

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
Monday
June 12, 2017

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

Prayer by Reverend Chris Thornton, MaineGeneral Medical
Center in Augusta.

REVEREND THORNTON: Thank you, Senators, and thank you
everyone who else is in attendance here. Bow with me for a
moment of prayer. O Great Father, we come to You today asking
that the words spoken here today may reflect each person here
and reflect what they stand for. Be with all here and all that is
said, prayed for, and all the hearts that are present. We thank
You for this, for all this in Your name. Amen.

Pledge of Allegiance led by Senator Amy F. Volk of Cumberland
County.

Reading of the Journal of Friday, June 9, 2017.

Doctor of the day, Karyn Diamond Tocci, M.D. of Standish.

Off Record Remarks

The Chair noted the absence of the Senator from Androscoggin,
Senator **LIBBY**, and the Senator from Aroostook, Senator
CARPENTER, and further excused the same Senators from
today's Roll Call votes.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND
LOCAL GOVERNMENT** on Bill "An Act To Promote Efficiency
and Accountability to Taxpayers in Personal Services
Contracting"

H.P. 520 L.D. 740

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (H-199)** (7 members)

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

In Senate, June 8, 2017, the Minority **OUGHT NOT TO PASS**
Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Majority **OUGHT TO PASS AS AMENDED**
Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE**
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (H-199).

On motion by Senator **DAVIS** of Piscataquis, the Senate
INSISTED.

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

Non-Concurrent Matter

HOUSE REPORT - from the Committee on **STATE AND LOCAL
GOVERNMENT** on Bill "An Act To Amend the Law Regarding
Road Associations"

H.P. 731 L.D. 1042

Report - **Ought to Pass as Amended by Committee
Amendment "A" (H-255)**

In Senate, June 8, 2017, on motion by Senator **DAVIS** of
Piscataquis, Report **READ** and **ACCEPTED** and Bill **PASSED TO**
BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-255) AS AMENDED BY SENATE
AMENDMENT "A" (S-196) thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former
action whereby the Report was **READ** and **ACCEPTED** and Bill
PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (H-255).

On motion by Senator **DAVIS** of Piscataquis, the Senate
INSISTED.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish an Independent Citizens Oversight Committee on Maine's Welfare Programs" S.P. 486 L.D. 1408

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-156)** (9 members)

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

In Senate, June 8, 2017, on motion by Senator **BRAKEY** of Androscoggin, 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-156)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Use of Public Money for Bulk Mailing in the Election Process" S.P. 395 L.D. 1174 (C "A" S-214)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-214)** (7 members)

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

In Senate, June 8, 2017, on motion by Senator **COLLINS** of York, 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-214)**. Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 501

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

June 2, 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. 701	An Act To Establish the Maine Paid Family Leave Insurance Program
L.D. 1165	An Act To Amend the Laws Regarding Licensure for Professional Engineers

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: H.C. 226

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

June 9, 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

- Bill "An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature" (H.P. 599) (L.D. 850) was Passed to be Engrossed as Amended by Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415) thereto.
- it accepted the Majority Ought Not to Pass Report of the Committee on Health and Human Services on Bill "An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program" (S.P. 66) (L.D. 220)

- it accepted the Majority Ought Not to Pass Report of the Committee on Health and Human Services on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs" (S.P. 65) (L.D. 219)

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:

Charlie Saffian, of Cumberland, a sophomore at Greely High School, who has been named the Cromwell Center for Disabilities Awareness 2017 Momentum Honoree for his being a role model advocating for inclusive, respectful and safe schools and communities. We extend to Charlie our congratulations and best wishes;

SLS 458

Sponsored by Senator BREEN of Cumberland.
Cosponsored by Representative: DENNO of Cumberland.

READ.

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I am so honored and pleased today to welcome Charlie Saffian and his family to the Senate Chamber. The Cromwell Center for Disabilities Awareness is dedicated to the person - to the purpose rather - that no person with any kind of disability will ever again experience the profound isolation in life and anonymity of the death of Jeremiah Cromwell. The Cromwell Center does not focus on disability, but rather changes attitudes. Its programs address all levels of ability and disability through learning, behavioral, emotional, developmental, and physical support. The programs have become an integral part of many of Maine schools, doing anti-bullying programs, inclusion advocacy, and community building efforts. This is the first year the Cromwell Center has given an award and I'm pleased to say that Charlie Saffian, who is in the 10th grade at Greely High School, is the Cromwell Center's first award recipient for the work that he and his family have done to integrate people of all abilities and change attitudes and change the world through their own behavior. So I

hope you will join me in congratulating Charlie and his family. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today Charlie Saffian and his parents, Jim and Amy Saffian. If they'd rise and accept the greetings of the Senate.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Laws Relating to Agricultural Pulling Events"

H.P. 390 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-458)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-458) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Consumers from Unexpected Medical Bills"

H.P. 1073 L.D. 1557

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-459)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-459) **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 Amend the Maine Tax Laws"

H.P. 1069 L.D. 1551

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-463)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**.

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

Bill **READ ONCE**.

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

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require That Health Insurance Policies Cover Medical Marijuana"

H.P. 747 L.D. 1064

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

Signed:

Senators:

WHITEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

LAWRENCE of South Berwick
CRAIG of Brewer
FOLEY of Wells
MELARAGNO of Auburn
PICCHIOTTI of Fairfield
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-460)**.

Signed:

Representatives:

BROOKS of Lewiston
COLLINGS of Portland

PRESCOTT of Waterboro

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act" (EMERGENCY)

H.P. 213 L.D. 280

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

Signed:

Senators:

KEIM of Oxford
HILL of York

Representatives:

MOONEN of Portland
BRADSTREET of Vassalboro
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-464)**.

Signed:

Senator:

WHITEMORE of Somerset

Representatives:

BABBIDGE of Kennebunk
BAILEY of Saco
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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-464)**.

Reports **READ**.

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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 (#274)

YEAS: Senators: CYRWAY, DAVIS, DOW, KEIM, LANGLEY, SAVIELLO, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HAMPER, HILL, JACKSON, KATZ, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK, WOODSOME

EXCUSED: Senators: CARPENTER, LIBBY

8 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

H.P. 241 L.D. 327

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

Signed:

Senator:
HILL of York

Representatives:
MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
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**.

Signed:

Senators:
KEIM of Oxford
WHITTEMORE of Somerset

Representatives:
BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

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

Reports **READ**.

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prioritize Family Members as Surrogates for Medical Decisions"
H.P. 1108 L.D. 1607

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

Signed:

Senator:
HILL of York

Representatives:
MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-465)**.

Signed:

Senators:
KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Reports **READ**.

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

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

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

Senator **HILL:** Thank you, Mr. President. Mr. President and
ladies and gentlemen of the Senate, I oppose this motion
because this attempts to amend a law that has been working very
well for us. In fact, the law was amended after great work y
many, many parties involved in 1999. The reason the change
even came before us was over one incident which became very
clear during the testimony before Judiciary, and it was definitely a
heart rendering incident. But after we probed and heard a good
deal of testimony pro and con on this, it became very clear that
the problem was not with the statute itself, but with how this
particular hospital handled this statute, and so a number of the
members at that point decided we need to leave this in place. I'm
going to tell you why we need to leave this in place, because we
have a statute here that sets for who will be your surrogate if you
haven't signed health directive papers and you have a health
issue and you are unable to determine for yourself what kind of
care you should have or whether life sustaining treatment should
be continued or withdrawn. There is an order in terms of who
would be a preference for surrogate. I think, given the way
society is going, especially the way Maine is graying and whiting,
or whatever you want to call it, aging basically, that this will have
a long-term unintended consequence for couples who have been
together long-term and who, for various reasons, have chosen not
to marry. This is not about same sex marriage. This is about any
couples who have decided to share a life in the way they choose,
without having to go through marriage. It could be for tax
reasons. It could be just they decided that they've had a marriage
and don't choose to have another one. But these are many,
many loving couples who really understand each other's needs.
So I don't feel one case should turn this around, especially since
the lobbyists and the hospital involved immediately started
speaking about it and talking about how this would never happen
again. So the internal process is perhaps where it needs it a little
adjustment, but not in the statute. I thought the most compelling
testimony came in through the Legal Services for the Elderly, who
is very in touch, obviously, with a large part of our population. I'll
just read a portion of it. It says, "In 1999 the Uniform Healthcare
Decisions Act was amended and it was amended to change the
scope of the decisions that surrogates could make under the law.
It also expanded the surrogate list to reflect public policy, that

people who are not married but have a relationship that is
emotionally, physically, and financially like that of married couples
have the same right to make medical treatment decisions for one
another as married couples." It goes on, but I think you get my
point and so I would hope, as one of our Senators often says in
this Chamber, if it ain't broke, don't fix it. Thank you, Mr.
President.

THE PRESIDENT: The Chair recognizes the Senator from
Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen
of the Senate, I would just rise and speak in favor of the Minority
Report. We did hear some compelling testimony in the committee
and I think what it points to is that really the issue we have in front
of us in Maine is a drug issue, a lot of times, and these are
emergency situations. I think in emergency situations a doctor
shouldn't be called on to clarify tangled relationships and to
decipher whether or not someone has a physical and a financial
relationship, similar to that of a spouse. I think that we should
give doctors very black and white rules so that they can make a
quick decision and then they can work out the details later. I think
we can accept that in most families, as you go down the list of
people as it's outlined in the amendment, you have an adult child,
you have a parent. I don't think we should assume that all of
these relationships are bad relationships. I think we should
accept that, in general, they are good relationships and that a
doctor - we should make his job as easy as possible when he's
already dealing with medical emergencies. Thank you for your
consideration.

THE PRESIDENT: The pending question before the Senate is
Acceptance of the Minority Ought Not to Pass Report. The Chair
is in error. The pending question before the Senate is
Acceptance of the Minority Ought to Pass as Amended by
Committee Amendment "A" Report. If you are in favor of
accepting that report you will be voting yes. If you are opposed
you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#275)

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

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

EXCUSED: Senators: CARPENTER, LIBBY

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-465) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Responsible Contracting on Public Construction Projects"
H.P. 961 L.D. 1382

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

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:

MARTIN of Sinclair
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield
SPEAR of South Thomaston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-450)**.

Signed:

Representatives:

BEEBE-CENTER of Rockland
BRYANT of Windham

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-450)**.

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Support Employment Opportunity in Maine"
H.P. 1109 L.D. 1608

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461)**.

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
GRIGNON of Athens
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
PICKETT of Dixfield
SPEAR of South Thomaston

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

Signed:

Representative:

ORDWAY of Standish

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-461)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-461) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Workforce Education Attainment"

S.P. 589 L.D. 1638

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 293.

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

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

Ordered sent down forthwith for concurrence.

Ought to Pass As Amended

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Encourage Maine Consumers To Comparison-shop for Certain Health Care Procedures and To Lower Health Care Costs"

S.P. 147 L.D. 445

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-236) **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 Support the Professional Development of Principals in Maine Schools"

S.P. 291 L.D. 891

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

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

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

Signed:

Representatives:

SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

Reports **READ**.

Senator LANGLEY of Hancock moved the Senate **ACCEPT** the Majority **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 Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Public Sector Labor Relations"

S.P. 466 L.D. 1358

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-232)**.

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this legislation before us would remove from local control a substantial portion of the decision making authority that municipal officials that have been directly elected by the people currently have. This is not an unfamiliar piece of legislation. This is something that has been proposed and rejected repeatedly by the Legislature for the last decade and in the last decade, make no mistake, times have been tough for local government, and municipalities have struggled to comply with increasing costs of education and a lot of other priorities and so what, basically, this would do would take the determination of salaries and benefits at the local level and it would make the arbitration binding and so it would really remove a lot of the democratic process that exists and the ability for our locally elected officials to weigh in on what that - those - arbitration recommendations are. So I would very much appreciate you following my light and supporting this motion.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Maine, unlike several other states, does not have a right to strike for public employees. Instead, under the Maine Labor Relations Act, public sector unions can go through four steps: bargaining, mediation, fact finding, and, the fourth, is arbitration. This bill simply makes that arbitration binding on salary negotiations. It creates clarity for employees and employers alike. This is a matter of basic fairness and I urge you to join me in opposing the pending motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#276)

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

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

EXCUSED: Senators: CARPENTER, LIBBY

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent"

S.P. 544 L.D. 1553

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

Signed:

Senator:
BELLOWS of Kennebec

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-233)**.

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in support of the pending motion. This bill was brought forward because it's truly about choice. All of us get elected every two years, but those who are represented in public service, in government jobs, where a union is prescribed as their collective bargaining agent and they become a member of that union, don't have a choice. This would simply allow them, every two years, to have the opportunity to vote on whether or not that entity that represents them is providing the benefits and services that they believe are worth the money that they are being garnished out of their paycheck on a regular basis. That's true, Mr. President, because in this state we have passed legislation which requires the State to collect from their paycheck the portion of money that is submitted to that union organization, and I ask you, Mr. President, in a country where we dumped tea in the harbor because of the taxation that we felt was unfair for the representation we didn't have, whether people who are members of a union should have that right to hold their leadership accountable on a regular basis. So I would urge folks to follow my light as we provide empowerment to those State employees who may feel they need to have a more effective voice in the services provided by their union. 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, this bill requires all public sector unions to hold recertification elections every two years on whether the union should exist at all. Unions already have regular elections for officers, for various other roles. Members vote to approve or reject proposed contracts and there's already a mechanism in place for a bargaining unit to hold a vote if members do not wish to continue with their current union, and that has, in fact, occurred with some of Maine's public sector unions. This bill is the equivalent of requiring a vote every two years on whether we should have a State Legislature at all or whether we should have a Congress at all, not who should represent us. It's like requiring the Chamber of Commerce or a business organization to hold a vote every two years on whether it should continue to exist. This bill is unnecessary, disruptive, disrespects worker's rights, and is a solution in search of a problem.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I appreciate my colleague's feelings on this. However, I think this really empowers State employees because it gives them the ability to, on a regular basis, vote if they are satisfied with the benefits of the union, the services that are provided to them, and they don't have to always be happy. I think we recognize that there are many people who vote for us who are not satisfied with all of our votes, but they recognize that they have an obligation every two years to make a choice. There are people, Mr. President, because many of these public sector unions have been in place since the 60's, who have spent their entire lives in public service, dedicated to working for the good of the people that they may serve in their public sector jobs, without having that choice. Is that democratic, Mr. President? Is that an opportunity to allow them to have a voice in the direction? I think not, Mr. President, and I ask you all to consider, as we weigh some of these issues before us where we have heard time and time again the importance of listening to the people that we represent, whether or not this is an opportunity for us to have the courage to vote the way we believe is right or whether we're going to hunker down to the demands of the union interest that are trying to exert their efforts in the legislative process. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. The Chair is in error again. The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#277)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, DOW, HAMPER, KEIM, LANGLEY, MAKER, MASON, ROSEN, VOLK, WHITEMORE, PRESIDENT THIBODEAU

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

EXCUSED: Senators: CARPENTER, LIBBY

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TRANSPORTATION** on Bill
"An Act To Allow Delivery Vehicles To Display Lighted Advertising
Signs"

S.P. 122 L.D. 381

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
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" (S-238)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

CEBRA of Naples
GILLWAY of Searsport

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the
Majority **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, last year I was contacted by
a constituent and small business owner whose delivery driver, her
daughter, had been pulled over for having a lighted sign on the
car. She was surprised, as was I, to learn that current statute
prohibits vehicles from having a lighted sign on a public way
unless the sign is for identification purposes on a truck, tractor
truck, semi-trailer, or on taxis. I think we're all aware that there

are plenty of other vehicles, however, that do utilize lighted signs,
and those are food delivery cars. It is an accepted business
practice for delivery cars to utilize lighted signs. They provide the
driver with a measure of safety and their customers the ability to
identify the delivery worker. It is time to update Maine's statute to
reflect current practice and ensure consistent enforcement of our
transportation laws. I have subsequently learned that other states
have successfully implemented laws to safely incorporate current
practice by businesses with food delivery cars, specifying white
lights only, specifying dimensions and that illumination may only
occur at nighttime and during a delivery. These are
commonsense measures and that would safely allow our Maine
small businesses to continue offering this critical service to their
customers, so I hope you will join me in opposing the pending
motion.

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

Senator **DION**: Good morning, Mr. President. Ladies and
gentlemen of the Senate, seriously. This is what it's come to.
Right. Pizza cars. I was an active duty police officer for some
time and I thought I was pretty active in the realm of traffic
enforcement. I could dissect an automobile or a commercial truck
quickly and make appropriate decisions about enforcement.
Never once did a car with a sign of X Pizza come to my attention.
As a matter of fact, for those of us who actually work the road
through even the most diverse weather, the sign of surviving a
snowstorm was seeing such a vehicle coming down a state
highway. We knew the end was in sight because at least
somebody was going to get their delivery. The roads were
returning to normal. I can't believe that, with all the issues we
confront as a Chamber, this is it. This is what it's come down to,
whether or not we should actually have a vote on the right of a
small business person to make a modest adjustment to their
vehicle with a light. There're a lot of other things that sheriffs and
troopers and cops on the beat are taking a look at and I dare say,
if it is against the law, I failed my exam in Title 29, the Motor
Vehicle Code. I thought there were many other chapters of more
significant priority and I would much be in better light with my
citizens should I appear in traffic tribunal with a real case. I would
hang my head if somehow I was compelled by circumstance to
actually present a violation of this particular objection that this bill
intends to address. So I would hope that we could find some
glimmer of humor in the fact that the bill has gotten this far and
that we do away with it as quickly as I would do away with the
delivery. Thank you.

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

Senator **COLLINS**: Thank you, Mr. President. Ladies and
gentlemen of the Senate, looking at this bill you say to yourself it
is a frivolous bill, but in today's society drivers have so many
modes of being distracted while operating a motor vehicle it
seems like every weekend you read about an accident where
somebody crossed the center line or whatever and there are
fatalities as a result of that accident. You can see by the report
that it is a 10 - 3 report. The majority of the committee members
decided, you know, all we need now is another source of driver
distraction. I can envision somebody driving down the road and
they see a car coming the other way with a pizza sign on top of

the roof with a phone number and he's trying to write down the phone number to order pizza. I think it's ridiculous. The bill shouldn't even be here. I hope you follow my light of Ought Not to Pass. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I can understand what the Transportation Committee would be thinking here. I served on that committee for a long time and I think my initial reaction would have been the same, and I think the good comments made by the good Senator from York about distraction has merit. However, I think that the biggest thing we have to overcome here is the obstacles that are put in front of small businesses. They really do struggle and what's a more small, small business than the delivery people. I think now along the highway we see signs that are flashing, allowed to flash once every - twice every minute or once every 24 seconds, whatever the new rule is. I think we have those and people need to be able to pay attention to the driving, and certainly distracted driving is something I'm very concerned about. But in this case, I don't think it rises to that level, although I understand what the committee is thinking. I would ask us to look at it from the small business point of view. They struggle. They struggle and they struggle. What can we do to help them out? I think this is one little thing that we could do. So I'll urge you to oppose the motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#278)

YEAS: Senators: COLLINS, CUSHING, CYRWAY, HAMPER, KATZ, LANGLEY, MASON, ROSEN, VOLK, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KEIM, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME

EXCUSED: Senators: CARPENTER, LIBBY

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-238) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Simplify the Licensing Process for Off-site Catering"

S.P. 538 L.D. 1543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
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-235)**.

Signed:

Representative:

LONGSTAFF of Waterville

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-234) **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-234)**.

Sent down for concurrence.

Ordered sent down forthwith.

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 Improve the Enforcement of Maine's Lobster Laws
S.P. 190 L.D. 575
(C "A" S-200)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 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.

Emergency Measure

An Act Relating to the Use and Leasing of Public Reserved Lands
H.P. 789 L.D. 1126
(C "A" H-417)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 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.

Emergency Measure

An Act To Amend the Electricians' Examining Board Licensing Laws
S.P. 556 L.D. 1583
(C "A" S-211)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 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.

Emergency Measure

An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists

H.P. 1098 L.D. 1594
(C "A" H-355)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 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.

Acts

An Act To Amend the Percentage of Votes Needed for Condominium Governance

H.P. 214 L.D. 281
(C "A" H-430)

An Act To Promote and Encourage the Sustainability of the Elver Fishery

H.P. 219 L.D. 286
(C "A" H-426)

An Act To Clarify the Application of the Statute of Limitations under Article 3-A of the Uniform Commercial Code

H.P. 377 L.D. 533
(C "A" H-431)

An Act To Amend the Laws Governing the Membership of the Advisory Committee on College Savings

H.P. 418 L.D. 602
(C "A" H-419)

An Act To Amend the Law Regarding Nontransmission Alternatives Investigations Required for Proposed Transmission Lines and Projects

H.P. 535 L.D. 755
(C "A" H-424)

An Act To Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use

H.P. 544 L.D. 764
(H "A" H-427 to C "A" H-328)

An Act To Protect Homeowners from Improper Foreclosure Fees
S.P. 350 L.D. 1047
(C "A" S-198)

An Act To Increase the Penalties for Hunting Deer over Bait
H.P. 761 L.D. 1083
(H "A" H-411 to C "A" H-148)

An Act To Increase Transparency in Cooperative Agreements
within the Department of Agriculture, Conservation and Forestry
H.P. 839 L.D. 1203
(C "A" H-418)

An Act To Adopt the Interstate Medical Licensure Compact
S.P. 467 L.D. 1359
(C "A" S-208)

An Act Regarding State Hiring and Retention for Persons with
Disabilities
S.P. 469 L.D. 1361

An Act To Remove Barriers to Workforce Development in Alcohol
and Drug Counseling
H.P. 955 L.D. 1376
(C "A" H-422)

An Act To Ensure Integrity of For-profit Colleges and Universities
S.P. 482 L.D. 1404
(C "A" S-204)

An Act To Authorize the Revocation, Suspension or Denial of a
Guide License under Specified Circumstances
S.P. 518 L.D. 1489
(C "A" S-206)

An Act To Amend the Election Laws Relating to Party
Qualification
H.P. 1082 L.D. 1571
(C "A" H-439)

An Act To Implement Recommendations of the Government
Oversight Committee To Improve the Efficiency and Effectiveness
of Legislative Reviews of Tax Expenditures
H.P. 1083 L.D. 1572

An Act To Clarify and Enhance Maine's Wildlife Laws
H.P. 1087 L.D. 1580
(C "A" H-425)

An Act To Transfer the Authority To Issue Nonconcealed Firearm
Permits in Certain Cases from the Department of Public Safety to
the Office of the Governor
S.P. 559 L.D. 1585

An Act To Update the Scheduling Guidelines for Review of
Agencies or Independent Agencies under the State Government
Evaluation Act
H.P. 1127 L.D. 1634

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

Ordered sent down forthwith.

An Act To Require Schools To Submit Pest Management Activity
Logs and Inspection Results to the Board of Pesticides Control for
the Purposes of Providing Information to the Public

H.P. 130 L.D. 174
(C "A" H-374)

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

An Act To Encourage Living Kidney Donation in Maine
H.P. 638 L.D. 910
(C "A" H-420)

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

An Act To Restore Public Health Nursing Services
S.P. 362 L.D. 1108
(C "A" S-155)

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

An Act Regarding MaineCare Coverage for Telehealth Services
S.P. 515 L.D. 1485
(C "A" S-205)

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

Resolve

Resolve, To Establish the Working Group To Restore Judicial
Discretion

S.P. 97 L.D. 309
(H "A" H-449 to C "A" S-191)

On motion by Senator **CUSHING** of Penobscot, placed on the
SPECIAL STUDY TABLE pending **FINAL PASSAGE** in
concurrence.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/5/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues" (EMERGENCY)
S.P. 512 L.D. 1466

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-186)** (7 members)

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

Tabled - June 5, 2017, by Senator **BRAKEY** of Androscoggin

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

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

Senator **DIAMOND:** Thank you, Mr. President. May I pose a parliamentary inquiry?

THE PRESIDENT: The Senator may proceed.

Senator **DIAMOND:** Is this in the position, has a roll call been asked for?

THE PRESIDENT: It has not.

Senator **DIAMOND:** Thank you, Mr. President.

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

The Senator from Cumberland, Senator **DIAMOND**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#279)

YEAS: Senators: **BRAKEY**, **COLLINS**, **CUSHING**,
CYRWAY, **DAVIS**, **DOW**, **HAMPER**, **KATZ**,
KEIM, **LANGLEY**, **MAKER**, **MASON**,
ROSEN, **SAVIELLO**, **VOLK**,

WHITEMORE, **WOODSOME**,
PRESIDENT THIBODEAU

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

EXCUSED: Senators: **CARPENTER**, **DIAMOND**, **LIBBY**

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"
S.P. 277 L.D. 831

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (6 members)

Tabled - June 7, 2017, by Senator **VOLK** of Cumberland

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-210) **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 (6/9/17) matter:

SENATE REPORT - from the Committee on **JUDICIARY** on Resolve, To Establish the Commission To Create a Plan for the Establishment of a Probate Court System with Full-time Judges
S.P. 423 L.D. 1260

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-231)**

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

Pending - **ACCEPTANCE OF REPORT**

Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage Broadband Coverage in Rural Maine"

S.P. 477 L.D. 1399

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-223)** (9 members)

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

Tabled - June 9, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Bill **READ ONCE**.

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

An Act To Reduce the License Fee for High-stakes Beano
H.P. 755 L.D. 1077
(C "A" H-366)

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

Pending - **ENACTMENT** in concurrence

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

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 (#280)

YEAS: Senators: BELLOWS, BRAKEY, CARSON, CHENETTE, CHIPMAN, DIAMOND, DILL, DION, GRATWICK, JACKSON, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

NAYS: Senators: BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MASON, ROSEN, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CARPENTER, LIBBY

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

An Act Regarding the Maternal and Infant Death Review Panel
S.P. 366 L.D. 1112

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

Pending - **ENACTMENT** in concurrence

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

Off Record Remarks

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

Senator **BELLOWS**: Thank you, Mr. President. I have a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **BELLOWS**: Thank you, Mr. President. Does this bill, and its language or interpretation, seek or allow this panel to review or obtain information about women's access to abortion in the state of Maine?

THE PRESIDENT: The Senator from Kennebec, Senator Bellows, has requested or posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. No, to my understanding this is only about gathering information on unintentional, unplanned, deaths.

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

Senator **BELLOWS**: Thank you, Mr. President. I appreciate that answer and I appreciate that the record shows that neither the text of the bill nor the intent of the Legislature today is to permit the panel or any staff to access or view any information, health information, or medical records related to abortion. However, I cannot accept that this bill, as amended, strikes a key privacy protection that was established when the powers of this panel were expanded in 2009. The privacy protection in existing law reads, quote from statute, "Prior to accessing medical records, the panel coordinator shall obtain permission in all cases for access to those records from the family." The motion before us that approves striking out that language so that the government official appointed under this bill could obtain access to health information and medical records without the individual's or the family's consent. I believe that gives too much power to a government official and for that reason I will be voting no on the pending motion.

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

Senator **BRAKEY**: Thank you, Mr. President. I have a lot of respect for the position of my colleague from Kennebec County as someone who's, myself, also very concerned about privacy rights and civil liberties. I respect that. I will say that in this legislation we worked very hard to strike a balance here. The individual who has access to these medical records must be an actual - you know - have an actual medical license and that any data that is shared beyond that person is depersonalized, de-identified. So the personal details connected to any individual goes no further than that medical professional. So just for anyone who would like to know.

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

Senator **SAVIELLO**: Thank you, Mr. President. Ladies and gentlemen of the Senate, unfortunately, I'm one who suffered through a loss of an infant, a stillborn. We searched for answers

and when this bill was first introduced a number of years ago I was a strong supporter of it because it gives an opportunity for those medical people to provide some solutions, some answers, some understanding. That's why I'll support the bill, because of the way that the names and so forth are protected, because if you've gone through that loss you look for answers. This is a place you can get some of those. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment of L.D. 1112. If you are in favor of Final Enactment you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#281)

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

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, VITELLI

EXCUSED: Senators: CARPENTER, LIBBY

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being excused, 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

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Tuesday, June 13, 2017 at 10:00 in the morning.