

# 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  
Tuesday  
June 13, 2017

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

Prayer by Reverend Dr. Thomas Blackstone, Pleasant Street United Methodist Church in Waterville.

**REVEREND BLACKSTONE:** Thank you. I'd like to begin with a pray of Saint Francis. Lord, make me an instrument of Your peace. Where there is hatred, let me so love. Where there is injury, pardon. Where there is doubt, faith. Where there is despair, hope. Where there is darkness, light. Where there is sadness, joy.

Holy and Gracious God, I call upon Your spirit to hover over this assembly this morning. Where bodies and hearts are weary and distracted and there are many things to be done before blessed rest comes at night. Assist each person who comes and goes from this Chamber to feel they have been heard, valued, and cared about whether their views win the day or not. May past words spoken in anger no longer burden us and may we be defined more by our dreams than our regrets; our aspirations than our resentments; our hopes rather than our fears. May each person here be worthy of the trust placed in them by their neighbors who sent them here to secure a better future for us all. God, bless the women and men of the Senate. God, bless the State of Maine, especially our most vulnerable citizens, and, God, bless those in our midst who seek shelter from tyrants, war, and persecution. Lord, make us, all of us, instruments of Your peace this day. Amen.

Pledge of Allegiance led by Senator Eric L. Brakey of Androscoggin County.

Reading of the Journal of Monday, June 12, 2017.

Off Record Remarks

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.

**COMMUNICATIONS**

The Following Communication: S.C. 506

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

June 12, 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 Transportation has had under consideration the nomination of Ann R. Robinson, Esq. of Portland, for appointment to the Maine Turnpike Authority, Board of Directors.

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	Collins of York, Miramant of Knox, Rosen of Hancock
	Representatives	7	McLean of Gorham, Austin of Skowhegan, Bryant of Windham, Gillway of Searsport, Grant of Gardiner, Parry of Arundel, Schneck of Bangor
NAYS		0	
ABSENT		3	Rep. Cebra of Naples, Rep. Perkins of Oakland, Rep. Sheats of Auburn

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 Ann R. Robinson, Esq. of Portland, for appointment to the Maine Turnpike Authority, Board of Directors be confirmed.

Signed,

S/Ronald F. Collins  
Senate Chair

S/Andrew J. McLean  
House Chair

**READ and ORDERED PLACED ON FILE.**

The President laid before the Senate the following: "Shall the recommendation of the Committee on **TRANSPORTATION** be overridden?"

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#282)**

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, 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 **Ann R. Robinson**, Esq. of Portland for appointment to the Maine Turnpike Authority, Board of Directors was **CONFIRMED**.

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

**THE PRESIDENT:** The Chair is pleased to recognize in the back of the Chamber Ann Robinson. Would she please stand and accept the congratulations of the State Senate.

The Following Communication: S.C. 507

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

June 9, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1628 An Act To Increase the Penalty for Failing To Carry Proof of Motor Vehicle Financial Responsibility

This is notification of the Committee's action.

Sincerely,

S/Sen. Ronald F. Collins  
Senate Chair

S/Rep. Andrew J. McLean  
House Chair

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

The Following Communication: S.C. 502

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

9 June 2017

The 128<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128<sup>th</sup> Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 96 "An Act to Improve Attendance at Public Elementary Schools."

While this bill may be well-intentioned, it is not the solution for chronic absenteeism at public schools, and it may even make the problem worse. Data shows this approach does not work. Instead of welcoming or inspiring students to attend school, this bill places blame and shame on students and their families for absenteeism by permitting the Department of Health and Human Services (DHHS) to enter the home of our state's youngest students and force them to attend school. This not only interferes with the rights of parents, but also reinforces the worst fears of parents who themselves may have had negative experiences at school. To be successful, our schools must foster positive relationships of trust with these students and their parents; this bill does the opposite.

There are more appropriate and effective approaches available to encourage and inspire students to attend to school, such as those found on the Count ME In website (<http://countmeinmaine.org>), including initiatives such as the walking school bus. I recently had an opportunity to visit the East End Elementary School in Portland to observe their "Rise and Shine" program. That program is a great example of how a school can motivate students, facilitate mentorship relationships and inspire students to truly love coming to school. Identified for a school improvement grant, the leaders at East End designed a program to put the best part of the day at the beginning, offering students a stimulating 30-minute first period to start the day. Along with other initiatives at the school, this has led to improved attendance and greater student engagement. The students at the school come from a wide variety of backgrounds, but share a great enthusiasm for coming to school every morning for "Rise and Shine." Other school districts would do well to study their example.

I am all in for efforts that inspire students to come to school every day, excited to learn. This bill doesn't do that. Instead, it promotes punitive action that risks stigmatizing students and their families, all through an approach that has no proven results. I cannot support it.

For this reason, I return LD 96 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Improve Attendance at Public Elementary Schools  
S.P. 44 L.D. 96

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#283)**

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

NAYS: Senators: None

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

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

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Off Record Remarks

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The Following Communication: S.C. 503

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

9 June 2017

The 128<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128<sup>th</sup> Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 889, "An Act To Reduce Youth Cancer Risk."

Today, there are significant limitations on the ability of a minor to utilize a tanning facility. Children less than 14 are prohibited from using a tanning device in a tanning facility, children 14 or 15 must be accompanied by a parent and an individual who is 16 or 17 must have express parental permission to utilize a tanning device. Taking this law even further, to completely prohibit the use of tanning devices in a tanning facility for all minors, is unnecessary and an overreach of government.

For generations, the Maine economy has been dependent on men and women working long hours in the sun. The proverb "Make hay while the sun shines" may not have originated in Maine, but it should have. Industries like potato and blueberry harvesting, lobster fishing, forestry, various construction activities and even our tourism industry all require and depend on significant time in the sunshine. While every person has a responsibility to take appropriate precautions both for themselves and their children, the dangers of the sun and UV radiation are never completely avoidable.

Despite what the Legislature appears to think, government is not the answer to all problems and it cannot protect its citizens from all potential dangers or poor decision making. I believe the success of our State is dependent on the success of our people—not on the prohibitions and restrictions government imposes. Government needs to get out of the way and allow parents to parent, allow individuals to make decisions for themselves and allow businesses to operate without the paralyzing intrusion of bureaucracy. This law is just one more example of the desire of the Legislature to inappropriately reach into the lives of families and control their decision making.

For this reason, I return LD 889 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Reduce Youth Cancer Risk

S.P. 289 L.D. 889

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#284)**

YEAS: Senators: BELLOWS, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK

NAYS: Senators: BRAKEY, BREEN, CUSHING, DAVIS, DESCHAMBAULT, HAMPER, KEIM, LANGLEY, MAKER, MASON, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

(See action later today.)

The Following Communication: S.C. 504

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

9 June 2017

The 128<sup>th</sup> Legislature of the State of Maine  
State House  
Augusta, ME

Dear Honorable Members of the 128<sup>th</sup> Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1027, "An Act Regarding the Taxation of Certain Nonprofit Organizations."

The Legislature is now considering a comprehensive budget proposal that addresses the sales tax. With budget negotiations currently underway, I do not believe it would be appropriate for

the state to enact a new, targeted sales tax exemption, however well intentioned.

I hope and expect that when the next biennial budget arrives on my desk, the Legislature will have acted comprehensively to address the future of the sales tax and reduce the oppressive burden that Maine's income tax places on families and businesses in Maine.

For this reason, I return LD 1027 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act Regarding the Taxation of Certain Nonprofit Organizations  
S.P. 334 L.D. 1027

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

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I'm actually going to ask you to sustain this veto. I know, I know. Don't fall off your chairs. Actually we have addressed this in L.D. 1551, Section B3. So this bill is actually not necessary. So I would ask you to sustain the veto. We've got this covered for the Mom and Pop's and the church groups that have dinners. They won't have to charge taxes. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#285)**

YEAS: Senators: CARSON, CHENETTE, CHIPMAN, MIRAMANT

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

4 Senators having voted in the affirmative and 31 Senators having voted in the negative, and 4 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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Senate at Ease.

The Senate was called to order by the President.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

Six members of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

H.P. 281 L.D. 390

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-473)**.

Signed:

Senator:  
BREEN of Cumberland

Representatives:  
GATTINE of Westbrook  
FREY of Bangor  
HUBBELL of Bar Harbor  
JORGENSEN of Portland  
TEPLER of Topsham

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 "B" (H-474)**.

Signed:

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

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-475)**.

Signed:

Senators:  
HAMPER of Oxford  
KATZ of Kennebec

One member of the same Committee on the same subject reported in Report "D" that the same **Ought Not to Pass**.

Signed:

Representative:  
MARTIN of Eagle Lake

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)**.

Reports **READ**.

Senator **HAMPER** of Oxford moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)**, in **NON-CONCURRENCE**.

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

Senator **HAMPER:** Thank you, Mr. President. Mr. President, I have served in both Chambers now, 13 years, and I've never witnessed a greater divide between parties, between Chambers, between caucuses as I've experienced here in the 128<sup>th</sup> Legislature, and here we are, at the 11<sup>th</sup> hour, finally deciding on the biennial budget. The process began as all budgets do, and actually a little ahead of schedule. We had 96 hours of public hearings. The respective policy committees received their portion of the budget and went to work, and when the reports started coming back to the AFA Committee they are received and the divide became very apparent. We received divided report after divided report, demonstrating the legislative inability to come up to any agreement. So that was what Appropriations had to work with and, with that, is it any wonder what we have before us today is a four way report. We could not come to an agreement either. Merriam Webster defines compromise this way: a settlement of differences by attrition, by consent reached by mutual concessions, and also as something intermediate between blending two qualities of two different things. So with this divisive situation before us, the Senator from Kennebec, Senator Katz, and myself endeavored to offer a compromise budget. That is Report "C", the Senate Republican budget. When we took the vote last Saturday morning at 2:15 a.m. I explained that what we were offering was something that might be able to bring us all together, the Legislature, bringing us all together and fulfill our responsibility to pass a budget. Our compromise budget is before you today.

We listened to the charge given to us last November and this budget funds education at the 55% level in the second year, but our proposal does not raise taxes and the school funding is done

within existing resources and included are significant educational reforms that will help direct additional monies into the classroom. There are also measures in this to deal with county jails and the indigent legal system and, for the sake of time, I will not go into the details of everything contained in the 600 page document. There's plenty in this budget to hate and there is plenty to like all at the same time. This is offered in the spirit of compromise, knowing full well that in these times of great division no one will get exactly what they want and, after all, isn't that what compromise is all about. Thank you, Mr. President.

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

Senator **BREEN:** Thank you very much, Mr. President. I rise today to speak about how we got to where we are today, voting on this particular bill, this report, and where I hope we can go from here. First, I want to thank the Senator from Oxford, Senator Hamper, and the Senator from Kennebec, Senator Katz, for their efforts in the Appropriations and Financial Affairs Committee. It's been my distinct pleasure to work with them.

The budget process began in January when the Chief Executive introduced his biennial spending plan to our committee. Several weeks of public hearings on that proposal ensued. Our committee then engaged with each policy committee, hearing their recommendations on the Chief Executive's proposal, which also included a variety of new suggestions from those committees regarding that same plan. More often than not my fellow Appropriators and I voted unanimously on individual budget lines. Today I'm happy to report that we have reached agreement on nearly all of the biennial budget. What remains are disagreements about education funding and a handful of other issues which, despite valiant efforts from all corners, consensus has been allusive. The four caucuses have made proposals and counter-proposals. Each group has made hearty demands and reasonable concessions. These disagreements are real, and I'm not going to try to paper them over. But they are surmountable. We can resolve the discrepancies and create a responsible budget, one that works within our means, respects the will of the voters, meets our obligation to public schools, and is palatable, which is all we can get, to two-thirds of our Legislature.

Mr. President, ladies and gentlemen of the Senate, I regret that we have not yet arrived at consensus, but I know that we are close, thanks in no small part to the hard work of the men and women who I'm honored to call colleagues in the Appropriations Committee. Here's one thing I know for sure about every one of those members: each one of us cares deeply about public education and each one of us wants a responsible State budget. The budget before us today is not the one I supported in committee. No surprise there. The report before us includes several provisions that my caucus and I don't support. However, I will be voting in favor of the motion before us. We know that the presiding officers of this Legislature will appoint a Committee of Conference to resolve the remaining disagreements so we can close the budget before the current budget expires at the end of this month. I will vote for this motion because I know it's the only way for me to finish the job I started in the Appropriations Committee five months ago. The hardworking members of my committee worked together to bring this budget to the five yard line and I genuinely hope to have the opportunity to carry the ball into the end zone. Thank you, Mr. President.

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

Senator **CHENETTE:** Mr. President, I present Senate Amendment "A" to Committee Amendment "C" and move its.

**THE PRESIDENT:** The Chair would request that the Senator defer. This is not the appropriate time to offer any amendments. We must first accept the report.

On motion by Senator **HAMPER** of Oxford, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "C" (H-475) **READ** and **ADOPTED**.

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

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **LIBBY** of Androscoggin, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "C" (H-475).

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Senate at Ease.

The Senate was called to order by the President.

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On motion by Senator **JACKSON** of Aroostook, the Senate **RECONSIDERED** whereby it **ACCEPTED** Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#286)**

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



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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "C" (H-475) **READ**.

On motion by Senator **CHENETTE** of York, Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475) **READ**.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475).

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.

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

Senator **CHENETTE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when voters approved Question 2 in November it was the second time the people of this state had affirmed what has become the basic premise of the State's commitment to local schools, that the State would fund its fair share of the cost of local education using State income and sales tax revenues to ensure a good quality education for every child in Maine. That promise was placed into Maine law by voters more than a decade ago and solidified again in November. Mr. President, as we all know, the State has never made good on its promise to Maine's public schools and year after year, Legislature after Legislature, we have the same conversation about education funding. We tell our local districts, "Gee, I wish we could fully fund schools but we just can't find the money." We pass a law every biennium to give ourselves some wiggle room, to shirk our responsibility to Maine students, and we simply kick the can down the road for another two years and another election cycle. Voters in November said enough. If we, in the Legislature, had such a hard time finding the funding for our public schools the people would do it for us. They approved the surcharge, a small and reasonable tax increase on the very highest earners of our state, to fund the schools. This surcharge creates a sustainable and renewable stream of revenue to help the State meet its obligation to public schools. It guarantees that funding will be available now and into the future so that maybe the Legislature won't have a hard time coming up with resources for the classroom every two years. When Question 2 passed, this surcharge became the law of the land. The current report before us repeals it entirely. What is the effect of the repeal? Well, the most recent revenue report suggests that the surcharge would bring in roughly \$320 million over the next two years. That money will go directly into a fund solely to direct the support of student learning in public schools. It cannot be swept aside for other expenses. That is \$320 million

that was scheduled to be sent to Maine schools by virtue of a law passed by Maine people. This repeals the surcharge and replaces the funding slated for Maine public schools by a one-time appropriation of roughly \$110 million paid partly by a reduction in property tax relief that will directly contribute to higher taxes for Maine homeowners and small businesses. So at the end of the day, if this budget were to become law, what would Mainers be left with? The top 2% of earners, those with taxable income over \$200,000, will be happy to see their taxes lowered. But what is the cost of that tax cut for the wealthiest Mainers? Well, if their children attend public schools, they will suffer the same effects as the rest of us. Less education funding, specifically \$210 million less in State spending for schools that voters approved in November. Those top earners probably own homes and, like the rest of us, they'll see less property tax relief, not more. Specifically, a cut to the Homestead Property Tax Exemption, one of the best property tax relief programs in our state.

So this amendment will restore the surcharge, providing \$320 million for education and creating a lasting mechanism for the State to meet its obligation to public schools that have been underfunded for far too long. But equally important, Mr. President, it tells the people of Maine that their voices matter, that the Legislature will not treat the outcome of a fair and free election as a mere suggestion, but will respect it as a powerful expression of democracy as it should be. What does it mean for a democracy when a small group of politicians, government, can simply cherry-pick which election mandates they implement or all-out ignore election results entirely?

**THE PRESIDENT:** Senator, if you could hold your comments to the matter which is before us, which is your amendment.

Senator **CHENETTE:** And I'm talking about what would happen if we don't pass this amendment. What the message we're sending to voters is.

**THE PRESIDENT:** We're talking about the content of the amendment, sir.

Senator **CHENETTE:** And we are talking about the content when we are not listening to Maine voters, Mr. President. It's a dangerous path to give government that much power. So why betray the will of the

**THE PRESIDENT:** The Senator will defer. Would leadership approach the rostrum as well as Senator Chenette.

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Senate at Ease.

The Senate was called to order by the President.

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

Senator **CHENETTE:** I'm going to read to you the question that was presented to voters that was heard repeatedly that voters didn't understand what they were voting on. Do you want to add

a 3% tax on individual Maine taxable income above \$200,000 to create a State fund that would provide direct support for student learning in Kindergarten through 12<sup>th</sup> grade public education? What part of that was hard to understand, Mr. President? What part of that was difficult or confusing? Three hundred and eighty-three thousand Mainers seemed to understand it just fine. That's over 50% of a majority. That was a clear mandate from the people. This amendment is truly groundbreaking. Let me tell you why. It takes legitimate election results and abides by them. I think we should do the same.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I cannot support this amendment because it does not address the issues of the small business which has been addressed in other legislation. This does not address that. This amendment just does a straight 3%, but the concern - my concern - with this amendment is that it does not recognize that the threshold is so small that business people can reach the \$200,000 very, very easily and, all of a sudden, they are in a category that suggests they're earning a lot of money when in fact they may be earning 25% of that. So that's a concern of the 11,000 or so small businesses that need to be remembered and so I cannot support this amendment because that issue has been left out, even though there is legislation, which I won't speak about, available. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'm rising in support of the Indefinite Postponement of this amendment. You know, I spoke to - I've spoken to many folks in my district who voted for Question 2, which passed by a very slim margin. The no side was well over 49%. The yes side was barely over 50%. But I've spoken to those constituents who have voted for it and I asked the question, because there are two components of that question, more money for education and higher taxes on high income earners and Maine small businesses. When I asked them the question: did you vote yes because you wanted more money for education or because you wanted higher taxes on Maine people and small businesses? Nearly every time people tell me they wanted more money for education and the report that this Body just passed does exactly that. It puts \$100 million of new funding towards education; brings us up to 55% that, as both parties have been control over the last several decades, both parties have failed to get to. This is a tremendous accomplishment. We should be celebrating the fact that we can do this within existing resources, without needing to establish the highest income tax rates in the country on Maine people and small businesses, driving more Maine people to states like New Hampshire and Florida. The fact that we can do this without putting such a crushing tax rate on Maine people, that's something we should celebrate. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, I would wish to pose a question to whomever may answer through the Chair.

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

Senator **CUSHING:** Does the underlying bill before us, with the amendments that have been accepted so far, provide the funding to the State approved level of 55%, at least in the second year?

**THE PRESIDENT:** The Chair recognizes anyone who wishes to respond to the Senator's question. The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** This is going to be an unusual answer to the question and I cannot support the amendment even though twice it's been voted for, supposedly, funding 55%. I want to know 55% of what? I think we're stuck here today on this issue because we haven't been truthful with the people of the State of Maine for decades. We've refused to talk about the real issues of our school funding. Some of those issues have to do with a vastly declining school population. Now I can't help it, I'm part geek or nerd or whatever. I sit at home at night and look up statistics and numbers. I'm an old school teacher too. I looked at the population, the school populations, of the State of Maine, K-12. We reached our peak in 1972, when we had 251,000 K-12 students. From then it began to decline and it has declined today so that our student population is now under 177,000. That includes some now pre-K students in the numbers as well. We've lost about 75,000 students, 30% of our student population in 45 years. I've asked myself where have they gone and where have they disappeared from the most. I don't have all the answers, but I know that the population in Maine is stagnant, which is horrible for the economy. Just horrible to have a population go backwards. I know that many families have left the State of Maine and taken their kids with them. It isn't just that the population is growing older, we haven't replaced our students. Then I look at portions of the state - and I'm sorry to have to step on some of your toes because I'm going to talk about parts of the state that aren't my district, but I used to watch a lot of basketball and the only basketball tournaments you could watch were Eastern Maine tournaments and I grew up with them, and I grew up watching all these Class A basketball tournaments from the time I was young and my father, having been from Presque Isle.

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

Senator **BREEN:** Mr. President, there's nobody in this Chamber who enjoys the oratory of Senator Dow more than I do, but I just want to make sure he is not impugning the districts of anyone else in the Chamber and that he's speaking to the motion before us. Thank you, Mr. Chair.

**THE PRESIDENT:** I will - the Chair would suggest that he doesn't believe that anybody's impugning anybody but he would encourage Senator Dow to narrow his focus towards the question that's before the Senate.

Senator **DOW:** I'd like to say there's no schools north of Bangor any more that are Class A and there's a lot south of Bangor that aren't either that used to be. We've developed, somehow,

policies in this state that have benefited a certain part of the state but they haven't worked for a great deal. So I can't vote for this amendment because I think we need a heck of a lot of educational reform in this state before we can address some of the major funding and I think the biggest reform we have to do is the economy also. It's nothing to do with this subject, so I will end my discussion. But I can't support this amendment because of such a large declining school population and I thank you.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I will be supporting the pending motion - excuse me, I will be opposing the pending motion and supporting this amendment to uphold the will of the voters and I think the voters were unified. It's not a question of education versus taxes. The issue is for every dollar that we, at the State level, fail to fund in education our local property taxes continue to soar, and that puts our tax mix in our state further and further out of balance. The income tax, which rises and falls along with ability to pay, is the only truly progressive tax in our state and it has been cut and cut. The property tax is assessed regardless of ability to pay, and if a senior enters into retirement their income is fixed and their property tax rate grows and grows, and every dollar that we have not sent to education has contributed to the growing property tax burden. So I'll be voting against the pending motion and in favor of this amendment because I heard from thousands of voters in my district that were concerned about rising property taxes. They wanted to see adequate funding for local schools. They didn't want to see us growing our Rainy Day Fund and cutting taxes for the wealthiest people in our state at the expense of property taxes.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I was not planning on rising but, first of all, there was a question posed earlier around 55% being met. I would rise to say that, in my view, that is not the case. There is a dispute before us as to whether we are meeting the will of the voters, several times over. With legislation, by using certain budget gimmicks certainly it can appear that we're meeting 55%. I do not believe in that approach. I do not believe it respects the will of the voters and I do not believe it will provide the property tax relief that people have asked for over and over. In addition, there were some comments made about how our education is in so desperate need of reform and the first point that was made is that there is declining school population in our state. That is, indeed, the case. I would like to share with all of you that I have spent way too many years of my life staring and working and massaging the essential programs and services funding model and the allocation methodologies since I served on the school board in my district. It certainly has been a frustration of mine and of my constituents and I believe the constituents across the State of Maine. What I have discovered, after all of these years of studying and researching and, indeed, serving on a review commission as a State Senator, and, I would add, the individual who is responsible for receiving the nearly half a million dollar analysis from the Picus Study authorized by the 125<sup>th</sup>, is that we have a model that leads in the nation and is studied by

others from state across state. So this model actually deals with declining population and incorporates student numbers. It's how we allocate our State funds and there is great disagreement as well, Mr. President, as to whether our policies benefit certain parts of the State, and I would say simply - and I could spend hours, and I know you really don't want me to, about the ins and outs of this funding formula - but I would pose this to you. This is something I remembered when I was on the school board. If everyone is little bit grumpy then maybe we're doing something right. I pretty much can tell you that nobody in my district likes the funding formula. Nobody in rural Maine likes the funding formula. Nobody in the cities likes the funding formula. Everybody has a gripe. Nobody feels as if they're being treated fairly. But, again, I will say we had a half a million dollar study by the Picus Company. We had a commission that reviewed it and in the end we said, "Well, we're actually measuring the cost of education just fine, but what we're not doing is putting in the State funds to meet the 55%." Thank you, Mr. President.

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

Senator **DAVIS:** Thank you, Mr. President. As I just sent the note to you, I promise to be very brief. When I learned of this referendum last year I had a fear of it. I felt that it wouldn't work and it would bring some results that were not good. It took me back to, oh probably, two decades ago when a gentleman in Greenville, Maine that I knew well inherited a huge amount of money and he moved. I asked him, I knew him well, as I said, I asked him, "Why are you moving?" He said, "Because the Maine Legislature isn't going to spend my inheritance." That's exactly what he told me and he moved to New Hampshire where none of this stuff happens. Last fall, or maybe two years ago, my wife and I learned that she had cancer and the doctor that found the cancer in her was a brilliant young man. The kind of person we need in this state and I know that he probably made more than \$200,000 a year. Shortly before the referendum vote last fall I was having a conversation with him and he told me, he said, "You know, I've been thinking about leaving anyway." He said, "If this referendum passed I probably will." Well, I learned last week that he's gone, and this is just a story that's going to be repeated over and over and over and over with this law that's been put into place. If we think that we can find the road to prosperity by punishing the successful and soaking the rich, we're headed down the wrong road, Mr. President. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Indefinite Postponement of Senate Paper 253. If you are in favor of Indefinite Postponement 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 (#287)**

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

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

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-253) to Committee Amendment "C" (H-475) **PREVAILED**.

On motion by Senator **VITELLI** of Sagadahoc, Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475) **READ**.

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

Senator **VITELLI:** Thank you, Mr. President. This amendment is designed to protect property tax relief efforts from cuts proposed in the budget that is before us today. Ladies and gentlemen of the Senate, those of you who were here in the previous Legislature will remember the part of the current budget included a two-step increase in the Homestead Property Tax Exemption. This program shields a portion of a Mainer's property value from the property tax, providing direct relief and putting money back in Mainer's pockets. Municipalities are reimbursed for a portion of the value of the exemption so that local services don't have to take the hit for relief provided to homeowners and small businesses. The current exemption is \$15,000. Thanks to the hard work of the 127<sup>th</sup> Maine Legislature, that exemption is scheduled to increase to \$20,000 this year - next year. The reimbursement to municipalities is scheduled to increase from the current level of 50% to 62.5%. I want to be clear to the people here in the Chamber today, and anyone listening at home, these increases are current law. This additional property tax relief requires no action in the Legislature. However, the report before us today repeals the scheduled expansion of the Homestead Exemption, effectively cutting next year's relief by 25%. It also retains the current 50% reimbursement to municipalities. Make no mistake, this provision will cause property tax bills in Maine to be bigger next year than they would have been without this budget line in place. The amendment I present today protects the current law and the expanded Homestead Exemption fought for and won by the previous Legislature. Men and women of the Senate, I don't need to tell you how desperately our constituents are crying out for property tax relief. All of us who have spent time in our districts, and I met with select boards in over half of my towns, know that homeowners and small businesses have been asked to foot more and more of the bill for schools and for local services thanks to the State's habit of underfunding revenue sharing and State subsidy for education. Property tax hikes in recent years have put a burden on Maine families and made it harder for some of the most economically vulnerable people,

including seniors, to stay in their homes. In a budget situation where the State faces surplus revenues, not shortfalls, I cannot see my way to cutting proven property tax relief programs such as the Homestead Exemption. I ask you to join me in supporting this amendment and helping to ease the burden of property tax payers, on your constituents and mine. Thank you very much.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475).

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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#288)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "B" (S-255) to Committee Amendment "C" (H-475) **PREVAILED**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475) **READ**.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I am rising with disappointment in my heart that we are having this debate around public education in the State of Maine. I do believe we all care very deeply about our schools and our students, but somehow things have derailed beyond what I could ever have imagined and I am putting forward this amendment, first of all, to reject the gimmicks - the budget gimmicks - that were proposed to make it look as if we're meeting 55%, but in actually do not result in any of those funds going into our classrooms. The Maine Municipal Association, in a June 2<sup>nd</sup> bulletin, states very clearly, "To redefine the 55% State share standard in a way that is entirely repugnant to the 55% requirement adopted in expressed detail no fewer than three times since 1984." Since coming to this Chamber with hope in my heart that we could get the State to fund 55%, I have been fighting every year to do that in the

biennial budget and the supplemental budget in the second, the short session, and, try as hard as we can, we have never gotten to that 55%. Whether we agree with the surcharge or not, there was a referendum that was passed that said we, the State - our citizens want us to fund 55% of our classroom and I thought for once we were going to get there; for once we were going to meet the will of the voters.

This amendment gets us back to that interpretation and respects that. But it does other things as well. It removes from the report that we are going to be passing from this Chamber, I'm sure, very soon sections that the committee, the Education Committee, rejected this very session - voted on and rejected - and it removes sections from the report that the Education Committee has not even received - was not allowed to have it go through a public vetting process, did not receive any public comments or committee review. The items that I'm discussing are things such as the erosion of our laptop program that has become so essential to our middle school students. It addresses an attempt to open statewide school choice at the high school level. You could be in Northern Maine and if you want to go to a school in Southern Maine so be it. It includes language that we actually unanimously voted on in support of in committee. So I'm really unclear as to why that should be required in our budget. It removes a proposal to require local districts to pay remedial costs for any of its students that graduate and go on to a higher education institution. It removes language that infringes on local control and how it spends its education funding. Something very dear and close to my heart, the fact that we recognize the hard work of those teachers that engage for a significant period of their personal time to be certified nationally. My amendment would restore our recognition of their hard work. There's much more in here and I know that we've been going on for a long time, but I would just say I hope that you will support - well oppose the pending motion - and actually support my amendment which, I think, reflects the way public education should be acknowledged. Thank you, Mr. President.

Senator **CUSHING** of Penobscot moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475).

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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#289)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **CUSHING** of Penobscot to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-261) to Committee Amendment "C" (H-475) **PREVAILED**.

**THE PRESIDENT:** Is it now the pleasure of the Senate to Adopt Committee Amendment "C"? The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Request to speak to the motion.

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

Senator **JACKSON:** Can leadership approach?

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Senate at Ease.

The Senate was called to order by the President.

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

Senator **JACKSON:** Thank you, Mr. President. I appreciate, and ladies and gentlemen of the Senate, I definitely don't like to cause discontent in this Chamber. I certainly appreciate everyone in here and what their opinions are on this matter, on this budget, and what an important issue it is that we're dealing with. I think it's just a fundamental disagreement on a lot of issues and I can certainly respect that and I can certainly continue to work with people that fundamentally do disagree with me. I value that and appreciate it. I think that for someone like myself, I'm looking at this. It's been stated today we did have a referendum. We did have an election in November. In my area, the Presidential election didn't go the way I wanted. I had a Congressional election that didn't go the way I wanted. But this referendum that we're talking about today did pass and while I didn't get the results I wanted in the Presidential and Congressional election, I have to respect them and I have. Even though I fundamentally disagree with the President on numerous things, I realize that he's my President. I realize that there's things that he's done that I do like and there's a whole bunch of things that he's done that I don't like. But that was the results of the election and this referendum was the results of the election too. Many of us may not like the results. I'm not sure that I like all the results of it, but I do believe that this is what the people voted on and that is what I am supporting here. The reason why I believe that it is so important, why the people probably voted for this and some people have said they didn't really want what was put forward, and that may be correct, but the reason why I believe so strongly that something in this realm has to happen is because I do believe, consistently across this State, that people have been

upset at the fact of education funding, have been upset with the fact of rising property taxes. We had a number of budget forums, I believe 25, across this State. Some people thought that that wasn't a very good idea, but, for myself, it really brought home that no matter if you live in Allagash, Maine or you live in Kittery, Maine there's a lot of people that are frustrated with the way this State is going. For a lot it is because of property taxes and so I think that it is incumbent on us to come forward with something, and it was brought up a number of times about 55%, are we meeting 55% or not. Well, I believe we're not, but the referendum didn't actually speak to 55%. What it spoke to was: do you want to tax people over \$200,000 3% with that money going to education? That money is \$320 million. That is what Maine Revenue has pegged for that and that is the money that should be going to education. I don't know if it's going to get us to 55%, but it's certainly going to get us a lot higher than we are today. I truly, truly believe that what we're voting on today, while I understand there's maybe some deal that's lurking out there, but what we're voting on today does not respect the will of the voters and, if anything, might actually make more frustration out there. I do think that putting a cut to Homestead into this proposal is just a bad idea for all of us and that is why, more than anything, I would rather we just said, well, it's \$40 million going to education or \$50 million going to education. Cutting the Homestead program, I consistently believe, is going to upset a lot of people in the State and I think that, you know, what we've done, myself included, for a number of years - cutting revenue sharing - has put a lot of pressure on our property taxes. Now putting this forward to back up an agreement on Homestead, to cut the municipal reimbursement to Homestead, those things are going to upset people. They're going to make people across the State, again, very upset with the Legislature. I just think that's wrong and I've heard, you know, consistently about education. Well, you know my area has seen decline. We've consolidated schools across Aroostook County. And what I know more than anything is when I first started in the Legislature I did not have people come up to me and complain about their property taxes. Now it's almost a daily occurrence when I speak to people about how bad their property taxes are. I mean, it really is, in some areas in my district, unbelievable what people are paying in property taxes. I don't know how they do it. I really don't. I mean there would be no way that I could live in some of the areas in my district and pay that type of property tax. So while there is a lot of anxiety and frustration and some anger here in this room today, I believe it's important that we do respect the will of the voters, make sure that we do something more than we are today to help people, get money in education, and lower their property taxes. It is a commitment of the Senate Democrats to work with the Senate Republicans. I know we haven't gotten a deal yet, but I definitely, definitely want to. But this is something that I believe, whole heartedly, and I believe that we have to do, as a Body, make a better effort to make sure the people in this state aren't frustrated, are able to stay in their homes, and are able to have schools that do the best that they can for their children. So I'll be voting against the budget that's been put forward today, but it doesn't mean that I'm done trying to work with everyone in this Chamber.

**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 do recognize the frustration

that many of us in this Chamber have and I certainly hope that as we move forward we're going to be able to find the resolution that's necessary. I've heard from individuals of businesses that they are dealing with and other individuals that are leaving this state, and I think it's important, as we look forward to what the needs are of education, that we also reflect on what the cost and consequences are. As we move forward, Mr. President, on this action, I would ask that you record the yeas and nays.

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.

**THE PRESIDENT:** The pending question before the Senate is Adoption of Senate Amendment "C". The Chair is in error. Adoption of Committee Amendment "C". If you are in favor of adopting Committee Amendment "C" 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 (#290)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, Committee Amendment "C" (H-475) **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475), in NON-CONCURRENCE.**

Sent down for concurrence.

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

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#### ORDERS

#### Joint Orders

On motion by Senator **WHITTEMORE** of Somerset, the following Joint Order:

S.P. 592

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

**ORDERED**, the House concurring, that, notwithstanding Joint Rule 353, the Task Force on Health Care Coverage for All of Maine, referred to in this order as "the task force," is established as follows.

**1. Purpose.** It is the intent of the Legislature to ensure that all residents of the State have access to and coverage for affordable, quality health care. It is the intent of the Legislature to study the design and implementation of options for a health care plan that provides coverage for all residents of the State; and be it further

**2. Appointments; composition.** The task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest number of seats in the Senate and 2 members of the party holding the 2nd largest number of seats in the Senate, of whom at least one member is a member of the Joint Standing Committee on Insurance and Financial Services and at least one member is a member of the Joint Standing Committee on Health and Human Services;

B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest number of seats in the House of Representatives and 2 members of the party holding the 2nd largest number of seats in the House of Representatives, of whom at least 3 members are members of the Joint Standing Committee on Insurance and Financial Services or the Joint Standing Committee on Health and Human Services;

C. One member representing the interests of hospitals, appointed by the President of the Senate;

D. One member representing the interests of health care providers, appointed by the Speaker of the House of Representatives;

E. Two members representing the interests of health insurance carriers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

F. Two members representing the interests of consumers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

G. One member representing the interests of employers with fewer than 50 employees, appointed by the Speaker of the House of Representatives; and

H. One member representing the interests of the employers with 50 or more employees, appointed by the President of the Senate.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Health and Human Services or the commissioner's designee and the Superintendent of Insurance or the superintendent's designee.

**3. Chairs.** The first-named Senator is the Senate chair of the task force, and the first-named member of the House of Representatives is the House chair of the task force. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members, individuals with expertise in health care policy, health care financing or health care delivery. Any additional members appointed pursuant to this section are not entitled to compensation or reimbursement under section 6.

**4. Appointments; convening.** All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

**5. Duties; design options.** The task force shall propose at least 3 design options, including implementation plans, for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care. The design options must meet the principles and goals outlined in this order. The proposals designed under this order must contain the analysis and recommendations as provided for in this section.

A. The proposal must include the following design options:

(1) A design for a government-administered and publicly financed universal payer health benefits system that is decoupled from employment, that prohibits insurance coverage for the health services provided by the system and that allows for private insurance coverage of only supplemental health services;

A design for a universal health benefits system with integrated delivery of health care and integrated payment systems for all individuals that is centrally administered by State Government or an entity under contract with State Government; and

A design for a public health benefits option administered by State Government or an entity under contract with State Government that allows individuals to choose between the public option and private insurance coverage and allows for fair and robust competition among public and private plans.

Additional options may be designed by the task force, taking into consideration the parameters described in this section.

Each design option must include sufficient detail to allow the task force to report back to the Legislature to enable the Legislature to consider the adoption of one design and to determine an implementation plan for that design during the First Regular Session of the 129th Legislature, including the submission of any necessary waivers pursuant to federal law.

B. In creating the design options under paragraph A, the task force shall review and consider the following fundamental elements:

The findings and reports from previous studies of health care reform in the State, including the December 2002 document titled "Feasibility of a Single-Payer Health Care Model for the State of Maine" produced by Mathematica Policy Research, Inc., and studies and reports provided to the Legislature;

The State's current health care reform efforts;

The health care reform efforts in other states, including any efforts in other states to develop state innovation waivers for universal health coverage plans as an alternative to the federal Patient Protection and Affordable Care Act;

The federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and the Medicare program, the Medicaid program and the State Children's Health Insurance Program under Titles XVIII, XIX and XXI, respectively, of the federal Social Security Act; and

The health care systems adopted in other countries.

C. Each design option under paragraph A must maximize federal funds to support the system and must be composed of the following components:

A payment system for health services that includes one or more packages of health services providing for the integration of physical and mental health services; budgets, payment methods and a process for determining payment amounts; and mechanisms for cost reduction and cost containment;

Coordinated regional delivery systems;

Health system planning and regulation and public health;

Financing and estimated costs, including federal financing. Each design option must provide:

(a) An estimate of the total costs of the design option, including any additional costs for providing access to and coverage for health services to the uninsured and underinsured, any estimated costs necessary to build a new system and any estimated savings from implementing a single system;

(b) Financing proposals for sustainable revenue, including by maximization of federal revenues or by reductions from existing health care programs, services, state agencies or other sources necessary for funding the cost of the new system;

(c) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of Titles XVIII, XIX and XXI of the federal Social Security Act, if necessary, to align the federal programs with the proposals contained within the design option in order to maximize federal funds or to promote the simplification of administration, cost containment or promotion of health care reform initiatives; and

(d) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of the federal Patient Protection and Affordable Care Act, if necessary, to implement the proposals contained within the design option in order to maximize federal funds;

A method to address compliance of the proposed design option with federal law. Unless specifically authorized by federal law, the proposed design option must provide coverage supplemental to coverage available under the Medicare program of the federal Social Security Act, Title XVIII and the federal TRICARE program, 10 United States Code, Chapter 55;

A benefit package or packages of health services that meet the requirements of state and federal law and provide for the integration of physical and mental health care, including access to and coverage for primary care, preventive care and wellness services; specialty care; chronic care and chronic disease management; acute episodic care; palliative and end-of-life care; hospital services; prescription drugs and durable medical equipment; maternity, newborn and pediatric care; laboratory services; mental health and substance use disorder services; and dental, vision and health care;

A method for administering payment for health services, which may include administration by a government agency, under an open bidding process soliciting bids from insurance carriers or 3rd-party administrators, through a private nonprofit insurer or 3rd-party administrator, through private insurers or from a combination of methods;

Enrollment processes;

Integration of pharmacy best practices and cost control programs and other mechanisms to promote evidence-based prescribing, clinical efficacy and cost containment, such as a single statewide preferred drug list, prescriber education and utilization reviews;

Appeals processes for decisions made by entities or agencies administering coverage for health services;

Integration of the workers' compensation system;

A recommendation for budgets and payment methods and a process for determining payment amounts. Payment methods for mental health services must be consistent with mental health parity. The design option must consider:

(a) Recommending a global health care budget when it is appropriate to ensure cost containment by a health care facility, a health care provider, a group of health care professionals or any combination of these entities. Any recommendation must include a process for developing a global health care budget, including circumstances under which an entity may seek an amendment of its budget;

(b) Payment methods to be used for each health care sector that are aligned with the goals of this section and provide for cost containment, provision of high-quality, evidence-based health services in a coordinated setting, patient self-management and healthy lifestyles; and



(c) What process or processes are appropriate for determining payment amounts with the intent to ensure reasonable payments to health care professionals and providers and to eliminate the shift of costs between the payers of health services by ensuring that the amount paid to health care professionals and providers is sufficient. Payment amounts must be sufficient to provide reasonable access to health services, provide uniform payments to health care professionals and assist in creating financial stability for health care professionals. Payment amounts for mental health services must be consistent with mental health parity;

Mechanisms for cost reduction and cost containment and for oversight to ensure accountability and transparency of all financial transactions;

A regional health system that ensures that the delivery of health services to the residents of the State is coordinated in order to improve health outcomes, improve the efficiency of the health system and improve patients' experiences of health services; and

An overall approach to funding that is broadly based to ensure financial stability.

D. The proposal must include a method to address compliance of the proposed design options under paragraph A with federal law, if necessary, including the federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and Titles XVIII, XIX and XXI of the federal Social Security Act.

E. The proposal must include an analysis of:

The impact of each design option on the State's current private and public insurance system;

The expected net fiscal impact of each design option;

The impact of each design option on the State's economy;

The benefits and drawbacks of alternative timing for the implementation of each design option, including the sequence and rationale for the phasing in of the major components; and

The benefits and drawbacks of each design option and of not changing the current system.

**6. Compensation.** The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

**7. Quorum.** A quorum is a majority of the voting members of the task force, including those members invited to participate who have accepted the invitation to participate.

**8. Staffing.** The Legislative Council shall provide staff support for the task force. To the extent needed when the Legislature is in session, the Legislative Council may contract for such staff support if sufficient funding is available.

**9. Consultants; additional staff assistance.** The task force may solicit the services of one or more outside consultants to assist the task force to the extent resources are available. Upon request, the Department of Health and Human Services, the Department of Professional and Financial Regulation, Bureau of Insurance and the University of Maine System shall provide any additional staffing assistance to the task force to ensure the task force and its consultant or consultants have the information necessary to create the design options required by this order.

**10. Reports.** The task force may submit an initial report, including suggested legislation, prior to January 1, 2018. No later than November 1, 2018, the task force shall submit a final report that includes its findings and recommendations, including suggested legislation, for introduction to the First Regular Session of the 129th Legislature.

**11. Additional funding; sources.** The task force may apply for and receive funds, grants or contracts from public and private sources to support its activities. No General Fund appropriations may be used to support its activities.

#### READ.

On motion by Senator **WHITTEMORE** of Somerset, **TABLED** until Later in Today's Session, pending **PASSAGE**.

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Expression of Legislative Sentiment recognizing:

EnvisionRumford, in Rumford, which has been named Nonprofit Organization of the Year by the River Valley Chamber of Commerce. We extend to everyone at EnvisionRumford our congratulations and best wishes;

SLS 464

Sponsored by Senator KEIM of Oxford.

Cosponsored by Representative: MADIGAN of Rumford.

#### READ.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I am pleased that we still have here with us today Randy Terrien and Bernie Pare, both here on behalf of EnvisionRumford, to accept this sentiment. As you just heard, EnvisionRumford was named the Nonprofit Organization of the Year by the River Valley Chamber of Commerce, an accolade this well-deserved. EnvisionRumford is a group of business leaders and community members working to make Rumford and the

Greater River Valley area a better place to live and do business. Together these volunteers generate ideas, create an action plan to spur growth, and then, with their own sweat equity, they tirelessly work the plan. Currently, their main objective is to revitalize downtown Rumford, a small patch of land on the Androscoggin River known as the "Island". The EnvisionRumford team recognizes that a vibrant downtown significantly benefits the greater community. Due to the efforts of these volunteers, I believe the whole River Valley area will be revitalized. Their efforts, their story, will someday be the one that gives other rural Maine towns hope. Thank you for recognizing them with me today.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the Chamber with us today Randy Terrien and Bernie Pare of EnvisionRumford. Would these gentlemen please stand and accept the greetings of the State Senate.

---

Senate at Ease.

The Senate was called to order by the President.

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**REPORTS OF COMMITTEES**

**Senate**

**Ought to Pass As Amended**

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish Reasonable and Clinically Appropriate Exceptions to Opioid Medication Prescribing Limits" (EMERGENCY)

S.P. 338 L.D. 1031

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

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

Bill **READ ONCE.**

Committee Amendment "A" (S-242) **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 **GRATWICK** of Penobscot was granted unanimous consent to address the Senate on the Record.

Senator **GRATWICK:** Mr. President, and ladies and gentlemen of the Senate, thank you very much for your indulgence. I'll simply have people know of this bill we just voted on that it's something we've all heard about - individuals who need to have more than 100mg of morphine equivalent. This is a bill we passed two years ago. I've given you a white sheet that has some specifics and the way to answer problems that your patients have. This will be dealt with by the Maine Medical Association. Doctors have to know about this. The patients have to know that there is really a new definition of palliative care. Palliative care is no longer just for those people who are terminal. It's for people who have chronic pain. I would wish to bring this to your attention. This is available electronically, but I think it's also worth keeping. Thank you, Mr. President, for your indulgence.

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Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Regarding Prescription Drug Step Therapy"

S.P. 485 L.D. 1407

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245).**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-245) **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 Update the Statutes Governing the Bureau of Labor Standards To Promote Clarity for Workers and Employers"

S.P. 553 L.D. 1575

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

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

Bill **READ ONCE.**

Committee Amendment "A" (S-252) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand Options for the Prevention of Domestic Violence"

S.P. 396 L.D. 1175

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

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-250)**.

Signed:

Representatives:

WARREN of Hallowell  
GROHMAN of Biddeford  
LONGSTAFF of Waterville  
NADEAU of Winslow  
RECKITT of South Portland  
TALBOT ROSS of Portland

Reports **READ**.

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

Sent down for concurrence.

---

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

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**Divided Report**

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make a Needed Clarification to the Term 'Heroin' as Used in the Maine Criminal Code"

S.P. 576 L.D. 1623

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

Signed:

Senators:

ROSEN of Hancock  
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell  
GROHMAN of Biddeford  
LONGSTAFF of Waterville  
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**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

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

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

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**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Community Support Services for Adults with Mental Illness"

S.P. 253 L.D. 808

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

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

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

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

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

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

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** 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 NOT TO PASS** Report.

---

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require That Maine Welfare Benefits Be Used in Maine"

S.P. 286 L.D. 886

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

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-247)**.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

CHACE of Durham  
HEAD of Bethel  
MALABY of Hancock

SANDERSON of Chelsea

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#291)**

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

NAYS: Senators: CARSON, CHIPMAN, MIRAMANT

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-247) **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.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Establish a Minimum Wage for Minors"

S.P. 330 L.D. 991

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

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 "B" (S-249)**.

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

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

Reports **READ**.

On motion by Senator **VOLK** of Cumberland, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-249)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-249) **READ** and **ADOPTED**.

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

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

Senator **BELLOWS:** A question for Mr. President, to the Chair.

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

Senator **BELLOWS:** I had desired to request a roll call on the prior vote but, unfortunately, I was passed a note as it was coming up on the board and missed it. Can we roll call at Second Reading or how does that work?

**THE PRESIDENT:** The Senator would - the Chair would advise the Senators that we'll see this bill again on Final Enactment. If that's acceptable to the Senator, you certainly could have a roll call on Final Enactment and not have to back this up. But that's up to the group.

The Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-249)**.

Sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Maine State Housing Authority"

S.P. 454 L.D. 1340

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

Signed:

Senators:

VOLK of Cumberland  
BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford  
AUSTIN of Gray  
BATES of Westbrook  
DUNPHY of Old Town  
LOCKMAN of Amherst  
MASTRACCIO of Sanford  
STETKIS of Canaan  
SYLVESTER of Portland  
VACHON of Scarborough

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-244)**.

Signed:

Representative:

HANDY of Lewiston

Reports **READ**.

On motion by Senator **VOLK** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-243)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-243) **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-243)**.

Sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors"

S.P. 548 L.D. 1564

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-251)**.

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 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.

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers"

S.P. 565 L.D. 1609

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-246)**.

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 Kennebec, Senator Bellows.

Senator **BELLOWS:** Thank you, Mr. President. I rise, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. The pending motion would do several things: reducing the minimum wage passed by the voters last November. But it also does something radical that was a matter of great debate in our committee. Current statute reads that tips that are automatically included in a customer's bill must be treated like tips given to the service employee and this bill would strike that language, thus making those tips on a credit card charge the property of the employer, not the employee. I think that's a problem and I hope that you will join me in opposing the pending motion.

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

Senator **VOLK:** Permission to approach?

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Senate at Ease.

The Senate was called to order by the President.

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

Senator **VOLK**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the House, and I apologize for that little delay while we worked this out. So my colleague from Kennebec, I think, she and I just see this a little differently, so what the - if you are able to pull up the Minority Report what you would see is that we were trying to - Maine is the only state in the country that cannot - you might have read about the restaurants who want to go to a no tip model and so to do that they were saying that they were going to put a service charge automatically added to people's bills and then the Department of Labor had to say to them, actually, according to Maine law you cannot do that. That would be illegal. So this - what this bill and what the Minority amendment does is that it actually would allow that model to be legal in Maine if restaurants so choose to go to, essentially, a no tipping model where they pay their servers, you know, regular minimum wage or above and then they charge a service charge and service fee. Currently, under Maine law you can only do that in a banquet facility or a private club setting. So that is the intent of this, the Minority Report, and I would love for you to follow my light. Thank you.

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

Senator **BELLOWS**: Thank you, Mr. President, and my good colleague from Cumberland is absolutely right. I just - I and my colleagues on the Majority Report did not believe Maine should go down the road of a no tipping model at this time. We heard extensive testimony, the concerns about that. I just want to let my colleagues know that this bill before us, the motion before us, would also do many other things. It would eliminate cost of living adjustments to the minimum wage. It would cap the minimum wage at \$1 above the federal minimum wage and it dramatically undermines the will of the voters by undermining the minimum wage. For those reasons as well I encourage you to join me in defeating the pending motion.

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

Senator **VOLK**: Sorry, I apologize for rising a second time. I just want to call attention to the NFIB survey that you all have on your desk that you recently received and the impact that the increasing minimum wage has had. These are small businesses in Maine. They had over 100 respondents. You can even see where they were located around the state, how those businesses are attributed, and the impact that they feel - not so much the concern about the \$9, which what our current minimum wage is - but as we go forward - which is what the intension, again, of this bill would do - would be to make that more of a gradual increase as opposed to the radical unprecedented increase that was passed in November. Thank you.

**THE PRESIDENT**: 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. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#292)**

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

**Bill READ ONCE.**

Committee Amendment "A" (S-246) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Off Record Remarks

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

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

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.

Off Record Remarks

**HELD MATTER**

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

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

(In Senate, June 12, 2017, **FAILED ENACTMENT** in **NON-CONCURRENCE**.)

On motion by Senator **DESCHAMBAULT** of York, the Senate **RECONSIDERED** whereby the Bill **FAILED ENACTMENT** in **NON-CONCURRENCE**.

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

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On motion by Senator **BREEN** of Cumberland, the Senate **RECONSIDERED** whereby it **SUSTAINED THE VETO** on the following:

An Act To Reduce Youth Cancer Risk  
S.P. 289 L.D. 889

(In Senate, Veto Communication (S.C. 503) **READ** and **ORDERED PLACED ON FILE**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#293)**

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK

NAYS: Senators: BRAKEY, COLLINS, CUSHING, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, THIBODEAU, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 22 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Modernize the Laws Governing Maine Harness Racing"

H.P. 1052 L.D. 1532

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-478)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-478)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-478) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program and Prescription of Opioid Medications, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)

H.P. 940 L.D. 1363

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-477)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-477)**.

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

Resolve **READ ONCE**.



Committee Amendment "A" (H-477) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Fiscal Responsibility in the Purchasing of Debt"

H.P. 836 L.D. 1199

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-468)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-468)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-468) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding the Registration of Appraisal Management Companies"

H.P. 939 L.D. 1349

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-467)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-467)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-467) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Taxation of Flavored Malt Beverages"

H.P. 574 L.D. 794

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-472)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-472)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-472) **READ** and **ADOPTED**, in concurrence.

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

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

#### **REPORTS OF COMMITTEES**

##### **House**

##### **Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve the Funding of County Jails"  
H.P. 329 L.D. 463

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-487)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-487)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-487) **READ** and **ADOPTED**, in concurrence.

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

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Community Paramedicine Projects Permanent"

H.P. 981 L.D. 1427

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-489)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-489)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-489) **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 Certain Gifts to Health Care Practitioners"

H.P. 639 L.D. 911

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-481)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-481)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-481) **READ** and **ADOPTED**, in concurrence.

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

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

**ENACTORS**

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

**Emergency Measure**

An Act To Increase Funds Deposited into the Companion Animal Sterilization Fund through the Pet Food Surcharge

H.P. 1104 L.D. 1601  
(C "A" H-447)

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 Amend the Requirements of the Temporary Assistance for Needy Families Program

H.P. 250 L.D. 336  
(C "A" H-298)

An Act To Amend Laws Relating to Agricultural Pulling Events

H.P. 390 L.D. 548  
(C "A" H-458)

An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Efficiency and Effectiveness of Evaluations of the State's Investments in Economic Development

H.P. 849 L.D. 1217  
(C "A" H-445)

An Act To Adopt the Nurse Licensure Compact

S.P. 488 L.D. 1410  
(C "A" S-215)

An Act To Raise the Debtor's Exemption on Vehicles

S.P. 497 L.D. 1442  
(C "A" S-212)

An Act To Update Professional and Occupational Licensing Laws

S.P. 498 L.D. 1443  
(C "A" S-216)

An Act To Amend the Maine Tax Laws

H.P. 1069 L.D. 1551  
(C "A" H-463)

An Act To Protect Maine Consumers from Unexpected Medical Bills

H.P. 1073 L.D. 1557  
(C "A" H-459)

An Act To Support Employment Opportunity in Maine

H.P. 1109 L.D. 1608  
(C "A" H-461)

An Act To Allow the Androscoggin County Commissioners To Establish Reasonable Office Hours for County Offices

S.P. 575 L.D. 1622

**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.

An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

H.P. 976 L.D. 1418

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)

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An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements  
S.P. 438 L.D. 1286  
(C "A" S-221)

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

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**Resolves**

Resolve, To Establish the Task Force To Recognize Computer Science in the Path to Proficiency  
H.P. 289 L.D. 398  
(C "A" H-454)

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

Ordered sent down forthwith.

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Resolve, Providing for the Official Observance of the 200th Anniversary of the Formation of the State of Maine  
H.P. 806 L.D. 1143  
(C "A" H-453)

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/2/17) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend the Charter of the Rumford Water District" (EMERGENCY)  
S.P. 38 L.D. 90

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-54)** (7 members)

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

Tabled - May 2, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

On motion by same Senator, 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 Dion.

Senator **DION**: Thank you, Mr. President Pro Tem. This is a challenging bill to discuss. My seatmate kind of chuckled when I said that I would. I want to begin by saying I'm sympathetic to the plight that's been raised by the good Senator from Oxford as she is trying to negotiate a conflict in her own district over issues of access to commercial grade quantities of water. This bill originally entered our committee as a discussion as to whether or not voters could intervene in a lawfully secured contract for commercial access to water that had been discussed by the trustees of the utility. Fifty-five individuals representing a variety of those utilities from across the state testified before the committee in opposition to the premise of the bill, as it would disturb the legal authority of quasi-governmental agencies chartered by the State, that we refer to as water utilities, to engage in the business of securing contracts that would be in the best interest of the rate payers of their particular district. It is this one person's opinion that the law was correct and that the opinion of the practitioners was consistent with the law and that, as a committee, we would uphold their interest, irregardless of the dispute at the municipal level about whether or not it was appropriate to extract the water. I recognize that across the state there's a deepening anxiety regarding outside corporate interests accessing a significant resource of the state. However, the facts of this particular instance were that the trustees had exercised all their responsibilities by working with the Public Utilities Commission and the public advocate so they could move on to a lawful contract. So this particular initiative was designed to create an opportunity for the voters of Rumford to weigh in with a plebiscite at the local level to see if they could second-guess what lawfully elected utility trustees had done. So it would appear that we were well on our way to substantiating what the history of utility law for the State had been when the majority of the committee decided that they could not resist trying to fix a problem on their own, and that they did. They invaded the space of the utility district's jurisdiction and compelled them, by virtue of that report, to engage in an election, an election they never sought nor does the law require them to do under their current

charter, a charter they secured from the State. So off we go. Some of us thought that was the wrong approach. I maintain today it is the wrong approach. We should respect the charters as they stand. In those instances where those that have been qualified to execute a charter conclude that there should be a revision it's incumbent on them to come before the Legislature and ask for a modification. It's not like it's written in concrete, never to be chipped away. But the burden falls on the local trustees to come forward. In some instances the locality would send selectpersons or city council people, as they have a charter that incorporates their interest and, therefore, they have a legal standing to make that plea to the Legislature. It should be collaborative and all we would do on a committee, and by extension this Chamber, is validate that collaboration and amend the charter. But nowhere in that charter I read that it's up to the State to determine in the first instance that we should intervene and interrupt what occurs on that local platform and that's why I stand in opposition to the Majority Report, because I truly believe, as a matter of principle, we're literally sticking our nose where we shouldn't. I wish I could make it more glorious or more legal, but sometimes it's just common sense. It's an unfortunate circumstance in Rumford, I wouldn't wish it on any community, but at the same time their struggle is their own and we can't come in with a white hat and decide this is the moment where we can save them from themselves. Thank you, Mr. President.

**THE PRESIDENT PRO TEMPORE:** The pending question now before the Senate is Acceptance of the Majority 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 (#294)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-54) **READ**.

On motion by Senator **KEIM** of Oxford, Senate Amendment "A" (S-226) to Committee Amendment "A" (S-54) **READ**.

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

Senator **KEIM:** Thank you, Mr. President. Briefly, I would agree that this struggle is their own struggle in the Town of Rumford. However, the charters are those that we create at the State House and what the committee, in its more infinite wisdom than my own, saw was that there was an issue that needed to be addressed, and that was that the people's voices were being shut out by the same people that needed to hear them and to listen to what was before them. So this is a matter of giving them a voice and, while it's true that the actual trustees did not come forward and ask for this, there were almost a thousand people that signed a petition saying "We want more voice in this issue." So what this is giving them is it is not a mandate. It simply is saying "Yes, if you, as a town would like to elect your water board trustees rather than have them appointed we are giving you the permission to do that," because it is our job to create water charters and that's what we're giving them, local control, and if they do choose to go that route they will create a water charter for themselves that is like 70% of the other water charters in Maine. So this is, maybe, a slightly unusual route to get there, but it will not be an unusual method of doing business in any way. So I appreciate your support and I appreciate your support for giving people greater voice. Thank you.

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

Senator **DION:** Thank you, Mr. President Pro Tem. I apologize for rising a second time. I have to, in terms of principle, to address the good Senator from Oxford. How far can we go with voting on the Utilities Committee? It feels like we probably should be on the VLA. But, nonetheless, we went from a Majority Report that suggested, without request, that we would have the members of a corporation call for an election of their own positions when the charter declared otherwise. Now we're asking for a body that stands outside their legally constituted corporation to determine that it can call for an election for members, eventually, of that trustee be appointed by themselves. So I'm not sure where this is going. The problem remains. I think the only saving grace on the good Senator's amendment is that the grant that we would offer, if this amendment is accepted, is permissive. It may occur. It doesn't have to occur. I hope there's some saving grace, that we haven't saved them from beyond. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President Pro Tem. I rise at my own peril, having recognized that this is a different report that I may have supported - I usually respect local initiatives for what they are, but I, too, as the Senator from Cumberland has indicated, share a concern about us visiting upon an entity who has not asked for relief, relief that may or may not always be in their best interest. We can't see in the future to really identify that but, as a former municipal official, I recognize the responsibilities of the water district trustees are to protect the interests of those who participate in the water district and thereby, through their assessments, pay the cost for the infrastructure and the goods, i.e. in this case the water that flows through that system. What we're doing here is providing the community of Rumford, in its

entirety, those who are members of the water district or not, a larger role in the governance of that water district and, thereby, the deciding factor as to what those water users who, as I understand it, are obligated to pay those assessments even if they have voluntarily chosen not to participate in the water system if it goes by their home. So it troubles me, Mr. President Pro Tem, that we are going here, but I'm respecting my colleague who represents that community and is working for the best interest of a very difficult situation. Thank you, Mr. President.

On motion by Senator **DION** 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 pending question before the Senate is Acceptance of Senate Amendment "A". If you are in favor of the amendment 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 (#295)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ADOPT** Senate Amendment "A" (S-226) to Committee Amendment "A" (S-54) **PREVAILED**.

Committee Amendment "A" (S-54) as Amended by Senate Amendment "A" (S-226) thereto, **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AS AMENDED BY SENATE AMENDMENT "A" (S-226)** thereto.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Ensure Compliance with Federal Immigration Law by State and Local Government Entities"  
H.P. 272 L.D. 366

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-289)** (6 members)

Tabled - June 5, 2017, by Senator **KEIM** of Oxford

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

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

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#296)**

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Increase Access to Vaccinations"  
H.P. 323 L.D. 456

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-208)** (6 members)

Tabled - June 5, 2017, by Senator **VOLK** of Cumberland

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

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208) AS AMENDED BY HOUSE AMENDMENT "A" (H-335)** thereto.)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-208) **READ**.

On motion by Senator **BELLOWS** of Kennebec, Senate Amendment "B" (S-263) to Committee Amendment "A" (H-208) **READ** and **ADOPTED**.

Committee Amendment "A" (H-208) as Amended by Senate Amendment "B" (S-263) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-208) AS AMENDED BY SENATE AMENDMENT "B" (S-263)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information"  
H.P. 1042 L.D. 1518

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-346)** (6 members)

Tabled - June 5, 2017, by Senator **VOLK** of Cumberland

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-346) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-219) to Committee Amendment "A" (H-346) **READ** and **ADOPTED**.

Committee Amendment "A" (H-346) as Amended by Senate Amendment "A" (S-219) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-346) AS AMENDED BY SENATE AMENDMENT "A" (S-219)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/8/17) matter:

Bill "An Act Regarding the Commercial Forestry Excise Tax"  
H.P. 385 L.D. 541

Tabled - June 8, 2017, by Senator **DOW** of Lincoln

Pending - **FURTHER CONSIDERATION**

(In Senate, June 6, 2017, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.)

(In House, the 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 "B" (H-385)**.)

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/8/17) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Clarify the Law Regarding Arbitration Privacy with Respect to Executive and Legislative Branch Employees"  
H.P. 848 L.D. 1216

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-433)** (7 members)

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

Tabled - June 8, 2017, by Senator **KEIM** of Oxford

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-433).**)

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Prohibit an Electric Utility from Charging a Customer for Using an Electromechanical Meter"

S.P. 75 L.D. 229

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-176)** (6 members)

Tabled - June 5, 2017, by Senator **JACKSON** of Aroostook

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

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

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

Senator **MIRAMANT**: Thank you, Mr. President Pro Tem. Men and women of the Senate, this is a bill I brought to address some of the concerns that our constituents have about the effects of electromagnetic radiation on their health. We had a pretty lengthy hearing in the committee and many different issues were raised with the industry against or not recognizing any of the issues that were raised. So now this has been turned into a study and quite a few people believe that we need one. It's not enough for the government to say that something isn't going to harm us. Other countries use a different standard. They tell you to prove that something's safe before it can be used. We go in reverse. So I just remembered some of the things that I was told were safe. I was in an elementary school in an Air Force base in Utah and we used to hide under our desks in case an atomic bomb came. Then we'd be safe hiding under our desk. We used to live on the base and they would ride around with this fogger through base housing. It was so great and it smelled so good. It was fogging

DDT. Was told it was safe. It was great. Now, you know, that explains a few things. But my classmates, both in college and who I met - I'm sorry, in high school and who I met in college, had been in Vietnam and came back. They were told it was safe to be bathed in Agent Orange. Smoking, remember that? Alright. So we have a lot of people that say that they're having effects from electromagnetic radiation. There is some work going on. There is an M.D., Lisa Nagy, government liaison for the Academy of Environmental Medicine, who says that scientific literature has proven the exposure to wireless radiation is responsible for numerous medical symptoms and conditions. I don't say this to prove my point. What I'm trying to point out is that many people, very different kinds of people, came and testified in the committee. They are from all across the country. Reports are coming in from around the world of this being dealt with. It's not answered definitively. Our study could help that and bring information. Maybe it will bring you the information that anyone who feels like this is making it up. Maybe that's what we'll find. But the folks that came to the committee are just as happy to have that information so they can seek out the other causes of what is ailing them. So this study, that is very well thought out. It picks a different group of people so that there's somebody represented from every area. It will give your constituents hope if they're suffering that you really care enough to try to find out why they're suffering and help them and you're at least listening to them and we cared enough to do the studies. So I really would encourage you to not support this bill and move to the Ought to Pass. Thank you.

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

Senator **BRAKEY**: Thank you, Mr. President. I rise - I just wanted to - just hearing some things that were said, I just wanted to clarify something. You know, when I hear electromagnetic radiation I think, "Wow, that sounds scary." Then I stop and I think all these lightbulbs in this room, the light hitting us, that's electromagnetic radiation. The radio waves that are passing through here right now, as we can't detect but they're here, that's electromagnetic radiation. Any WiFi devices and cell phones, these are electromagnetic radiation. I think it sounds scary when we call it radiation, but really we're just talking about light waves and we deal with that we're surrounded by that every day and I just - it just seems odd to me. 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. Chair. Men and women of the Senate, I'll be brief, but this one's not so bad for me. Remember that electromagnetic radiation is what a microwave is too. It just depends on how much you intensify the wave. But the - I like this one - landmark study by the National Institute for Environmental Health Sciences has proven that DNA damage, as well as brain and heart tumors, develop in mice exposed to cell phone radiation. She said - Dr. Nagy said - other studies report lowered sperm count in men as well as damage to fetal brain when pregnant women use a cell phone. They're coming up with this stuff. I'm not making it up. But the reduced sperm count is not as big a deal to me as it might be to some of our members at this point. So just pointing out a couple of little other parts of it. Thank you.

**THE PRESIDENT PRO TEMPORE:** The question now before the Senate is Acceptance of the Majority 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 (#297)**

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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Off Record Remarks

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

After Recess the Senate was called to order by President Pro Tempore Mason.

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

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2018 and June 30, 2019" (EMERGENCY)

H.P. 281 L.D. 390

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-473)** (6 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-474)** (4 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "C" (H-475)** (2 members)

Report "D" - **Ought Not to Pass** (1 member)

In Senate, June 13, 2017, on motion by Senator **HAMPER** of Oxford, Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-475)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-473)** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

On motion by Senator **HAMPER** of Oxford, the Senate **INSISTED** and **JOINED IN A COMMITTEE OF CONFERENCE**.

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

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Traffic Safety Education in Schools"

H.P. 793 L.D. 1130

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-469)**.

Signed:

Senators:  
MAKER of Washington  
MILLETT of Cumberland



Representatives:

DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
McCREA of Fort Fairfield  
PIERCE of Falmouth  
SAMPSON of Alfred  
STEWART of Presque Isle

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

KORNFELD of Bangor  
GINZLER of Bridgton  
TURNER of Burlington

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-469)**.

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-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 Carson.

Senator **CARSON:** Mr. President Pro Tem, ladies and gentlemen of the Senate, I wish to speak briefly against the pending motion. This is a very modest proposal for a basic minimum of pedestrian and bicycle and traffic safety, age appropriate, in our schools - about an hour a year. If by passing this legislation and helping to create this program with local schools and local organizations we can save the life of one child who doesn't ride against traffic at dusk on a narrow road or keep one child from stepping into a street outside a crosswalk and being struck or any other accidents that might harm or kill Maine's children it will have been worthwhile. Thank you, Mr. President Pro Tem.

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

Senator **LANGLEY:** Thank you, Mr. President Pro Tem. Men and women of the Senate, this bill, when it came to us, probably was one of the longest public hearings we had this year. At least two, two and a half, hours' worth of public testimony in support of this. I rise - my vote in opposition to this was not that students and kids should not know public safety. But the harsh reality is that if this law gets passed it goes into Title 20A, goes into the

book. There's no way to check and see, confirm, that these things are actually being met. You know, it says it must be at least one hour in length, to be provided annually to at least four different grade levels from kindergarten to grade 12. My colleague was right. It's very modest. The one part of this which I think is really important is that you can't use this to supplant driver education in general. So it just - this can be done at the local school level. In fact, I asked a lot of the folks who were in support of this. I said, "What did your local school board say when you brought this proposal to bring it to your school?" In many, many, many cases that had never been done. It is my opinion, you should start local and work your way up. 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 you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#298)**

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-469) **READ** and **ADOPTED**, in concurrence.

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

**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled matter:

An Act To Ban the Purchase of Retail Marijuana and Retail Marijuana Products with Temporary Assistance for Needy Families Program Benefits

H.P. 976 L.D. 1418

Tabled - June 13, 2017, by Senator **CUSHING** of Penobscot

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

(In Senate, June 9, 2017, **PASSED TO BE ENGROSSED**, in concurrence.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#299)**

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, 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.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations  
H.P. 308 L.D. 428

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

Signed:

Senators:

KEIM of Oxford  
HILL of York  
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland  
BRADSTREET of Vassalboro  
GUERIN of Glenburn  
JOHANSEN of Monticello  
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 "A" (H-432)**.

Signed:

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-432)**.

Reports **READ**.

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

Sent down for concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Provide for an Elver Dealer's License for the Houlton Band of Maliseet Indians" (EMERGENCY)

H.P. 913 L.D. 1316

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

Signed:

Senators:

MAKER of Washington  
VITELLI of Sagadahoc

Representatives:

ALLEY of Beals  
BATTLE of South Portland  
BLUME of York  
DEVIN of Newcastle  
HAGGAN of Hampden  
HAWKE of Boothbay Harbor  
SIMMONS of Waldoboro  
SUTTON of Warren  
TUELL of East Machias

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

Signed:

Representative:

KUMIEGA of Deer Isle

Comes from the House with Reports **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

Reports **READ**.

On motion by Senator **MAKER** of Washington, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Youth Mental Health First Aid Training to Secondary School Health Educators"  
H.P. 929 L.D. 1335

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-421)**.

Signed:

Senators:

LANGLEY of Hancock  
MAKER of Washington  
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor  
DAUGHTRY of Brunswick  
FARNSWORTH of Portland  
FULLER of Lewiston  
GINZLER of Bridgton  
McCREA of Fort Fairfield  
PIERCE of Falmouth

SAMPSON of Alfred  
STEWART of Presque Isle

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

Signed:

Representative:

TURNER of Burlington

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-421) AS AMENDED BY HOUSE AMENDMENT "A" (H-471)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-421) **READ**.

House Amendment "A" (H-471) to Committee Amendment "A" (H-421) **READ** and **ADOPTED** in concurrence.

Committee Amendment "A" (H-421) as Amended by House Amendment "A" (H-471) thereto, **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-421) AS AMENDED BY HOUSE AMENDMENT "A" (H-471)** thereto in concurrence.

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Senate at Ease.

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

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

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

**ENACTORS**

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

**Acts**

An Act To Improve the Tax Appeal Process for Maine Businesses and Consumers

S.P. 198 L.D. 583  
(C "A" S-227)

An Act To Require Mortgage Servicers To Act in Good Faith in Dealings with Homeowners

S.P. 243 L.D. 731  
(C "A" S-229)

**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.

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Off Record Remarks

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On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** until Wednesday, June 14, 2017 at 10:00 in the morning.