

# MAINE STATE LEGISLATURE

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Senate Legislative Record  
One Hundred and Twenty-Eighth Legislature

State of Maine

Daily Edition

First Regular Session  
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber  
Monday  
June 19, 2017

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

Prayer by Pastor Kevin Bellinger, Bethel Alliance Church.

**PASTOR BELLINGER:** Would you please bow with me. Our God, our Father in Heaven, we honor Your name and Your character here this morning. We seek love, peace, patience, kindness, goodness, gentleness, faithfulness, and self-control. Thank You for the provision of health and material blessings so we can get our work done here today. We seek a culture of grace and forgiveness with You and with one another. Lead us by Your holy spirit into a sense of unity and purpose. Give us wisdom to make good and right decisions. Protect us from agents of evil which seek to ruin our state, our country. Watch over our families, our work, and our state. This we pray in Jesus Christ's name. Amen.

Pledge of Allegiance led by Senator James F. Dill of Penobscot County.

Reading of the Journal of Friday, June 16, 2017.

Doctor of the day, Lani Graham, MD/MPH of Freeport.

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.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act"

H.P. 862 L.D. 1239

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-434)** (8 members)

Minority - **Ought Not to Pass** (5 members)

In Senate, June 15, 2017, on motion by Senator **KEIM** of Oxford, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-434)**.

On motion by Senator **KEIM** of Oxford, the Senate **INSISTED**.

**Non-Concurrent Matter**

SENATE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund" (EMERGENCY)  
S.P. 201 L.D. 586

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-202)**

In Senate, June 7, 2017, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202)**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202) AS AMENDED BY HOUSE AMENDMENT "A" (H-517)** thereto in **NON-CONCURRENCE**.

On motion by Senator **DAVIS** of Piscataquis, the Senate **RECEDED** and **CONCURRED**.

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Create the Procurement Review Board"

S.P. 447 L.D. 1295

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-274)** (7 members)

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

In Senate, June 16, 2017, on motion by Senator **COLLINS** of York, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Eliminate the Indexing of the Minimum Wage to Inflation"

H.P. 558 L.D. 778

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-356)** (6 members)

In Senate, June 15, 2017, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-356)** in **NON-CONCURRENCE**.

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

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

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Expand Opportunities for Moose Permit Winners To Swap Their Permits"

H.P. 446 L.D. 630

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-312)** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-313)** (1 member)

In Senate, June 15, 2017, on motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-312) AS AMENDED BY SENATE AMENDMENT "A" (S-257)** thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **RECEDED** and the Bill **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE** in **NON-CONCURRENCE**.

Senator **CYRWAY** of Kennebec moved the Bill and accompanying papers be **COMMITTED** to the Committee on **INLAND FISHERIES AND WILDLIFE**.

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Senate at Ease.

The Senate was called to order by the President.

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Senator **CYRWAY** of Kennebec requested and received leave of the Senate to withdraw his motion to **COMMIT** the Bill and accompanying papers to the Committee on **INLAND FISHERIES AND WILDLIFE**.

On motion by same Senator, the Senate **RECEDED** and **CONCURRED**.

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives

H.P. 39 L.D. 53

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-436)** (10 members)

Minority - **Ought Not to Pass** (3 members)

In Senate, June 16, 2017, on motion by Senator **COLLINS** of York, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436)**.

Senator **MASON** of Androscoggin moved the Senate **INSIST**.

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 (#329)**

YEAS: Senators: BELLOWS, BRAKEY, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, LANGLEY, LIBBY, MASON, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE

NAYS: Senators: BREEN, JACKSON, KATZ, KEIM, MAKER, VOLK, WOODSOME, PRESIDENT THIBODEAU

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **INSIST PREVAILED**.

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places"

H.P. 257 L.D. 351

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-89)** (8 members)

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

In Senate, June 16, 2017, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-89)**.

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

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Senate at Ease.

The Senate was called to order by the President.

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**REPORTS OF COMMITTEES**

**House**

**Divided Report**

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Overdose Deaths and Infectious Diseases by Establishing Safer Drug Use Facilities" H.P. 954 L.D. 1375

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

Signed:

Senator:  
HAMPER of Oxford

Representatives:  
HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HEAD of Bethel  
MADIGAN of Waterville  
PERRY of Calais  
SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-501)**.

Signed:

Senators:  
BRAKEY of Androscoggin  
CHIPMAN of Cumberland

Representatives:  
HAMANN of South Portland  
MALABY of Hancock  
PARKER of South Berwick

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

Reports **READ**.

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

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

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise to speak in favor of the motion on 5-1, L.D. 1375. This will establish two safe-houses in Maine major cities where people who are addicted to drugs, who have a substance abuse disorder, can get clean needles, where they can be supervised, where there will be Narcan available. The reason to vote this in is this project works. It works. It saves

lives. People don't overdose and die of an overdose. As you well know, we have an average one person a day dying in Maine. It saves those lives. It saves money. It helps to prevent Hepatitis C, HIV. Hepatitis C treatment costs roughly \$80 to \$100,000 per year. If we can prevent two of those cases per year with clean needles you will save money. It saves communities because there are a decreased number of addicts who are around because of this and it gets people the treatment they need. One should look at Portugal, where they have a long-standing plan to help people with substance abuse, used since 2001. Portugal used to be a haven, a den, for people with drug abuse. It now has one of the lowest instances of drug abuse and death in Europe. They treat addiction, a very complex disease, as a medical problem that needs help, not just as a crime. Whether or not this passes, this year is a little unclear to me, but I stand saying that if it doesn't pass this year it'll come back two years from now, four years from now. It will pass. It represents good sense. It's harm reduction. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending motion. I'll just say it's a rare occasion for me and the good Senator from Penobscot to rise in agreement on an issue coming out of Health and Human Services. So I'll just appreciate the moment as it happens.

This bill would allow for two safer drug use facilities in the State of Maine, and I know that for some this is a - may seem like an out there idea, but I will say this model has been used successfully, employed successfully, both here in the United States of America and in other places across the world, in other nations. In those places where this model has been employed we have seen, we can measure it, overdose deaths for those who utilize these facilities have dropped to zero. Here in the State of Maine, where we are currently struggling, where people are dying on the streets, for a model that can be proposed, that we have an evidence-basis to look to, that has been used and employed in other places where overdose deaths have dropped to zero as a result of these facilities, that's something to certainly take real notice of. In addition, these facilities could - would have the potential to really improve public order by moving drug use off the streets and away from the public into safer facilities, and research shows that they do not increase crime or drug use, and over a majority of those who use these facilities move on eventually to get drug treatment when they are ready to get clean and to improve their - shape up their life. Now, I think we all know here the reasons that people abuse drugs are many and very complex. In many cases people end up abusing drugs to numb some of the underlying problems they have in their own life, to escape from that. There are so many complicating factors, but one thing I really firmly believe, and I think we can see this in the history of the war on drugs in this country, that we don't help people by criminalizing them, but we can help people by allowing, with this legislation, safe, controlled environments where they can be safe until they are finally ready to take a step forward and get treatment for themselves.

Now, I will say one of the very important factors of this bill is that, for me personally, is that these facilities are not asking for a single dime of taxpayer money. They would be funded completely with private, voluntary donations. All they want from us is a promise that, should they seek to help people by providing

these safer spaces, as have been shown in other places to reduce overdose deaths to zero, if they were to provide those safer spaces all they want from us is a promise that State government won't come beating their door down and throw them all in cages. I personally think that's a reasonable request. So, Mr. President, I encourage passage of this bill. I have no illusions that it will be passed today. I certainly hope I'm wrong, but I do think that this is an important message we can send to those struggling with addictions in our state, that they're not - we don't view them as lost. We love them as people. We want to help keep them alive until they are ready to get treatment and turn their life around. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, just listening to this, I'm just shocked, basically, to suggest a safe place to use drugs, illegal drugs, and have it as a safe haven so you don't get charged for any criminal conduct. Of course it doesn't increase crime because you're not being charged for a crime. But, also, the other part of this is that when it says to allow safe, controlled environment; how do you put safe, controlled in the same sentence with illegal drugs? I don't get that. I mean, why don't we just do a pilot program right here in the Senate and see how everybody reacts. I just think it's ridiculous that this is even brought forward. I think it's one of these bills where I think that there are no studies on whether it works or not, and also I think this just does not make sense. It's just not a common sense type approach. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, well, we do have studies that show in other countries this has worked. We also have one closer to home. There was a Chief Executive in a city who thought that drug dealers should die of their overdoses. They had 365 deaths a year and he had no compassion. He felt like wall them off and let them die. They were of no value to society. I don't know why, he was very vocal, but one day he decided to go undercover in that area and he looked around and he saw people instead of someone deserving to die. He didn't see criminals because they were regular people who had ended up in addictive drug states because of prescription addictive drugs that they were lied to about how addictive they were. He looked around and when he left he said, 'You know, these are all people of my city and maybe the other folks are right. Maybe we can do something,' and so they turned that program - they brought this in, they turned that around with the program that does just what this asked for us to do. They started having someone to help them if they got into trouble. Remember, these aren't people that are causing a lot of crime. They're people that are buying drugs. That's their crime, buying drugs that we've made illegal when they are horribly addicted because of the legal ones. So he allowed this program to go in place and after a year they had zero deaths. Zero deaths. They also recognized that there were jobs these folks could do in the community that needed doing. They aren't going to be drivers or pilots or police officers or anything that requires you to have the sharpest mind when you're still addicted to these drugs, but before the war on drugs started 100 years ago people

fit into society in many different ways and many of them have partially drug-addled minds. They weren't criminals. They were suffering and there was something for them to do. Vancouver turned this around and embraced that part of society. Business owners found ways to make them useful and productive. Deaths stopped and they feel pretty good about what they've done there and they've been able to address illegal drug problems with treatment and education. Our 100 year war on drugs is a complete failure. The best intensions were always there. If we criminalize it the people will stop. Didn't happen. If we criminalize it, it'll cut down the supply. Never happened. The availability is rampant now. It's more than ever. It's cheaper than ever. More people are getting forced into that illegal market from the opioid epidemic which is a result of prescription drugs. Lies from drug companies saying, 'No, it's not addictive.' So I think you've heard all the other arguments, but this is a really good idea and it's time for it, for Maine, with our 365 deaths a year.

**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. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#330)

YEAS: Senators: BRAKEY, CHENETTE, CHIPMAN, DIAMOND, DILL, GRATWICK, MILLETT, MIRAMANT, WOODSOME

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

9 Senators having voted in the affirmative and 26 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

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

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#### Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Access to Behavioral Health Services"

H.P. 1041 L.D. 1517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-491)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York  
CHACE of Durham  
DENNO of Cumberland  
HAMANN of South Portland  
MADIGAN of Waterville  
MALABY of Hancock  
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:

HEAD of Bethel  
SANDERSON of Chelsea

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-491)**.

Reports **READ**.

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

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, this bill was stripped down to include just a 2% rate increase for mental health to address the extreme workforce crisis, which is real. In our behavioral health community, in just 20 agencies today, there are 501 vacancies, that's 14% of their workforce, meaning 3,789 people cannot access services because of staffing shortages. This bill goes a long way to help address that and I hope you will join me in opposing the pending motion.

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

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

Senator **BREEN**: Thank you, Mr. President. Ladies and gentlemen of the Senate, we here, in the Legislature, are no more, no less than a composite of families all over the State of Maine. Just as the good Senator from Piscataquis, Senator Davis, spoke last week about how certainly policy and legislation has impacted his family, I feel compelled to do the same regarding the pending motion. I've been very public about having a young adult child who lives with serious and persistent mental illness. She receives a variety of supports through DHHS and when these supports are consistent she holds down a part-time job and contributes mightily to other community entities. Last session the Executive Branch initiated several eligibility changes that resulted in the abrupt closure of the agency that provided her supports. The result, despite her remaining eligible for these services, was a chaotic disruption in the services. A steady deterioration in her mental health ensued and within four weeks she admitted herself to in-patient treatment. This is neither clinically nor economically good for anyone. Now we have a labor shortage in direct care workers across many service areas, including in adult mental health. Providers are having serious trouble in hiring and retaining the direct staff that works with our constituents all over Maine, and my family is no exception. As a result, my family has experienced a chaotic disruption in the services, again, that we rely on and, again, this causes serious deterioration in my daughter's mental health and she, again, required three weeks of in-patient treatment. I'm happy to report that she will be coming home today. The support agency still has gaps and unpredictability in the coming weeks. Fortunately, my young adult daughter was born into a family that was able to take steps to hire private staff and pay out-of-pocket for the gaps that still exist in her services. Most families in Maine cannot react to the labor shortage in the way my family is able to react to it. We need to take increasing reimbursement rates for direct care workers very seriously. Without addressing this issue, we fail to provide clinically proven treatment to folks who are suffering all over Maine and we cannot afford continued and repeated in-patient treatment when these services go missing due to the low market pay. Thank you, Mr. President.

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

Senator **BRAKEY**: Thank you, Mr. President. I'll try to be as brief as possible on this. You know, this bill is a reaction to a rate study that has been worked on by the Health and Human Services Committee which suggests both the increase of certain rates and the decrease of certain rates within some of these skills. This rate study has been conducted with similar methodology to other rate studies that have been done by similar - the same group that has done other rate studies that have been done, but I'll say, in my experience on the Health and Human Services Committee, this is what I consistently see happen. When we have a rate study come out that suggests that rates are too low and rates should increase, as we had in the last Legislature with a rate study related to home-based care services for our seniors, it was indicated the rates were too low and we had to bring rates up. Well, everyone agreed with that - everyone agreed with that report, everyone applauded that rate study. They said, 'Yeah, rates were too low. Let's find the money. Let's bring rates up.' We've been working to bring rates up in that area as a result of that rate study. But when a rate study comes back and suggests that some of our rates may be too high, well then,

even though it's the same methodology, the same group, the same everything about it, but we don't like the outcome of the rate study, now there's a problem with the methodology and everything that goes along with it. I'll say, you know, the rate study we had before us suggested the increase in certain rates and the decrease in certain rates. There was a lot of outpouring of concern from some of the communities affected by these changes, so the Department heard some of those concerns and worked to make some of the changes less dramatic, against the objective of the rate study, by putting caps in place by saying no rates will go down more than 10% and to pay for that we'll have none of the rates that were suggested going up go up by more than 10%. Well then we're told, 'Well, you know, but what about these rates that need to go up? We want these rates to go up.' Again, we find ourselves in the same situation. Whenever rates go up we applaud it. Whenever it's suggested that rates may be too high we have issues. I will say, you know, the problem when rates are too high is not just - it's not just inefficient use of taxpayer resources. We want to have rates at a place where we simultaneously - we find that sweet spot, it can be very hard to find, where we are both providing the resources, the financial resources necessary to attract services into the environment for those who need them, but not so high that we encourage a bloat in administration and overhead on the part of some of these agencies. I will say, with respect to the agency that my good friend from Cumberland County mentioned, my understanding is that that particular agency referenced had some serious administrative overhead problems that were going on well, persistent, beforehand and were not - those problems were before this rate study even came out. So I'll leave it at that. Do we want to be in a place where we, the Legislature, are deciding what the rates are - what particular rates are based on the pressures of one group or another, or do we want to base our rates on objective criteria, which is what we've been trying to move to, which the Department has been trying to move to as they've been doing comprehensive rate studies over the last several years for all of these rates? I don't think it is sound policy to have all the specificity of all the different rates determined in the legislative process. I think that that lends itself to a lot of rates being determined by political pressures and whims of the moment. So I'll leave it there. I would encourage the adoption of the Ought Not to Pass Report.

**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 in opposition to this motion. I don't typically get up and speak about matters that are within the Health and Human Services community, but this is something that I have been confronted with as an elected official. I have been shocked by the number of families that I have encountered when I've knocked on doors or held office hours or forums who are struggling mightily to find the support that their children, young and old, are requiring. As I was listening to the recent remarks about rate studies and deficiencies and all of that, a memory came to me, a very powerful one, about a house that I knocked on and this mother came out, saw me, heard me introduce myself, and literally burst into tears and begged me to find some way to help her and her family. They cannot find support for a child who was unstable and, in the end, resulted in her not being able to keep a job, resulted in the breakup of the



family unit because some members were unable to be in that environment. Let's be very clear that this bill is about real people, real families. There is an issue with rates. They cannot recruit enough people to meet the demand, so there's clearly something wrong and the suffering is real. So I hope you will oppose the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#331)**

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

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

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

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

Bill **READ ONCE**.

\_\_\_\_\_  
Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

Committee Amendment "A" (H-491) **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:

**ORDERS**

**Joint Order**

An Expression of Legislative Sentiment recognizing:

Jerome Stanhope, of Hallowell, who is retiring after 32 years of state service. Mr. Stanhope has worked at Maine Revenue Services for over 29 years as an economist specializing in policy regarding sales and use, service provider and excise taxes. We extend to Mr. Stanhope our appreciation for his service and offer him our best wishes;

SLS 486

Sponsored by Senator BELLOWS of Kennebec.  
Cosponsored by Representative: WARREN of Hallowell.

**READ.**

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, during these times of budget negotiations it's extraordinarily important to remember and honor those people who work tirelessly behind the scenes, nights and weekends, to provide us with the data that we need to make sound policy decisions. Jerry has been a State employee for 32 years and, of those 32 years, worked as an economist in Maine Revenue Services for over 29. For most of his time with Maine Revenue Services Jerry served as the tax policy expert on sales and use, service provider, and various excise taxes. Utilizing complex econometric models, Jerry has forecasted baseline revenues for the Revenue Forecasting Committee and estimated proposed changes to tax laws in these areas. He has provided professional economic analysis to Gubernatorial Administrations for almost three decades, to senior government officials, to us in the Legislature, to the media and the public, and he has performed this difficult work with professionalism despite being visually impaired. Jerry's knowledge of how Maine's sales and excise taxes perform during economic expansions and recessions is unparalleled. His experience with forecasting Maine's volatile sales tax during economic recessions provided Governors and legislators alike with highly accurate forecasting during difficult budget balancing periods, perhaps more difficult than today. Just as importantly, he has estimated thousands of bills that proposed both significant and not so significant changes to our tax laws. Often these estimates were used by policy makers and we, at the Legislature, in those complicated negotiations. His work in Maine has been recognized by colleagues in other states for his participation in the Federation of Tax Administrators Annual Revenue Estimating and Forecasting Conference. His guidance and economic expertise will be sorely missed when he retires on August 1<sup>st</sup> and his role in revenue forecasting and estimating process will not be easily replaced. For his 32 years of public service, I am so honored to recognize him. He is joined today by colleagues from the Maine Revenue Service, including the Associate Commissioner, Michael Allen; by his wife, Virginia, and

son, Joseph; and his sister. Please join me in congratulating Jerry Stanhope on his retirement.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the Chamber Jerome Stanhope and his friends and colleagues. Would they please all rise and accept the congratulations and thanks of the State Senate.

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**Divided Report**

The Majority of the Committee on **TAXATION** on Bill "An Act To Establish the Let's Grow Maine Program"  
H.P. 1066 L.D. 1548

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

Signed:

Senators:  
DOW of Lincoln  
CUSHING of Penobscot

Representatives:  
BICKFORD of Auburn  
GRANT of Gardiner  
HILLIARD of Belgrade  
STANLEY of Medway  
WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-492).**

Signed:

Senator:  
CHENETTE of York

Representatives:  
TIPPING of Orono  
COOPER of Yarmouth  
McCREIGHT of Harpswell  
POULIOT of Augusta  
TERRY of Gorham

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492).**

Reports **READ.**

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

Sent down for concurrence.

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**Senate**

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services"

S.P. 225 L.D. 663

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-280).**

Signed:

Senators:  
KEIM of Oxford  
WHITTEMORE of Somerset

Representatives:  
BRADSTREET of Vassalboro  
CARDONE of Bangor  
GUERIN of Glenburn  
JOHANSEN of Monticello  
SHERMAN of Hodgdon

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

Signed:

Senator:  
HILL of York

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

Reports **READ.**

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be very brief. You know, I put this bill in on behalf of an individual I know who works as a prosecutor in Sagadahoc County and this individual just, in speaking with other lawyers employed by the State, wondered why is it if he has a, as a lawyer who's passed the bar, if he has a friend who, or he wants to help folks who are looking to adopt children, he wants to volunteer his time and his expertise

as a lawyer to help with - to help folks navigate that legal process, which has no conflict of interest with anything he does as a prosecutor, why could he not volunteer his time to be able to do that. The bill that's before us would simply allow individuals who are lawyers employed by the State to be able to offer volunteer legal services, free of charge, so long as there is no conflict of interest with anything that pertains to their job with the State. I think it's pretty common sense, but that's why I put in the bill. Others may disagree. I just hope that we would accept the report. Thank you very much, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. Is the Senate ready for the question? If you are in favor of accepting the Ought to Pass as Amended by Committee Amendment "A" Report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#332)**

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

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

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-280) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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Off Record Remarks

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase Consumer Prescription Drug Protections" S.P. 563 L.D. 1605

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

Signed:

Senators:  
KEIM of Oxford  
HILL of York  
WHITTEMORE of Somerset

Representatives:  
MOONEN of Portland  
BABBIDGE of Kennebunk  
BRADSTREET of Vassalboro  
CARDONE of Bangor  
GUERIN of Glenburn  
JOHANSEN of Monticello  
McCREIGHT of Harpswell  
RECKITT of South Portland  
SHERMAN of Hodgdon

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

Signed:

Representative:  
BAILEY of Saco

Reports **READ**.

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

Sent down for concurrence.

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

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**ENACTORS**

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

**Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District  
H.P. 32 L.D. 31  
(C "A" H-503)

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

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**Emergency Measure**

An Act To Allow Municipalities To Establish Ordinances Banning or Restricting Marijuana Caregivers within 500 Feet of a School  
H.P. 1129 L.D. 1636  
(C "A" H-509)

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

Ordered sent down forthwith.

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**Emergency Resolve**

Resolve, Regarding Legislative Review of Portions of Chapter 115: Certification, Authorization and Approval of Education Personnel, a Late-filed Major Substantive Rule of the State Board of Education

H.P. 295 L.D. 404  
(C "A" H-495)

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

Ordered sent down forthwith.

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Senate at Ease.

The Senate was called to order by the President.

---

**Acts**

An Act To Revise Certification Statutes for Educational Personnel  
H.P. 1080 L.D. 1569  
(C "A" H-515)

An Act To Extend Time Limits for Placing Land in Trust Status under the Maine Indian Claims Settlement  
H.P. 649 L.D. 921  
(C "A" H-513)

An Act To Amend the Law Regarding Notice of Claim Recordings by Statutory Road Associations  
H.P. 908 L.D. 1311  
(C "A" H-435)

An Act To Clarify the Language Defining Schedule W Drugs and To Add Drugs to the List of Schedule W Drugs  
S.P. 541 L.D. 1546  
(C "A" S-262)

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

Ordered sent down forthwith.

---

An Act To Continue the Doctors for Maine's Future Scholarship Program  
S.P. 164 L.D. 503  
(C "A" S-31)

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

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An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions  
H.P. 472 L.D. 681  
(C "A" H-505)

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

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Senate at Ease.

The Senate was called to order by the President.

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An Act To Restore Community Support Services for Adults with Mental Illness  
S.P. 253 L.D. 808  
(S "A" S-270 to C "A" S-241)

On motion by Senator **HAMPER** of Oxford, **TABLED** until Later in Today's Session, pending **ENACTMENT**, in concurrence.

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An Act To Support the Professional Development of Principals in  
Maine Schools

S.P. 291 L.D. 891  
(C "A" S-237)

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

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An Act To Promote Impartiality in the Probate Court

S.P. 345 L.D. 1043  
(C "A" S-230; S "A" S-254)

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

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An Act To Protect Maine Children from Lung Cancer by Requiring  
Radon Testing in Schools

H.P. 988 L.D. 1433  
(C "A" H-516)

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

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An Act Regarding Mental Health First Aid Training for Corrections  
Personnel

H.P. 916 L.D. 1322  
(C "A" H-499)

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

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An Act Regarding the Epidemic of Opiate Abuse

H.P. 983 L.D. 1429  
(C "A" H-510)

On motion by Senator **HAMPER** of Oxford, placed on the  
**SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** 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 (5/25/17) matter:

Bill "An Act To Protect the Confidentiality of Local Government  
Employees' Private Information"

H.P. 104 L.D. 146

Tabled - May 25, 2017, by Senator **CUSHING** of Penobscot

Pending - **CONSIDERATION**

(In House, **VETO OVERRIDDEN**, notwithstanding the objections  
of the Governor.)

(In Senate, Veto Communication (H.C. 183) **READ** and  
**ORDERED PLACED ON FILE.**)

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 (#333)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING,  
CYRWAY, DAVIS, DOW, HAMPER, KATZ,  
KEIM, LANGLEY, MASON, VOLK,  
WHITTEMORE, PRESIDENT  
THIBODEAU

21 Senators having voted in the affirmative and 14 Senators  
having voted in the negative, and 21 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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The Chair laid before the Senate the following Tabled and Later  
Assigned (6/5/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Pay Equality"

S.P. 422 L.D. 1259

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-173)** (7 members)

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

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

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

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

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. According to recent research women who are just one year out of college make only 82¢ for every dollar earned by their male peers. Women hold a disproportionate amount of college loan debt, \$833 billion or about two-thirds of overall student debt in the United States, even though they are not two-thirds of students enrolled or graduating from college. Due to these and other similar factors, the pay gap between men and women can add up to an average of \$403,720 over a 40 year career and women are 80% more likely to live in poverty after the age of 65. This has implications not only for those women but for us, as policy makers. This bill is a modest measure that does two things, using the provisions of the Maine Human Rights Commission. Number one, it allows employees to discuss wages and salaries openly. Number two, it adds one question to a list of existing questions that an employer may not ask a perspective employee during an interview. There's already a lot of questions that folks can't ask, like 'when do you plan on having children?' or 'where do you spend your Sunday mornings?' or all sorts of things like that. This would prevent employers from asking, 'how much did you make in your last job?' and the reason this is an important puzzle - excuse me, an important piece in solving the pay equity puzzle is because women start out with lower pay. If pay in a new job is based on lower pay often that trend follows that woman across her career. So if, and this provision actually is not just for women. This is - under this protects all people who are covered under the Maine Human Rights Commission, so it's people with disabilities as well, and some other classes. I'm proud to have sponsored the bill and I hope that we can defeat the present motion and work on narrowing the gap. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen in the Senate, I would argue that the amendment that this Ought Not to Pass motion is attempting to defeat is unnecessary. The Maine Human Rights Commission reported in their testimony on this bill, L.D. 1259, which you can look up, is

that they routinely investigate these types of claims and, for example, this is quoting their testimony, "In the past four years the Commission has received 93 complaints that included allegations that the complainant's wages were affected by their sex or gender." And actually, to my surprise, these have actually been on the decline in the last few years because this is a subject that we seem to hear a lot about in the media. I've actually just circulated an article that appeared in a publication talking about this issue. This is an issue that we should all be talking about with our daughters. I have three daughters. They're ages 23, 18, and 13. They will certainly be impacted and I would hope that, as a parent, I have given them the ability and the confidence. I know I have given them the ability and the confidence, but they need the knowledge as well that negotiating terms of salary is something that men do routinely and, unfortunately, for whatever reason, women historically have been reluctant to do that. And that's wrong. But that's a skill that we can teach them and that we, as parents and as a society, can teach them, and if they do feel as though they are being treated unfairly because of their gender then they certainly have the right to complain about that and the Maine Human Rights Commission will investigate that complaint under current law. So, surprisingly to me, there were actually 25 complaints in 2013; 38 in 2014, that appears to be the five year high; 30 in 2015; and just 6 in 2016. So when you consider that, it sounds to me as though this is a tight labor market and we've got 3% unemployment and employers are more than happy to pay anyone what they are worth in the marketplace, particularly if they negotiate that themselves. Women, we're not babies, and disabled people aren't babies either. We can negotiate and advocate for ourselves. We don't need this Body doing that for us.

L.D. 1259 would create a new protected class. It's quite unnecessary. It also sets up a dynamic of a he said - she said or a she said - she said where, you know, you're going to have employers feeling as though they have to tape record any interviews that they have with an applicant so that they're not able to claim that they asked this question. As a small business state, Maine employers who are creating new positions are not always sure of compensation, so they could be asking that just because they want to make sure that they are offering the right amount of money for a position, that they are giving people what they deserve and, you know, that is an opportunity for a man or a woman to say, if they want to disclose that, to say, 'Well, I was making this but I feel I'm worth this.' And, you know, a lot of times there's a salary that's already been proposed and if they feel that they deserve more than that and they're the right person for the job, male or female, they can certainly put that out there, and there are a lot of employers in the State of Maine that would just be happy to have a good employee, even if they have to pay a little more for it, regardless of gender. So I would say that this is quite unnecessary. I'm a woman. I have three daughters entering the workplace in the next couple of years. They don't need this. They're big girls. Thank you.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

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

Senator **KEIM**: Thank you, Mr. President. I would just like to reiterate what has already been stated on L.D. 1259 and just offering the other viewpoint as well that I don't believe that women need to seek legislation for special treatment. We are already, under the law, supposed to be treated equally and I'm teaching my girls, and I believe the same for myself, that I have two strong legs and I know how to stand on them. Thank you.

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

Senator **CARSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm privileged. I've been privileged all my life because I am a white Anglo-Saxon male. Ever since I knew and began to follow politics I've known that women make less money. They make less per hour. They make less annual salaries. It's a fact of life. Anything that we can do that is simple, that is reasonable, that will help women of the future, our daughters - I, too, have two daughters - to earn a fair, better salary and to reduce or eliminate the risk of their not doing that, the risk of their being in some fashion, either quietly or overtly, being discriminated against, I believe, would be a wise thing for us to do. So I urge you to oppose this motion when the vote comes. 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 rise in opposition to the pending motion. I think that some folks think that wage discrimination may be a relic of the past or merely the fault of the woman for not negotiating adequately. I've experienced pay discrimination twice. First, my first job out of college. A group of us were hired for the same job, the same role, the same work. A year went by and we received pay raises. A male colleague shared with me that all the males in that role received a higher pay increase than the females. Now, there's an important piece of this bill. Employers often prohibit employees from talking about pay and this bill would make sure that employees could discuss pay. So when I found that out, I'm a strong person, I went to the Human Resources Department and I advocated successfully for retroactive raise for all the women in my department. But what if I had never known? What if I had never known that the men at that firm all received a higher raise than I did? What, when I had gone to my Human Resources Department, they had said, 'We're sorry, it's perfectly legal'? Later, in a second organization, four of us were hired on the same day for the same position. A year went by and I was talking with a male colleague with whom I shared an office and he shared with me what he was going to ask for a raise and what his pay was. Again, to my dismay, I found that his base pay far exceeded mine. Never mind the fact that in that particular circumstance I had been out-performing my male colleague significantly. So, again, I went to my supervisor and I advocated successfully for myself. But the fundamental problem is two-fold, and this is what the bill seeks to fix. First, the idea the employers can prohibit employees from having those conversations that I was fortunate, because of strong relationships in the workplace, to know that discrimination was occurring. I never would have known otherwise. Two, to prohibit employers in the future from asking about compensation, because if I had not received

retroactive raises, and then gone on to my next job, my pay would have been stuck in place. When people make decisions about compensation based on prior history, and prior history includes elements of discrimination, then women are locked into a lifetime of pay discrimination. I also want to clarify a statement from my good colleague from Cumberland, the Maine Human Rights Commission did not testify against this bill. They provided us substantial information, including the fact that this does not create a new protected class, neither for nor against. I urge you to join me in opposing the pending motion.

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

Senator **BREEN**: Mr. President, women did not fight and win the right to vote because they were babies. People with disabilities did not fight for and win the American Disabilities Act because they were babies. And this bill is not about parenting. This bill is about inequalities that exist in the workplace. If you don't believe those inequalities exist, you're entitled to those beliefs. You are not, however, entitled to demean the advocates for this bill or any other bill by referencing them as babies. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#334)**

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-173) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce"  
S.P. 521 L.D. 1492

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-195)** (11 members)

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

Tabled - June 6, 2017, by Senator **LANGLEY** of Hancock

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

Senator **LANGLEY** of Hancock requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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

Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

H.P. 165 L.D. 209  
(S "A" S-141 to C "A" H-111)

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

Pending - **FURTHER CONSIDERATION**

(In Senate, May 24, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111) AS AMENDED BY SENATE AMENDMENT "A" (S-141)** thereto in **NON-CONCURRENCE**.)

(In House, that Body **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)**.)

On motion by Senator **COLLINS** of York, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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

An Act To Provide a Definition of 'Primary Residence' for Purposes of Property Tax Abatements Based on Hardship or Poverty

S.P. 401 L.D. 1180

Tabled - June 9, 2017, by Senator **SAVIELLO** of Franklin

Pending - **ENACTMENT** in concurrence

(In Senate, May 30, 2017, **PASSED TO BE ENACTED** in concurrence.)

(In Senate, **RECALLED** from the Governor's Desk pursuant to Joint Order (S.P. 583), in concurrence. On motion by Senator **SAVIELLO** of Franklin, **RECONSIDERED ENACTMENT**.)

On motion by Senator **SAVIELLO** of Franklin, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED**.

On further motion by same Senator, Senate Amendment "A" (S-282) **READ**.

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

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, this amendment just simply clarifies more specifically what would be allowed in such an abatement. The way the bill was originally written was way too broad and I appreciate the opportunity to bring it back to the Senate so that we could fix that problem as many towns would like to have this ability to act accordingly. Thank you very much, Mr. President.

On motion by Senator **SAVIELLO** of Franklin, Senate Amendment "A" (S-282) **ADOPTED**.

**PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-282)**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Substance-exposed Infants"

H.P. 746 L.D. 1063



Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-383)** (7 members)

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

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

Pending - **ACCEPTANCE** of 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-383).**)

(In Senate, on motion by Senator **LIBBY** of Androscoggin, **RECONSIDERED ACCEPTANCE** of the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.)

Senator **BRAKEY** of Androscoggin requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

On motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions  
H.P. 991 L.D. 1436

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-508)** (7 members)

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

Tabled - June 16, 2017, by Senator **CHIPMAN** of Cumberland

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508).**)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#335)**

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 **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

**Emergency Measure**

An Act To Restore the Tip Credit to Maine's Minimum Wage Law  
S.P. 235 L.D. 673

Tabled - June 15, 2017, by Senator **LIBBY** of Androscoggin

Pending - **ENACTMENT** in concurrence

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

This being an Emergency Measure and having received the affirmative vote of 23 Members of the Senate, with 12 Senators having voted in the negative, and 23 being less than two-thirds of the entire elected Membership of the Senate, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"  
H.P. 53 L.D. 66

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

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

Tabled - June 16, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#336)**

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

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

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

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The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Science and Engineering Education for Maine's Students"  
H.P. 35 L.D. 49

Report "**A**" - **Ought to Pass as Amended by Committee Amendment "A" (H-497)** (9 members)

Report "**B**" - **Ought to Pass as Amended by Committee Amendment "B" (H-498)** (3 members)

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

Tabled - June 16, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)** in concurrence (Roll Call Ordered)

(In House, Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**.)

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I just rise to give you a brief update on this piece of legislation. Next Generation Science Standards, which is the name that's given to these standards, are used widely throughout the State and while they're not State standards as of yet, I would argue that they are the standards of the State by most - by in large by most people that are out there teaching science. So I ask for your support. Thank you.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of Report "A" Ought to Pass as Amended by Committee Amendment "A". A roll call has been ordered. Is the Senate ready for the question? If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#337)**

YEAS: Senators: BELLOWS, 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: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-497) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve General Assistance Reimbursements"

S.P. 363 L.D. 1109

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-273)** (7 members)

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

Tabled - June 16, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report (Roll Call Ordered)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#338)**

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 **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

An Act Regarding the Taxation of Flavored Malt Beverages  
H.P. 574 L.D. 794

Tabled - June 16, 2017, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT** in concurrence

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

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/16/17) matter:

Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"

S.P. 122 L.D. 381

Tabled - June 16, 2017, by Senator **CUSHING** of Penobscot

Pending - **INSIST**

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

(In Senate, June 15, 2017, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)**.)

(In Senate, on motion by Senator **CUSHING** of Penobscot, the Senate **RECONSIDERED** whereby it **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)**.)

On motion by Senator **MILLETT** of Cumberland, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 247

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

June 16, 2017

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

Dear Secretary Priest:

Senate Paper 139, Legislative Document 412, "Resolve, To Direct the Development of After-school Programs," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

79 voted in favor and 62 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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The Following Communication: H.C. 249

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

June 16, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit" (S.P. 277) (L.D. 831)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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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:

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Effectiveness of Notices Required by State Law"  
S.P. 580 L.D. 1630

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-275)** (3 members)

In Senate, June 16, 2017, on motion by Senator **COLLINS** of York, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT.**

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

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

Sent down for concurrence.

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"  
H.P. 819 L.D. 1182

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-506)** (6 members)

In Senate, June 16, 2017, on motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE.**

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506).**

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

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws" (EMERGENCY)

H.P. 999 L.D. 1447

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-437)** (5 members)

In Senate, June 16, 2017, on motion by Senator **COLLINS** of York, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.

Senator **MASON** of Androscoggin moved the Senate **INSIST**.

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

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 (#339)**

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

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

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **CARPENTER** of Aroostook to **RECEDE** and **CONCUR FAILED**.

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

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**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding Parental Rights"  
H.P. 335 L.D. 472

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-441)** (5 members)

In Senate, June 16, 2017, on motion by Senator **KEIM** of Oxford, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

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

On motion by Senator **KEIM** of Oxford, the Senate **INSISTED**.

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System

S.P. 423 L.D. 1260  
(C "A" S-231)

Tabled - June 15, 2017, by Senator **COLLINS** of York

Pending - **FURTHER CONSIDERATION**

(In House, **FAILED FINAL PASSAGE**.)

(In Senate, June 14, 2017, **FINALLY PASSED** in **NON-CONCURRENCE**.)

On motion by Senator **KATZ** of Kennebec, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **FINALLY PASSED**, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231)**, in concurrence.

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-231), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-287) to Committee Amendment "A" (S-231) **READ.**

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

Senator **KATZ:** Thank you, Mr. President. Mr. President, this amendment does two important things that will, hopefully, move this process along in taking a look at our probate court system and its continued viability in the 21<sup>st</sup> Century. First of all, it removes the emergency preamble and, secondly, it authorizes the commission to create a plan to enhance the efficiency and effectiveness of the probate court system. It enables that commission to seek private and public funding of that effort so that, perhaps, we can move this along this summer and fall. Thank you, Mr. President.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "A" (S-287) to Committee Amendment "A" (S-231) **ADOPTED.**

Committee Amendment "A" (S-231) as Amended by Senate Amendment "A" (S-287) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231) AS AMENDED BY SENATE AMENDMENT "A" (S-287)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

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Senate at Ease.

The Senate was called to order by the President.

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Off Record Remarks

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

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

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

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**ORDERS OF THE DAY**

The Chair laid before the Senate the following Tabled matter:

An Act To Restore Community Support Services for Adults with Mental Illness

S.P. 253 L.D. 808  
(S "A" S-270 to C "A" S-241)

Tabled - June 19, 2017, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT** in concurrence.

(In Senate, June 15, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241) AS AMENDED BY SENATE AMENDMENT "A" (S-270)** thereto.)

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

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

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

SENATE REPORT - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish a Student Loan Bill of Rights To License and Regulate Student Loan Servicers"

S.P. 532 L.D. 1507

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-188)**

Tabled - June 5, 2017, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF REPORT**

Senator **WHITTEMORE** of Somerset moved the Bill and accompanying papers be **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES.**

On motion by Senator **VITELLI** of Sagadahoc, 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 Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I rise today in support of 1507 and against this proposal, this motion. Student loan debt has become one of the most defining problems facing at least a generation of students in Maine and across the country. More than 43 million borrowers have student loan debt nationwide, with a total volume of over \$1.4 trillion, with a T, of outstanding debt. Maine's class of 2015 saw 63% of graduates saddled with student debt. While many loan services are helpful to borrowers who look to refinance their loans, take advantage of loan forgiveness programs, and enroll borrowers in affordable repayment plans, there are far too many who fall short in these areas. In fact, too many services are

simply not looking out for the best interest of the borrower. Naviant, a student loan servicer that was the subject of a recent lawsuit from the Consumer Financial Protection Bureau, said in the court ruling that, 'There is no expectation that the servicer will act in the interest of the consumer.' There have been hordes of examples of consumer complaints to the Federal CFPB that illustrate this problem. In fact, the CFPB has handled 3,800 complaints from Maine alone. I will read one example. "First of all, when I signed these loans I didn't know the difference between federal and private with Sallie Mae. The interest was anywhere from 10% to 13%. I begged for consolidation. This is how I found out these were private loans and they did whatever they wanted. They didn't follow federal guidelines."

This bill, as amended, seeks to curb these practices and protect borrowers by creating a student loan bill of rights in statute. The proposal has a couple of components. First, it creates a licensing procedure for student loan servicers which requires that the student loan servicer submit an application and undergo investigation by the Superintendent of the Bureau of Consumer Protection. There is also a license fee for the applicant. Second, it requires student loan servicers to comply with federal law, identifies prohibited acts for student loan servicers, and identifies the duty of the Superintendent with regard to investigation of servicers.

I want to address a couple of concerns and arguments I've heard against this bill, that you'll also find on your desks. One objection is that this proposal is preempted by federal law. This claim is not true. The Higher Education Act which governs student loans does not have any provisions dealing with student loan servicing. In fact, the Department of Education withdrew its servicing standards with regards to student borrow protections in March of this year. There are also those who say that the DOE's plan to narrow the number of student loan servicers to one will fix these abuses. This is also untrue. With one company servicing nearly \$1.5 trillion in student loan debt, states will need to be a partner in ensuring that the servicer is accountable to borrowers.

Too many young people are saddled with student loan debt and find it impossible to make purchases once thought of as standard for young adults. They're unable to purchase a car, a home, or put away any significant amount of money into their savings accounts. In the worst cases, they are left bankrupt, with nowhere to turn. This affects not just young people. There are parents and people of all ages, including people who are retired, who are finding that their social security check is not immune from student loan debt, and veterans in this state, I think you also have a letter from a veteran making this case. It is past time that we take serious action to make sure they are protected from the worst practices of student loan servicers. L.D. 1507 is a step in the right direction towards protecting our students here in Maine, and I will say that those - there are also people who make the argument that what we really need to do is to prevent people from taking out loans and to better understand what it is that they're getting into before they take out a student loan, and that's absolutely correct. But this bill looks at the other end of the spectrum and deals with people who are already in a position to having to pay back their student loans. These are people who've done the right thing, have gone back to school, have gotten themselves re-skilled, and able to contribute to our economy. We owe them some assistance through this bill. So I ask you to follow my light and vote against this proposal.

Senator **CUSHING** of Penobscot moved to **TABLE** until Later in Today's Session, pending motion by Senator **WHITTEMORE** of Somerset to **COMMIT** the Bill and accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

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Senate at Ease.

The Senate was called to order by the President.

---

Senator **CUSHING** of Penobscot requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session, pending motion by Senator **WHITTEMORE** of Somerset to **COMMIT** the Bill and accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#340)**

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 **WHITTEMORE** of Somerset to **COMMIT** the Bill and accompanying papers to the Committee on **INSURANCE AND FINANCIAL SERVICES PREVAILED**.

Sent down for concurrence.

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

**COMMUNICATIONS**

The Following Communication: S.C. 530

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

16 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 591, "An Act To Require Motorists To Yield to Transit Buses."

This bill would require motorists to yield to transit buses—but not school buses—when those transit buses are in motion and the bus driver is signaling to get back into traffic. There is a provision of the bill that states transit bus drivers are not relieved of the duty to "drive with due regard for the safety of all persons using the roadway." Is this not the case now?

I believe we should not change long-standing traffic laws, especially when there is insufficient evidence to prove such amendments are necessary to protect the public.

This bill would also create a distinction between school buses and transit buses. This distinction would unnecessarily confuse motorists, and this confusion could place school children in danger.

For these reasons, I return LD 591 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage  
Governor

**READ and ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act To Allow Municipalities To Adopt Bus Traffic Ordinances  
S.P. 206 L.D. 591

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

Senator **CHIPMAN:** Mr. President, men and women of the Senate, just to remind everybody what this bill does. We talked about it a little bit before, but it is a serious public safety issue. We've had some accidents. We had one fatality and we're trying to address that by simply saying that traffic coming up behind a public transit bus, when they have their signal on to exit from their bus stop, that traffic coming up from behind would yield to the bus as opposed to driving around like everybody does now and creating unsafe situations. I think the vote was 25-10 last time and I hope that everyone who voted for it will stay with the bill and vote to override the veto. Thank you.

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 (#341)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 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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The Following Communication: S.C. 531

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

16 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 507, "An Act to Establish Regional School Leadership Academies."

This bill promotes one-off partnerships for regional solutions for Maine schools, which is the wrong approach. In the biennial budget, my administration has proposed an alternative framework for regional partnerships, called Maine School Management and Leadership Centers. These regional centers specifically allow the establishment of regional school leadership academies. Reducing barriers to regional partnerships is essential to enabling Maine school districts to realize efficiencies and expand access to opportunities for students.

By forming Maine School Management and Leadership Centers, districts will be able to partner for a menu of regional programs or services, including: accounting, payroll and financial management



services and procurement; transportation, transportation routing and vehicle maintenance; reporting functions; special education programs and administration; gifted and talented programs and administration; alternative education programs and administration; substitute teachers and staff augmentation; technology and technology support; food service planning and purchasing; energy management and facilities maintenance; staff training and professional development; shared educational programs or staff; shared support service programs; educational programs such as summer school, extended school year, tutoring, advance placement and other programs that serve students and improve student achievement; shared extracurricular or co-curricular programs; and superintendent services; and regional school leadership academies.

Forming distinct regional partnerships for each and every function, service or program that districts would like to collaborate on imposes a significant barrier to partnership. While strong professional development opportunities for school leaders is important, I urge the legislature to favor the comprehensive solution that will enable greater efficiency and effectiveness for our school districts.

For these reasons, I return LD 507 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 Establish Regional School Leadership Academies  
S.P. 168 L.D. 507

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

Senator **DIAMOND:** Thank you, Mr. President. Just briefly. Ladies and gentlemen of the Senate, this Resolve is very important. It sets up pilot projects around the State for - to train emergency responders at the very basic level and, as most of us know, it's awfully hard now to get volunteers even to train and then to keep them on the job. It's a demanding voluntary situation, but this will be a pilot project, as I say, in various parts around the State and I would urge you to think about that and remember the need we have for volunteers, especially in this area of emergency health. Thank you.

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 (#342)**

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

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, and 20 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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The Following Communication: S.C. 532

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

16 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1462, "Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State."

This resolve proposes a pilot project whereby the Department of Public Safety would be forced to authorize "approved emergency medical services training centers" that would then offer a "community medical responder apprenticeship pilot project." The Department of Public Safety must also report to the Legislature by January 15, 2019.

I believe the proponents also must assume that the State does not provide any training pipeline for those who are interested in becoming emergency medical technicians. This assumption is, however, totally incorrect.

In fact, Maine EMS, within the Department of Public Safety, oversees seven EMS training centers that are located in different regions of the state. Passing a resolve to establish a competing EMS program just does not make sense.

Because the Department of Public Safety is already doing what this bill proposes, I cannot support LD 1462.

For this reason, I return LD 1462 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 Resolve:

Resolve, To Establish a Pilot Project To Facilitate the Acquisition of Basic Emergency Medical Training in Rural Communities in the State

S.P. 508 L.D. 1462

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 (#343)**

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.

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

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

**COMMUNICATIONS**

The Following Communication: H.C. 250

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

June 16, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 454, "An Act To Ensure Safe Drinking Water for Families in Maine."

This bill is contrary to several of my core principles: it adds regulation to businesses, increases a state fee and puts requirements into statute that are already done in practice. The bill primarily does four things that are not necessary.

It requires DHHS to create a uniform water testing recommendation. But DHHS already makes testing recommendations; it is not necessary to pass a law memorializing it in statute.

It increases the fee for well testing at the State Health and Environmental Testing Lab by \$10 or less per test and uses the resources to create the Private Well Safe Drinking Water Fund. This is a fee increase that will be passed on to Maine families who need a water test and may actually serve as a disincentive for families to test their wells.

It also requires the Department to update its educational outreach materials as needed. The Department already has related educational outreach materials and already updates them as necessary. Therefore, it is not necessary to memorialize basic upkeep of educational materials in statute.

Finally, this bill requires well drillers to provide up-to-date information on water testing when drilling a new well. I support well drillers providing good information to their customers. However, I do not support government mandating that they provide that information. This is not government's role, and it simply adds to the regulatory burden for Maine businesses.

For these reasons, I return LD 454 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 Ensure Safe Drinking Water for Families in Maine  
H.P. 321 L.D. 454

Comes from the House with the **VETO OVERRIDDEN**,  
notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of 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 (#344)**

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.

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

**REPORTS OF COMMITTEES**

**Senate**

**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Taxpayers in the Privatization of State Services"

S.P. 407 L.D. 1213

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-289).**

Signed:

Senator:  
DESCHAMBAULT of York

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

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

Signed:

Senators:  
DAVIS of Piscataquis  
KEIM of Oxford

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

Reports **READ.**

Senator **DAVIS** of Piscataquis moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **BELLOWS:** Thank you, Mr. President. I rise in opposition to the pending motion. I brought this bill forward because of concerns about a pattern of behavior whereby State services were being privatized when the Legislature was not in session, without appropriate or proper legislative oversight, and sometimes at great cost to taxpayers and a reduction in quality, and sometimes to entities with horrible records of compliance with relevant State and federal laws, including safety and health, non-discrimination, and environmental. One such privatization effort that directly impacted one of my constituents who called me last week was the privatization of the ASPIRE Program through Temporary Assistance for Needy Families. In the fall, that

program was privatized with a \$62.5 million award to a New York City based non-profit called Fedcap Rehabilitation, an organization that has been the subject of numerous lawsuits costing hundreds of thousands of dollars across the country. Sure enough, not only should we be concerned about the cost associated with that privatization, but I had a constituent call me last week, a single Dad doing his best. He won custody from the Mom who was addicted to drugs for their little 6 year old boy. He's gone back to school so he can get a degree so he can find work so he can provide for his son. In that temporary time he's accepting food assistance through the ASPIRE Program and Fedcap brought him in for six different meetings to try to go over his file and then, without warning or notice or any appropriate due process, canceled the food assistance for him and his 6 year old son as he's supposed to be taking summer classes this summer. So what this bill would do, and why you should defeat the pending motion, is it would order a process of review for any privatization of State services so that the Attorney General's Office could oversee and verify that the cost of service under privatization would cost the taxpayers equal or less money, not more; that the quality of service would be maintained; and that the entity with whom the State proposes to contract would have a proven track record of compliance with relevant State and federal laws and that privatization is in the public interest. I think this is necessary, given the part-time nature of the Legislature, and I urge you to defeat the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise very briefly just because I want to just address something that was brought up in regards to Fedcap. I just am a little surprised to hear this because I know in the Health and Human Services Committee the work being done by Fedcap is one - seems to be one of the rare places of bi-partisan agreement on the committee and excitement to see what some of the prospects might happen with Fedcap for reform of this program, and I know, as we have spoken as both Republicans and Democrats on the Health and Human Services Committee, there has been support for what's going on there, and none of these complaints have ever been brought forward to our committee. So it just was a little strange to hear that on the Floor of the Senate today and I would - I guess I would just hope that if there are serious concerns about this that they would be brought to the Health and Human Services Committee. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#345)**

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

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

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

Sent down for concurrence.

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

**ENACTORS**

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

**Emergency Measure**

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund  
S.P. 201 L.D. 586  
(H "A" H-517 to C "A" S-202)

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

Ordered sent down forthwith.

**Acts**

An Act To Improve Science and Engineering Education for Maine's Students  
H.P. 35 L.D. 49  
(C "A" H-497)

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

An Act To Establish Energy Policy in Maine  
H.P. 910 L.D. 1313  
(C "A" H-429)

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

Ordered sent down forthwith.

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**Resolve**

Resolve, To Ensure Access to Behavioral Health Services  
H.P. 1041 L.D. 1517  
(C "A" H-491)

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

Eight members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Health and Safety of First Responders"

H.P. 1036 L.D. 1512

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-511)**.

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

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

Three 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-512)**.

Signed:

Representatives:

GROHMAN of Biddeford  
LONGSTAFF of Waterville  
RECKITT of South Portland

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Representatives:

WARREN of Hallowell  
TALBOT ROSS of Portland

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

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511) ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

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Off Record Remarks

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Committee Amendment "A" (H-511) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)**, in **NON-CONCURRENCE**.

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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle"

H.P. 716 L.D. 1014

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-147)**.

Signed:

Senators:

ROSEN of Hancock  
CYRWAY of Kennebec  
DIAMOND of Cumberland

Representatives:

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

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

Signed:

Representatives:

WARREN of Hallowell  
TALBOT ROSS of Portland

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

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-147) **READ** and **ADOPTED**.

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

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits"

H.P. 1111 L.D. 1615

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" (H-476)**.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

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

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-476) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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#### ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/27/17) matter:

SENATE REPORT - from the Committee on **JUDICIARY** on Bill "An Act To Provide Consistency among Medical Professionals with Regard to Jury Duty Exemption"

S.P. 26 L.D. 46

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-46)**

Tabled - April 27, 2017, by Senator **KEIM** of Oxford

Pending - **ACCEPTANCE OF REPORT**

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 Androscoggin, Senator Libby.

Senator **LIBBY:** Mr. President, thank you. Men and women of the Senate, I rise as the sponsor of this bill. It was one of the first bills put in the session, as you can tell by the low bill number, and I put it in at the request of a nurse practitioner who operates a private practice in rural Maine. She's one of the salt-of-the-earth type folks who really cares about her patients. She operates her practice six times a day. She's a sole-practitioner. She often has 20 or 25 patients scheduled a day in 15 minute increments. So you can imagine, in this particular circumstance for this type of medical professional, the difficulty that person might face in serving all of their patients if they are called out for jury duty for a week and then asked to come back for two more weeks and then the trial is delayed and they need to come back in another week and potentially be tied up for, all told, eight to twelve, sixteen weeks at a time. You can imagine the burden that would place on a small, independent private practitioner and the patients that they serve. It's really about the patients. A lot of us represent rural Maine. A lot of us are very familiar with rural Maine. We know that shortage that exists among primary care providers and if you can imagine having an appointment with your neurologist scheduled 12 months out and then finding out that that neurologist has been called in for jury duty, and your seizure medications needs to be adjusted, but you're in a place that's served by relatively few neurologists, that places a pretty big burden on that patient. So this argument, I think, was well understood by previous Legislatures. The current jury duty exemption for medical professionals dates back to at least 1971 when surgeons and docs were given the opportunity to be exempt if they needed to be to serve their patients. In Maine today we recognize that nurse practitioners basically operate as docs. They can operate independent practices. They can write prescriptions. They have large patient loads and the nurse practitioner who asked me about jury duty exemption made a pretty compelling case. She said, "I'm basically a doctor in the State of Maine. The State of Maine recognizes my practice as basically that of a doctor and if doctors and surgeons and vets have an exemption from jury duty when they need it to serve their patients it would seem appropriate for nurse practitioners to have the same exemption." So I sponsored the bill to add nurse practitioners to that list, that's over 50 years old, to have them be included in the group of exempted medical professionals.

After the public hearing, or towards the end of the public hearing rather, the Judiciary brought forward an amendment to the bill which, basically, struck all the exemptions. Struck roughly 50 years of State statute and, for better or for worse, the Judiciary Committee went in that direction and amended my bill to go in the opposite direction of what I was intending. So the bill before us strikes all exemptions for jury duty with a couple of exemptions -

exceptions. The Governor would still be exempt, as would be active duty military. But every physician in Maine who's enjoyed this exemption for 50 years would no longer have their exemption. Every vet, every dentist, and so forth. I don't, personally, have an objection to that policy, but at this point, Mr. President, men and women of the Senate, I have objection to the process. If any member of the Legislature next year wanted to bring forward a bill to eliminate all exemptions, as the report before us proposes to do, I would happily help them get that bill through Legislative Council so that that concept could have a full and open public hearing and, Mr. President, I would bet there would be at least 50 docs and vets and dentists in that public hearing to talk about why that bill would pose an undue burden on the many hundreds of patients they serve. But, Mr. President, what we have here is a concept that's, in my opinion, hasn't had the appropriate public vetting that it should. If we are going to repeal 50 years of history with exemptions for medical professionals, then that should be the bill that's brought forward. That's the idea that should have a public hearing. That's the idea that should have a work session. That's the idea that should be properly noticed in all of the publications. So it's unfortunate that the bill that I offered up to give a modest new exemption has been turned on its head and is now a completely different proposition. So, as I said, I'd be happy to work with whomever to get a bill in through Legislative Council next session to swipe away all exemptions because that's really the proper way to take on this policy. So I'm going to be voting against the pending motion and ask the Chamber to consider my remarks and please do the same. Thank you, Mr. President.

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

Senator **KEIM:** Thank you, Mr. President. I just want to speak in favor of the pending motion. First of all, I don't believe that jury duty does pose an undue burden on any of our citizens. It's only three times in - a maximum of three times in our lifetime that we would be asked to serve and I know that doctors, and I respect what they offer society, but I feel that providing justice is a basic function of our democracy and we should not have one segment of our population completely unrepresented in the jury pool. So I think that for them to be part of our great State and to also do their service to the people that are, you know, that are before us in the court system, I think, is just part of being a citizen and I think that they actually will be proud to be part of that and, as far as our committee process, really what we're talking about is not the complex law that often comes before Judiciary and we have to work through details and figure out - hear from all sides and figure out really how to best go forward. This is a very easy to understand concept and it was brought up at our public hearing and it was discussed and thoroughly vetted by our committee. So I believe that we did the appropriate process in thoroughly considering this and are following suit with many other states in the nation as we increase the diversity of our jury pool, and that concludes my remarks but I would appreciate if the Secretary - I would ask the Secretary if she would read the votes that were taken in committee. Thank you.

At the request of Senator **KEIM** of Oxford, Report **READ**.

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

Senator **GRATWICK**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion and two basic thoughts. One, this represents a sweeping change. I, personally, have no problem with change, but if we're going to have sweeping change it really needs to be evaluated carefully, with due process, and I do not think, with all due respect, I do not think this followed that particular pattern. This takes care not only of all healthcare providers who burdened, given this exemption for 50 years, but it also is attorneys, judges, and sheriffs. You know, there are seven or eight different categories of people who are eliminated. Wearing my hat as a citizen, I do not object, in one sense, that they be eliminated, but I think it's very important that they have their day before the Legislature; that they be able to come and say yea or nay in testimony, and that was not done. Simply talking with people who represent the medical group, the nurse practitioners, and only one person was there for the legal profession. This is a total of roughly 8,000 people and there were three who were there. It wasn't initially apparent to any of them that this was going to be a major change in this way. Speaking rather periodically for the medical point of view, I have no objection, whatsoever, to being even a co-sponsor of this bill next time, to have us think more carefully about it, and you've already heard how sometimes you can get an appointment, in an emergency, that day but other times it takes three, six, nine months. If you have to wait nine months, I think you could go elsewhere for your medical care. But this is going to hurt rural Maine. So this is really where this comes down. This is going to be a bad bill, right now, for rural Maine. Without rural Maine having its input, it's going to be bad for people's health. It's bad for planning. If you know that a year hence you're going to have to get someone to substitute for your practice for three weeks, four weeks, whatever it be, that's okay. But that needs to be carefully thought about. Therefore, I agree that juries need growth of representation. That's what the American democracy is all about. But we have not got there with this bill. I urge that this not pass currently. Thank you, Mr. President.

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

Senator **HILL**: Mr. President, thank you. Ladies and gentlemen of the Senate, I speak in support of this motion, and as I do that I have to also tell you that what I'm hearing here today, especially relative to the Judiciary Committee, is very disturbing. I'm here eleven years, I've served in both Chambers, and I do not remember any committee ever being challenged on its work. Judiciary, in particular, is about process. We craft laws for the Judiciary as one of our many jurisdictions and I have to say I - it bothers me even more so because I feel always very protective of my committees and this committee has been a wonderful committee to work with. The Chairs are exemplary. Each and every committee member is thoughtful and deliberate. They don't do things in haste. They don't just pump out bills. They work them and they work them hard and they work them smart and they have courage to go where they need to go with bills. As far as the medical profession goes, let's look at the title here. An Act to Provide Consistency Among Medical Professionals with Regard to Jury Duty Exemption. That's what came out as the bill. I think everybody in the medical profession is clearly on notice and then we had a public hearing and I would agree not a lot of people were there, but the nurse practitioners were there.

Everyone had an opportunity to be there and, yes, there was an attorney there who, by the way, spoke for this, and there was the Judiciary there who, by the way, spoke for this and actually brought forth the amendment that the committee worked. What struck me as very important that day of the public hearing, not a work session, not a floor amendment, but a public hearing, was that the Judiciary gave us the amendment at that time, publicly, when their representative came to the microphone to speak. Each and every member of the committee received this, as well as those in the audience and as well as the sponsor. So this amendment, broad sweeping or not, was very transparent, very open, very up front, and the committee amendment says this: title, An Act to Provide Consistency Among Medical Professionals with Regard to Jury Duty Exemption, just like the title that came in, and the Statute that is being revised is Title 14 MRSA Section 1211, just like the bill came in for the same revision. We had a work session. People came forward. The committee talked about it quite a bit and it was clear to us that, in fact, the law is 50 years old. Time for an update. The world has changed. We need to look at things differently and we decided that in a small state like Maine, rural with some cities, the jury pool needed to be expanded. In fact, the member of the bar who came to speak to us said, 'Please, expand it. Don't shrink it.' We keep shrinking it and it is creating all kinds of problems. The Judiciary said, 'We only have a pool of about 38,000 people out of 1.3 million people in the State of Maine. It's getting harder and harder for us to put together juries.' Why? Because people get exempted by the attorneys who screen them. Why? Because they don't show up. Why? Because the judges are very fair and aware of the needs of people with regard to their work and so lobstermen get to come in in the winter and farmers get to come in in the winter and serve jury duty because the judges understand what they're up against. If doctors want some extra time because they're booked out, no judge is going to say to come here and just leave a line full of people waiting in your waiting room. They're going to work with the doctors, just like they work with the lobstermen and the farmers, and many, many others. We have great judges, and I know you know that because we have confirmation hearings and, one after the other, the Senate Body approves them. So they are judicious people in many, many ways.

We are in crisis in terms of access to our judicial system and jury trials are one of the problems we face. A jury trial recently had to be moved out of Aroostook because another reason people don't make it to the jury is because they know the defendant. They're too involved. There's too much closeness, especially in the rural districts. So what I want to say here is the amendment, basically, says; in order to provide consistency among medical professionals and, frankly, all professions, we the committee decided that we would accept only the Governor and active, that's the word active, duty military and deployed National Guard. We took the exemptions away from judges themselves, haven't heard from one complaining. From lawyers, haven't heard from one complaining. From sheriffs, haven't heard from one complaining. Doctors, actually I haven't heard from one complaining but apparently other people have. Dentists and veterinarians, haven't heard from them. I think it's because they understand times have changed and, while nobody wants to have to go do this, it's your civic duty, and if you want to live in a great state like Maine then you need to come forward and serve on a jury. Here's a couple of quick things that I think are really interesting, because people try to talk about this as being so onerous and so overbearing to serve on a jury. While I've never



gotten to serve on a jury and I really regret that I haven't and I hope now they call me. But, you know, in Maine they only ask you to serve once every five years. Once every five years. Now, come on, I got to think that doctors take annual vacations. Probably three to five weeks. They must book that out ahead. So if the judge worked with them I'm sure they could book this out ahead. Out of this pool of 38,000 it's shrinking. We have problems. We need many, many more, and so the committee said, 'You know, for access to justice, we have to expand the pool because, after all, when you're before a jury wouldn't you want to see members that are peers on the jury, who understand whatever your issue might be or what you've gone through or how you had to work through a situation or how you might have ended up in court in the first place? I know I'd like to be looking at a couple of legislators and attorneys when I got there, and business people as well. Actually, out of the 38,000, by the time they eliminate everybody, each year only about 5% to 10% of those people actually end up serving. That's just, again, such a small amount and that shows you what the odds are of getting picked are small. I don't think we can reduce the pool of people. If anything, we have to expand it. We owe it to the people of Maine to do that. We owe it to justice to do that. We owe it to the Judiciary system to do that.

So I have a few more quick comments I would like to make. It had been brought up that this was about nurse practitioners and, Lord knows, they certainly work hard and they pick up a lot of the slack for the doctors. But when they came in it was really interesting, and a letter had been distributed to your desk some time ago, but it came from the committee of - the Judiciary Committee as a whole, who actually was quite offended by this because again, as I said, I'm not aware of any other committee being challenged about a unanimous Ought to Pass Report. One of the nurse practitioners that came in said, 'Consistency is the key here. If you continue to exempt physicians, then I think you should include nurse practitioners. If you think there are too many people asking for exemptions and you do not want to include any more, then I would suggest you look at eliminating some of the existing exemptions.' I think they had a great idea and it certainly triggered it for the committee, as well as with what the Judiciary had recommended.

I would also like to note that this morning there was a green paper handed out on this very matter and report, and it said, 'Keep physicians with patients in the exam room, not in the court house.' Not a good title. Then it goes on to say, 'Please support the Minority, Ought Not to Pass Report.' I just want to be clear. There is no Minority Report here. All 13 members of the Judiciary Committee signed onto this. They agreed, without reservation, because it's the right thing to do. In the first paragraph it talks about how physicians and dentists provide patient care and they should be exempt from jury duty. I just want to point out, why not exempt everybody in the medical field? Think about the people that have the worst jobs in the medical field; cleaning out pans, drawing blood, bandaging people. I mean, they're just as needed. In fact, I would think they're more needed. They're the first line of defense when you come through the door. Then it talks about, 'Hey, you know physicians, they already contribute to the administration of justice by going to courts to testify.' Good. I'm glad they do and they deservedly get paid for that. Then it goes on to say, 'Exemptions are not subject to an advertised public hearing in this report.' Well, this was advertised like every other public hearing and I find it, again, I just have to say it again, an insult to my committee that this would even be alleged. Then

it talks about how eliminating physician's duty will hurt rural Maine. Well, not having jurors for rural Maine hurts rural Maine and rural people. You know, this is not all about the doctors. So arrange coverage ahead of time. These people are entitled to fair trials and shame on anyone who would suggest otherwise, that because of the doctors they shouldn't get appropriate trials.

So, again, I just want to say, I have to say I wonder why and how do doctors get three to five weeks a year vacation without disrupting services and yet getting called to jury duty disrupts services, even if they'd only be called once every five years and may, you know, I don't know if their egos can handle it, but maybe they wouldn't even be accepted. Maybe they'd be rejected on top of that. I think this bill has been worked hard. I think there's all sorts of valid reasons that we need to expand the jury pool, not limit it. I think this committee behaved most appropriately. A committee I'm proud of. A committee, I thank you so much that I'm serving on it and I don't think they should be dissed, even if it's indirectly. I don't think the process that was followed should, in any way, be attacked because the results that were wanted were not gotten, and I would ask that members of the Senate please support the Judiciary Committee. Please bring justice to all people in Maine, rural and city. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, when I first heard this I had pretty much the same reaction, like 'Boy, it'd be good to have a bigger cross section on the jury pool.' So then I thought about it a little more. I can't remember, a couple of years ago, in Kingfield they had a doctor for a while, and they were serving a really aging population, and he was killed in a car accident and now they have a nurse practitioner. So when I saw that the bill was about allowing nurse practitioners that same exemption, since they schedule months ahead and folks, like my parents, are getting less able to travel to Farmington or Lewiston for appointments. So now they're going to the local clinic and it's much easier on them in their 80s and I think a lot of rural Maine is like this. So this is just - it makes that along with the other professionals and I would never want to be excused from jury duty. I've been trying to get on it for the 40 years I've lived in Maine and nobody will put me on. My wife was on once, so she said when she was there that she heard half the jurors said, 'Well, we need to convict this person. The police officer said they did it.' I said, 'Well, I want to be on a jury so that I can say, you know, they're not always right. Maybe we ought to debate this a little. Maybe we ought to talk about this.' So this isn't about the people that are being exempted at all. This is about the numbers of people they serve in a profession where we can't get enough people. We can't get enough doctors in our rural areas. We can't get enough dentists and we can't get enough nurse practitioners and other health practitioners to serve the communities and so let's keep the ones that we have where they ought to be, and that's in their office, until we have such a glut there. I think we could find someone to empty a bedpan if that person, as valuable as they are, has to go to jury duty. But finding that person at the top of the chart in the office is a little bit more difficult and we know that because we're always trying to pass some kind of incentive to keep those folks or get them into our State. So, for that reason, this isn't a good idea, but maybe a hearing next year would be a little more strategic about who it exempts. Maybe it would have just a little

more thought put into it. To take a bill that says exempt one person and then you remove all exemptions, it just doesn't make sense to me at this time.

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

Senator **CHENETTE:** Thank you, Mr. President. I rise in opposition to the pending motion. I wasn't going to speak to this, but the process has really got me upset and I'm not even the sponsor of the bill. In our Taxation Committee, if we have to completely change a bill, or if we have a new idea for a bill that is suggested in the public hearing or the work session, we ask the presiding officers for a new committee bill, or ask the sponsor to go back to the drawing board next session, and kill that bill. Period. It doesn't appear that that was done in this case. When I served on the Criminal Justice Committee, we always scheduled a new public hearing when the bill was significantly changed to allow interested parties and members of the public a chance to be heard on both sides. So I'd like to pose a question through the Chair.

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

Senator **CHENETTE:** Was there a new public hearing scheduled after the intended bill was changed to the complete opposite of what was intended?

**THE PRESIDENT:** The Senator from York, Senator Chenette, has posed a question through the Chair to anyone who cares to respond. The Chair recognizes the Senator from Penobscot, Senator Cushing.

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I believe I can answer the good Senator's question. The bill was heard in the same manner that a number of bills were heard. There was not a new public hearing because, Mr. President, in this Body, the 128<sup>th</sup> Legislature 1<sup>st</sup> year, we permit anyone to put in any amount - number of bills on any issue. We also permit people to put in what's called a concept draft. Mr. President, I had an able staff check on this for me and I'd pose a question to you, Mr. President, but I already know the answer. We had a number of concept drafts. There weren't ten. There weren't 25. There weren't 50. There weren't 75. According to the Revisor's of Statutes, there are over 130 concept drafts that came before this Body. One hundred and thirty bills which did not typically have public hearings on the content of the bill because they were submitted after the work session. So, Mr. President, unless we're going to change the policy of this Body into how we allow bills to go forward, I think we should call a spade a shovel and accept that this committee has done their diligence. People may not be happy with it, and I certainly respect the sponsor of the bill does not feel this reflects the intent of what he had originally started, but we surrender our bills to the committee of jurisdiction so it can have a public process. We may not be happy, Mr. President, but tough nuts. That's what the process is about and we, therefore, have to recognize that if we don't like it we vote it down, but if our colleagues recognize this bill has merit then so be it and it goes forward. I thank you, Mr. President.

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

Senator **LIBBY:** Mr. President, thank you. I rise to answer the question posed by the Senator from York, Senator Chenette. This bill was not a concept draft and it was publicly advertised as a bill to create a new jury duty exemption. That issue had a public hearing and then the report before us, which is the opposite of that, the opposite of creating a new exemption, in fact repealing all the other exemptions, say for two, that bill did not have a public hearing. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. You know, I'm just sitting here. I think, like many others, I wasn't planning to speak on this. But as I'm just sitting here hearing some of the arguments and hearing some folks protest the idea that, you know, heaven forbid we might have a bill come forward; the committee hears the bill; the bill comes back; and we end up passing something opposite to what the bill sponsor initially intended. I'm just sitting here thinking, 'Wow, this feels like somewhat of a familiar situation to me,' because I remember putting in a bill in the last Legislature that sought to do one thing and it came before this Body and the report was accepted to do exactly the opposite of what the bill proposed. At the time, I didn't stand up and say, 'Well, you know, this is out of order' or this or that. You know, that was the will of that committee report and the will of the Body. So I just think it seems somewhat, I guess ironic is the word I'm thinking of. I think some of the folks who voted for that at that time and those particular circumstances, it seems very similar and I wonder what standards are being applied. So thank you, Mr. President.

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

Senator **DIAMOND:** I was in error, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the unanimous Ought to Pass Report. If you are in favor of accepting that unanimous Ought to Pass Report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#346)**

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

NAYS: Senators: BELLOWS, BREEN, CARSON,  
CHENETTE, GRATWICK, JACKSON,  
LIBBY, MILLETT, MIRAMANT

MALABY of Hancock  
SANDERSON of Chelsea

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-46)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-46) **READ** and **ADOPTED**.

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

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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restrict Cash Access for Electronic Benefit Transfer Cards"

H.P. 201 L.D. 268

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" (H-479)**.

Signed:

Senators:

BRAKEY of Androscoggin  
HAMPER of Oxford

Representatives:

CHACE of Durham  
HEAD of Bethel

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-479) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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#### Off Record Remarks

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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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On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Tuesday, June 20, 2017 at 10:00 in the morning.