House Chair

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

The Following Communication: S.C. 470

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

May 31, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1496 An Act To Clarify the Scope of the Maternal and Infant Death Review Panel

L.D. 1545 An Act Regarding Disclosure of Health Care Information of a Deceased Person

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey
Senate Chair

S/Rep. Patricia Hymanson
House Chair

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

The Following Communication: S.C. 471

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

May 31, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1420 An Act Regarding Work Permits for Minors
under 16 Years of Age

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk
Senate Chair

S/Rep. Ryan M. Fecteau
House Chair

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

The Following Communication: S.C. 472

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

May 25, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1505 An Act To Create Consistency in the Regulation
of Pesticides

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis
Senate Chair

S/Rep. Danny Martin
House Chair

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

The Following Communication: H.C. 197

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

May 31, 2017

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

Dear Secretary Priest:

House Paper 351, Legislative Document 488, "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas," 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?"

87 voted in favor and 51 against, with 1 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 725, Legislative Document 1023, "An Act To Provide a Sales Tax Exemption for Baling Twine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

73 voted in favor and 66 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

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

ORDERS

Joint Order

Expression of Legislative Sentiment recognizing:

Michael Sauschuck, of Portland, Chief of the Portland Police Department, who received the David W. Pickering Chief's Award from the Maine Association of Police. The David W. Pickering Chief's Award is given by the association to the person it has selected as Maine's police chief of the year. We extend to Chief Sauschuck our congratulations and best wishes;
SLS 347

Sponsored by Senator DION of Cumberland.
Cosponsored by Senator: CHIPMAN of Cumberland,
Representatives: COLLINGS of Portland, FARNSWORTH of Portland, HARLOW of Portland, JORGENSEN of Portland, MOONEN of Portland, SANBORN of Portland, SYLVESTER of Portland, TALBOT ROSS of Portland.

READ.

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

Senator **DION:** Good morning, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I rise to reinforce the commentary that was expressed by the Secretary of the Senate regarding Chief Sauschuck. I extend my congratulations to him as the Chief of Police of the Year for the Maine Association of Police. What I want to say is a little story, just for a moment. When I was a member of the other Chamber the staff would address me as Sheriff and I would chide them and say, "I'm no longer the Sheriff, I'm merely a member of that Body," and they said, "No, Sheriff, once you become a Sheriff you're always a Sheriff. It outranks whatever these Chambers offer you for status forthcoming." So I guess that applies here. It reminded me that I am a member of a family that extends well beyond this Chamber. This thin blue line of sisters and brothers who share a badge and a common commitment, much like my brothers today, Senator Davis and Senator Cyrway, who are formed from the same bedrock that I am; honor, integrity, loyalty, courage in spite of criticism from public or from within. There was no more challenging profession than he or she assumes when they become a police officer. It's often said it's not a job, it's who we become and in time, no matter

what we become, we remain at our core police officers. We're just serving a different assignment. In these times of criticism, of public doubt as to the value of that profession, of skepticism surrounding the way police officers conduct themselves in the most difficult conflicted times, I think it's important that in the person of Chief Sauschuck we extend a thank you that he can accept on behalf of other police chiefs, sheriffs, correctional administrators, and the list goes on. I want to say something: we think of police officers, and we hope the very best are selected for that position, and we compliment them as they rise in their career and accomplish much on behalf of those who have very little voice, but I want to tell you, and I'm sure the Senators that I've mentioned would share a similar sentiment, we are only as good as the chiefs who lead us. We're only as successful as the leaders who encourage us, defend us, coach us, preserve the line with us. In Chief Sauschuck we have such an individual. I am proud to consider him a Chief of the City of Portland. Although I'm characterized as a Sheriff, I spent the formation of my career as a member of that agency. It'll always be home. It'll always be the cornerstone of my profession. As I grew as a professional, I looked to my chiefs at that time for guidance about how I should conduct myself, how I should engage the community, who was I really working for. These are important lessons that only a chief can communicate to the officers under her or his care. Yet very little do we say to our chiefs, other than this expectation that they get it done right. It is a lonely job. It's a difficult vocation, and often times, when they're alone at night, they wonder do we support them. Do we have their back as they have the back of their officers. That's why I felt compelled to bring this sentiment forward, so that we would have an opportunity to tell at least one chief that the case is that, that we do stand with them, and that's why it's important that we do what we do this morning. On a personal note, one of my last duties as Deputy Chief of the Portland Police Department, I interviewed a young Marine full of promise. He seemed intellectually bright. He was articulate. He had a sense of who people were. As I watched his career, my sense of that day was validated by someone who could speak to both sides of an issue, who could broker an acceptable resolution where conflict existed, who could inspire men and women to act the best that they could, and that person is Chief Sauschuck. We didn't guess wrong then and I'm pleased today to offer this simple thank you from this Body. Thank you, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I also rise to offer a few comments about Chief Sauschuck. I've had the pleasure of working with him for several years when I was in the House and here in the Senate, and he's just really an amazing Police Chief for a number of reasons. He's very responsive to the needs of folks in the community. Whenever I've reached out to him he's been there. We've worked together on legislation, and when there are issues that arise in the community, conflicts that arise, he reaches out. I've seen him at neighborhood meetings. I've seen him around the table, meeting with immigrant groups, working to resolve conflicts in the community and to keep peace in the community, and all with the goal of keeping crime down in the community, which I think is really important. So we're really lucky to have him and he's really been an amazing Police Chief and I hope that he stays with the department for a number of more years. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. I just rise, I don't know the Chief, but I do know that this is probably a well-earned award. The Maine Association of Police don't give these away easily and I would simply echo what my good friend from Cumberland, Senator Dion, said about leadership and all of that, and I congratulate the Chief on this award. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Michael Sauschuck of Portland, Chief of the Portland Police Department. Would he please rise and accept the congratulations and best wishes of the Senate.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Reduce Food Insecurity"
H.P. 129 L.D. 173

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-121).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-121).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-121) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Service of Criminal Process on Electronic Communication Service Providers and Remote Computing Service Providers" (EMERGENCY)
H.P. 246 L.D. 332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-339).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-339).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-339) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit Possession of Black Powder and Muzzle-loading Firearms by Certain Persons"
H.P. 926 L.D. 1332

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-336).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-336).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-336) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Expand the Availability of Electric Vehicle Charging Stations in Maine"
H.P. 745 L.D. 1062

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-320).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320).**

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

Bill **READ ONCE**.

Committee Amendment "A" (H-320) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 21, Allowances for Home and Community Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 841 L.D. 1205

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-325)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-325)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-325) **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 Correct and Clarify Maine's Fish and Wildlife Laws"

H.P. 1030 L.D. 1497

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-322)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-322)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-322) **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 **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Posing as a Governmental Entity in Commerce"

H.P. 956 L.D. 1377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-324)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-324)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-324) **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 **MARINE RESOURCES** on Bill "An Act To Implement an Owner-Operator Requirement in the Scallop and Sea Urchin Fisheries"

H.P. 55 L.D. 68

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-323)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-323)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-323) **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 **MARINE RESOURCES** on Bill "An Act Regarding Certain Shellfish Certificates and Permits Issued by the Department of Marine Resources"

H.P. 461 L.D. 647

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-334)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-334)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-334) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act Concerning Bridges on Discontinued Town Ways"
H.P. 742 L.D. 1059

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-317)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-317)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-317) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Amend Maine Motor Vehicle Laws"
H.P. 1048 L.D. 1524

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-316)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-316)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-316) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act To Amend the Motor Vehicle Laws"
H.P. 1084 L.D. 1577

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-315)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-315)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-315) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Enhance the Rights of Families of Missing Persons and Homicide Victims"
H.P. 964 L.D. 1390

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-340)**.

Signed:

Representative:

GROHMAN of Biddeford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Create Education Savings Accounts for Students with Special Needs"

H.P. 795 L.D. 1132

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
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 as Amended by Committee Amendment "A" (H-284)**.

Signed:

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**.

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

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

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

Senator **MILLETT**: Thank you, Mr. President Pro Tem. I want to just rise briefly to speak as to what we discovered with this bill in the Education Committee. The majority of the committee had grave concerns about this bill. Parents would only receive a State subsidy attributable to the school district of which they belonged. For some districts that could be as low as only \$1,000, depending on how much the district actually received from the State in funding. So, therefore, some wealthier families could afford to make up the difference, but most will not, especially in light of the high cost of special education. In addition, interestingly, the law

only requires families to spend an undetermined "portion" of the funds to provide an education for a child in a manner consistent with Maine's Learning Results. There are unanswered questions about the fiscal oversight of the program to make sure that State funds were used properly and, finally, most disturbing for me, when parents sign up for the program they are literally signing away the right to ensure a free and appropriate public education for their child. Private schools are not required to enroll the student with disabilities, nor provide the necessary support or services. Thank you, Mr. President.

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

Senator **BRAKEY**: Thank you, Mr. President. I'll be very brief. This bill simply gives parents more choices. No one's forcing anything on them. No one's forcing any of these programs on them. This is simply giving parents who may want to take their child's education in their hands the opportunity to make that choice and to receive some of the resources that would have been - that would have gone - to the school system for their child's education instead. I don't see any problem with giving parents more choices. I'll leave it at that.

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

Senator **LANGLEY**: Thank you, Mr. President Pro Tem. I rise to support the motion that's on the floor. I just want to reiterate with what my good colleague from Cumberland, Senator Millett, had said. The piece that bothers me, as a 30 year educator, is when the parent, or legal guardian, releases the school administrative unit from all obligations to educate the child. I think parents, while having the best intentions for their students, I don't know if they, when they go into PET and IEP meetings, they don't ask what do those services cost the district. If you need speech therapy, occupational therapy, or any other special services, the focus has always been on the child. I don't know. So if that money follows the child out the door, and that child really needs \$100,000 worth of services, they've severed their relationship with the school, they get down the road and they find out that they've nowhere to go. So I would ask you to follow our lights on this. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question now before the Senate is Acceptance of the Majority Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#207)

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

NAYS: Senators: BRAKEY, KATZ, KEIM, WOODSOME, PRESIDENT PRO TEMPORE MASON

EXCUSED: Senator: CHENETTE

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prohibit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use"

H.P. 544 L.D. 764

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-328)**.

Signed:

Senators:
BRAKEY of Androscoggin
CHIPMAN of Cumberland
HAMPER of Oxford

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

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

Signed:

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

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-328)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-328) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Facilitate MaineCare-Funded Assisted Living by Providing a Cost-of-living Adjustment to Private Nonmedical Institutions and Adult Family Care Homes"
H.P. 825 L.D. 1188

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

Signed:

Senators:
BRAKEY of Androscoggin
CHIPMAN of Cumberland
HAMPER of Oxford

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-330)**.

Signed:

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

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-330)**.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll just say, very briefly, on this bill, this is one of these rare occasions when I found myself in agreement with some of my colleagues from across the aisle - in fact, all of my colleagues from across the aisle on the Health and Human Services Committee. I'll just briefly state the reason why. Many felt this bill should Ought Not to Pass because there are many other bills that have come before our committee, and we've actually voted on and passed in this Body, to give funding to these institutions. In fact, over and above anything that is in this bill. We voted on bills that give a lot more funding. So, in light of that, this bill is somewhat unnecessary. So if folks want to pass this bill and send it on, I guess it doesn't make much difference either way. There're bills sitting on the Appropriations Table that will give - that seek to give - funding to these institutions as is. So I'll leave it at that.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I just want to rise in support of this bill because I've been meeting with my community facilities and, while the other bills that my colleague speaks of may be on the way, there have been different factors that have effected their income so they've cut services where they were really helping folks in the community and now they can just barely keep their head above water and keep people, minimum staff. Whatever I can try to do to help them I want to do, and I request a roll call, please.

THE PRESIDENT PRO TEMPORE: A roll call has already been ordered, Senator. The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#208)

YEAS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, KATZ, THIBODEAU, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, JACKSON, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK

EXCUSED: Senator: CHENETTE

12 Senators having voted in the affirmative and 22 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-330) **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 **JUDICIARY** on Bill "An Act To Establish a Veterans Treatment Court in Androscoggin County" H.P. 79 L.D. 111

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-331)**.

Signed:

Senator:
HILL of York

Representatives:
MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-332)**.

Signed:

Senators:
KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

GUERIN of Glenburn
JOHANSEN of Monticello

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**.

Reports **READ**.

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-332)** Report, in **NON-CONCURRENCE**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-332)** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Provide Immunity to Medical Professionals Who Provide Free Health Care Services to Uninsured and Underserved Populations of the State"

H.P. 863 L.D. 1240

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

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:

Representative:

JOHANSEN of Monticello

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Existing Public Records Exceptions"
H.P. 1021 L.D. 1482

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-333)**.

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BAILEY of Saco
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:

Representative:

BABBIDGE of Kennebunk

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-333)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-333) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Maine Governmental Departments That Affect Citizen Health and Safety To Staff at Least 75 Percent of Available Positions"

H.P. 829 L.D. 1192

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-200)**.

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-200)**.

Reports **READ**.

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

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

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Tax the Extraction of Water for Certain Commercial Purposes and Fund Water Quality Programs"

H.P. 356 L.D. 493

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

Signed:

Senators:

DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:

TIPPING of Orono
BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
TERRY of Gorham
WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-239)**.

Signed:

Representatives:

COOPER of Yarmouth
GRANT of Gardiner
McCREIGHT of Harpswell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Prevent Tax Haven Abuse"

H.P. 564 L.D. 784

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-169)**.

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-169)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Require Biennial State Motor Vehicle Inspections" H.P. 439 L.D. 623

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
PARRY of Arundel

PERKINS of Oakland
SHEATS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-37)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

CEBRA of Naples
SCHNECK of Bangor

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Resolve, To Establish the Road Usage Charge Task Force H.P. 813 L.D. 1150

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-318)**.

Signed:

Senators:

COLLINS of York
MIRAMANT of Knox
ROSEN of Hancock

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GILLWAY of Searsport
GRANT of Gardiner
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:

Representatives:

CEBRA of Naples
PARRY of Arundel
PERKINS of Oakland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-318)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-318) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Exempt Motor Vehicles Less than 12 Years Old from Inspection"

H.P. 1047 L.D. 1523

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

Signed:

Senators:

COLLINS of York
ROSEN of Hancock

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-319)**.

Signed:

Senator:

MIRAMANT of Knox

Representative:

CEBRA of Naples

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting
H.P. 962 L.D. 1383

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-268)**.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268)**.

Reports **READ**.

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

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

Six members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Safety of Emergency Medical Services Personnel and Patients"
H.P. 733 L.D. 1050

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

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-337)**.

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
RECKITT of South Portland
TALBOT ROSS of Portland

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-338)**.

Signed:

Senator:

CYRWAY of Kennebec

Comes from the House with Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-337)**.

Reports **READ**.

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

Sent down for concurrence.

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Maine Insurance Code To Maintain Conformance with Uniform National Standards"

S.P. 539 L.D. 1544

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator CYRWAY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Update Maine's Fishing Laws"
S.P. 182 L.D. 547

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-167) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Consumers during Residential Construction"
S.P. 535 L.D. 1529

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-166)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-166) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senate

Ought to Pass

Senator MASON for the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Election Laws" S.P. 471 L.D. 1384

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-169)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-169) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Address Student Hunger with a 'Breakfast after the Bell' Program"

S.P. 254 L.D. 809

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
STEWART of Presque Isle

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

Signed:

Representatives:

SAMPSON of Alfred
TURNER of Burlington

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-163) **READ** and **ADOPTED**.
Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED**.

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify Eligibility for Unemployment Benefits during Labor Disputes"

S.P. 455 L.D. 1341

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

Signed:

Senators:

BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:

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

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

Signed:

Senator:

VOLK of Cumberland

Representatives:

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Veterans in Their Applications for Service-related Benefits"

S.P. 160 L.D. 465

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CASAS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

Reports **READ**.

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

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.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination

H.P. 153 L.D. 197
(C "A" H-133)

Comes From the House, **FAILED FINAL PASSAGE**.

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

Emergency Measure

An Act To Allow Corrections Officers To Administer Naloxone

H.P. 238 L.D. 324
(C "A" H-191)

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

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks

H.P. 797 L.D. 1134
(S "A" S-144 to C "A" H-258)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Allow and Recognize a Legal Name Change upon Marriage

H.P. 126 L.D. 170
(C "A" H-274)

An Act To Protect Retirement Accounts from Creditor Collection
H.P. 149 L.D. 193
(C "A" H-275)

An Act To Clarify the Law Allowing Certificate of Approval Holders
and Manufacturers or Suppliers of Spirits To Offer Mail-in
Rebates

H.P. 714 L.D. 1013
(C "A" H-265)

An Act To Clarify Certain Right-of-way Limitations
H.P. 802 L.D. 1139
(C "A" H-276)

An Act To Repeal the Laws Establishing the Cumberland County
Recreation Center and To Transfer Authority to Cumberland
County

H.P. 805 L.D. 1142
(C "A" H-256)

An Act To Amend and Remove the Need for Periodic Update of
the Laws Governing the Validation of Title Defects
H.P. 888 L.D. 1275

An Act To Create a Small Communities Tourism Grant Program
H.P. 903 L.D. 1306
(C "A" H-227)

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

Ordered sent down forthwith.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

An Act To Limit Questions Regarding Criminal History on State
Employment Applications

H.P. 221 L.D. 288
(C "A" H-242)

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

On further motion by same Senator, **TABLED** until Later in
Today's Session, pending **ENACTMENT**, in concurrence. (Roll
Call Ordered)

ORDERS OF THE DAY

Unfinished Business

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

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

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

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

Report "B" - **Ought to Pass as Amended by Committee
Amendment "A" (H-181)** (5 members)

Report "C" - **Ought to Pass as Amended by Committee
Amendment "B" (H-182)** (2 members)

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

Pending - motion by Senator **DAVIS** of Piscataquis to **ACCEPT**
Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-182)** in **NON-CONCURRENCE** (Roll Call
Requested)

(In House, Report "A" **OUGHT NOT TO PASS READ** and
ACCEPTED.)

Senator **DAVIS** of Piscataquis requested and received leave of
the Senate to withdraw his request for a Roll Call.

On motion by Senator **DAVIS** of Piscataquis Report "C" **OUGHT
TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B"
(H-182) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "B" (H-182) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "B" (H-182)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

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

PAPERS FROM THE HOUSE

House Paper

Resolve, Authorizing the Bureau of General Services within the Department of Administrative and Financial Services To Assume Ownership of the Forest City Project (EMERGENCY)
H.P. 1121 L.D. 1626

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

Comes from the House, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed, in concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Maine Governmental Departments That Affect Citizen Health and Safety To Staff at Least 75 Percent of Available Positions"
H.P. 829 L.D. 1192

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-200)** (7 members)

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

Tabled - June 1, 2017, by Senator **DAVIS** of Piscataquis

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-200).**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#209)

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

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

EXCUSED: Senator: CHENETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DAVIS** of Piscataquis to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting
H.P. 962 L.D. 1383

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-268)** (7 members)

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

Tabled - June 1, 2017, by Senator **LIBBY** of Androscoggin

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-268).**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#210)

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

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

EXCUSED: Senator: CHENETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled matter:

SENATE REPORT - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Assist Veterans in Their Applications for Service-related Benefits"

S.P. 160 L.D. 465

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (S-168)** (6 members)

Tabled - June 1, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

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

Senator **LIBBY**: Thank you, Mr. President Pro Tem. I rise in opposition to the current motion. My involvement with this issue began with a conversation with a former Bureau of Veteran's Services officer. He described to me what he saw, in his view, as serious ethical concerns with his management at the bureau's mandated practice of accepting certain veteran's disability claims deemed to be a "slam dunk" while refusing other veteran's disability claims that appeared to be more challenging or more complex. In certain circumstances, he was told not to accept certain cases to represent for the VA, even though he was confident a claim would be approved. Mr. President Pro Tem, the discussion in the committee around what to do with this issue resulted in a couple of different points of view. One proposal, one solution, is basically prohibiting this practice from going forward, and I'd ask the Chamber to consider that in voting on the pending motion and get onto the Minority Report. Thank you, Mr. President Pro Tem.

THE PRESIDENT PRO TEMPORE: The pending question now before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#211)

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

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

EXCUSED: Senator: CHENETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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

An Act To Limit Questions Regarding Criminal History on State Employment Applications

H.P. 221 L.D. 288
(C "A" H-242)

Tabled - June 1, 2017, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT** in concurrence (Roll Call Ordered)

(In House, **PASSED TO BE ENACTED**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#212)

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

NAYS: Senators: CYRWAY, LANGLEY, PRESIDENT PRO TEMPORE MASON

EXCUSED: Senator: CHENETTE

31 Senators having voted in the affirmative and 3 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/17) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Safe Drinking Water for Families in Maine"

H.P. 321 L.D. 454

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-270)** (10 members)

Report "B" - **Ought Not to Pass** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (H-271)** (1 member)

Tabled - May 31, 2017, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)** in concurrence

(In House, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270).**)

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#213)

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

NAYS: Senators: None

EXCUSED: Senator: CHENETTE

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-270) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-270)**, in concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Testing of Drinking Water for Maine Families"

H.P. 702 L.D. 1001

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-162)** (7 members)

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

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

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

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

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

Senator **BELLOWS:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Kennebec County has one of the highest concentrations of arsenic in the state. Statewide, an estimated 1 in 8 wells are contaminated with arsenic. In my county it's 27.9%, almost 1 in 3 wells are contaminated with arsenic. I was first made aware of this and the horrifying health consequences by talking to constituents in my district. I remember a grandmother in Monmouth sharing with me her concerns for her grandchildren and the town's children and grandchildren, and speaking about the scientific research that demonstrates a correlation between high arsenic levels and learning disabilities and lowered IQs. A small group in Hallowell invited me to their home to discuss the issue as a group, which included pediatricians and doctors in the area. Several women in Manchester, including a woman recently diagnosed with cancer - another devastating consequence of arsenic contamination - told me about their horror at finding their own wells greatly exceeding acceptable levels of arsenic. So after hearing over and over again arsenic in well water was a real problem, I tested my own well. It has 3 times the maximum allowable level of arsenic. My husband and I had been drinking unsafe well water for years and didn't know it. We shouldn't have been surprised. Over 50% of the household wells tested in my Town of Manchester, including my own well, have unsafe levels of arsenic. This bill is a very simple bill. Currently, the Department of Health and Human Services may waive fees for testing of private well water upon a showing of indigence, but indigence is not defined and most families, even low income families, would be hesitant to describe themselves as indigent, which generally in public discourse is considered homeless or extraordinarily having no funds at all. This bill says that the department shall waive fees for testing for any household with income equal to or below 200% of the federal poverty level. It's a very simple and clear definition that will help low income families have clarity and get the tests they need to find out what's in their well water. I believe safe, clean drinking water is a basic human right. I'm proud of the bi-partisan work that has gone into this issue on many fronts, and I urge you to join me in opposing the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought Not to Pass motion, but not to disagree with anything that my - well, mostly not disagree with anything - colleague from Kennebec County has just spoken. She's right, that there is work to be done, which is why I'm tremendously proud that earlier in today's session this Body just unanimously enacted, or voted for, legislation to make some progress on this. I will point out, unlike a previous bill that we voted on earlier in today's session, this bill has a fiscal note that costs \$2.7 million to the General Fund. We can make progress on this issue - we have made progress on this issue earlier today - by finding funds, and putting them towards this cause, that don't come at a \$2.7 million General Fund impact. So I think we've made very good progress, unanimously as a Body, today and this bill there, simply, is a \$2.7 million fiscal note. Thank you very much.

THE PRESIDENT PRO TEMPORE: The question now before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed to it you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#214)

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

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

EXCUSED: Senator: CHENETTE

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Senate at Ease.

The Senate was called to order by President Pro Tempore Mason.

All matters thus acted upon, with the exception of those matters being held, were ordered sent down forthwith for concurrence.

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, until Monday, June 5, 2017 at 10:00 in the morning.