

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 7, 2016

beginning at Page 1

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

In Senate Chamber
Tuesday
June 20, 2017

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

Prayer by Reverend Annie Baker-Streevy, Calvary United
Methodist Church in Lewiston.

REVEREND BAKER-STREEVY: Let us pray. Holy God, we ask
that Your blessing be upon us this day. May Your spirit move
among these public servants, that they may hear the needs of
Your people. May You continue to inspire them and remind them
of their calling as they gather this day. Help each person feel
heard, valued, and respected as they converse, debate, and
make decisions that affect our communities in Maine. Fill their
hearts with Your peace which surpasses all understanding and
help them accomplish their duty of service to the best of their
ability. Amen.

Pledge of Allegiance led by Senator Everett B. Carson of
Cumberland County.

Reading of the Journal of Monday, June 19, 2017.

Doctor of the day, Katherine Pope, M.D. of Falmouth.

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.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit
Female Genital Mutilation"

H.P. 525 L.D. 745

Report "**A**" - **Ought to Pass as Amended by Committee
Amendment "A" (H-483)** (7 members)

Report "**B**" - **Ought to Pass as Amended by Committee
Amendment "B" (H-484)** (3 members)

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

Report "**D**" - **Ought to Pass as Amended by Committee
Amendment "C" (H-485)**

In Senate, June 16, 2017, on motion by Senator **ROSEN** of
Hancock, Report "**A**" **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-483)**, **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (H-483)** in
NON-CONCURRENCE.

Comes from the House, that Body having **INSISTED** on its former
action whereby Report "**B**" **OUGHT TO PASS AS AMENDED BY
COMMITTEE AMENDMENT "B" (H-484)**, was **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "B" (H-484)**.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in
Today's Session, pending **FURTHER CONSIDERATION**.

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (S-280)** (7 members)

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

In Senate, June 19, 2017, on motion by Senator **KEIM** of Oxford,
the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and
ACCEPTED and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.

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

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act To Require That Maine
Welfare Benefits Be Used in Maine"

S.P. 286 L.D. 886

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-247)** (6 members)

In Senate, June 13, 2017, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247)**.

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

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Eluding an Officer"

S.P. 361 L.D. 1090

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-130)** (10 members)

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

In Senate, May 23, 2017, on motion by Senator **ROSEN** of Hancock, 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-130)**.

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

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

Sent down for concurrence.

Non-Concurrent 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)

In Senate, June 19, 2017, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

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

COMMUNICATIONS

The Following Communication: H.C. 256

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

June 19, 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 Amend the Laws Governing the Practice of Pharmacy" (S.P. 187) (L.D. 572)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 257

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

June 19, 2017

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

Dear Secretary Priest:

House Paper 657, Legislative Document 929, "An Act Regarding the State Retirement System," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

84 voted in favor and 61 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 711, Legislative Document 1010, "An Act To Allow for the Regulation of Transportation Network Companies at Airports," 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?"

81 voted in favor and 65 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 745, Legislative Document 1062, "Resolve, To Expand the Availability of Light-duty Zero Emission Vehicle Supply Equipment," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

84 voted in favor and 63 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 920, Legislative Document 1326, "An Act To Reduce Morbidity and Mortality Related to Opioid Misuse," 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?"

88 voted in favor and 60 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.**

The Following Communication: H.C. 258

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

June 19, 2017

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

Dear Secretary Priest:

House Paper 903, Legislative Document 1306, "An Act To Create a Small Communities Tourism Grant Program," 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?"

85 voted in favor and 63 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.**

The Following Communication: S.C. 533

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

19 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 809, "An Act to Address Student Hunger with a 'Breakfast after the Bell' Program."

When the State requires a local district to do something and doesn't provide funding, it is an unfunded mandate, pure and simple. If the program is worth doing, the legislature needs to appropriate funding for the program. Imposing layer upon layer of unfunded mandates for our schools contributes to the ballooning

local costs of our education system and places more of a burden on property tax payers.

I cannot support a new, unfunded mandate, no matter the worthiness of the cause. Therefore, I return LD 809 unsigned and vetoed. I urge the legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Address Student Hunger with a 'Breakfast after the Bell' Program

S.P. 254 L.D. 809

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 (#347)

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, and 34 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.

Ordered sent down forthwith for concurrence.

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Scarborough High School Softball Team, of Scarborough, which won the Class A State Championship. The team finished a fourth straight undefeated season. Members of the team include players Hannah Dobecki, Mikayla Plummer, Chloe Griffin, Courtney Brochu, Lindsey Kelley, Lilly Volk, Bella Dickinson, Laura Powell, Abby Roy, Mia Kelley, Hunter Greenleaf, Hannah Ricker, Hannah Gower, Emily Jefferds, Felicia O'Reilly, Ivy DiBiase, Abbie Murrell, Sam Carriero and Ava McDonald; assistant coaches Charlie Andreson, Liz Winslow, Mike Bogart and Mo Hannan; and coach Tom Griffin. We extend to all the members of the team our congratulations and best wishes;

SLS 488

Sponsored by Senator VOLK of Cumberland.
Cosponsored by Senator: MILLETT of Cumberland,
Representatives: McLEAN of Gorham, SIROCKI of Scarborough, VACHON of Scarborough.

READ.

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

Benjamin Batoosingh, of Scarborough, a student at Scarborough High School, who won the 400 Meter Dash at the Class A State Outdoor Track Championship with a time of 50.43 seconds. We extend to Benjamin our congratulations and best wishes;

SLS 497

Sponsored by Senator VOLK of Cumberland.
Cosponsored by Senator: MILLETT of Cumberland,
Representatives: McLEAN of Gorham, SIROCKI of Scarborough, VACHON of Scarborough.

Sam Rusak, of Scarborough, a student at Scarborough High School, who won the Pole Vault at the Class A State Outdoor Track Championship, clearing the bar at 16 feet. We extend to Sam our congratulations and best wishes;

SLS 498

Sponsored by Senator VOLK of Cumberland.
Cosponsored by Senator: MILLETT of Cumberland,
Representatives: McLEAN of Gorham, SIROCKI of Scarborough, VACHON of Scarborough.

READ.

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

The Scarborough High School Boys Outdoor Track Team, of Scarborough, which won the Class A State Outdoor Track Championship, the team's second straight championship title and their third in the past five years. Members of the team include Benjamin Batoosingh, Jarod Beers, Akash Bhatnagar, Lasse Bolbrugge, Anthony Breen, Liam Bridgham, Justin Castaldo, Daniel Chaplick, Anthony Clavette, Connor Coffin, Tristram Coffin, Cameron Deniso, Jason Derrick, Alex Dionne, Noah Drapeau, William Ducott, Bradley DuPerre, Brian Farino, Jarett Flaker, Andrew Gardner, Anthony Gatti, Tyler Gobeil, Jacob Goff, Andrew Bolduc, Ian Gott, Thomas Hanson, Benjamin Hatch, Jonathan Hayes, Sawyer Hebert, Noah Howitt, Ryan Jacquet, Michael Jamison, Kyle Jordan, Connor Langlois, Erik Larkin, Brandon L'Heureux, Shamus Malia, Peter Martin, Camden McFadden, Heath McSorley, James Mullen, Connor Oliver, William Onorato, Harrison Osborne, Sebastian Osborne, Gunnar Phetteplace, Charles Piper, Sam Rusak, Kyle Schuler, Connor Thompson, Alexander Wright and Lucas Wright. We extend to all the members of the team our congratulations and best wishes;
SLS 499

Sponsored by Senator VOLK of Cumberland.
Cosponsored by Senator: MILLETT of Cumberland,
Representatives: McLEAN of Gorham, SIROCKI of Scarborough,
VACHON of Scarborough.

READ.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Require Permits for Wildlife in Captivity and Notification of the Escape of Exotic Wildlife in Captivity"

S.P. 91 L.D. 305

Reported that the same **Ought to Pass as Amended by Committee Amendment "B" (S-284)**.

Signed:

Senators:
CYRWAY of Kennebec
WOODSOME of York

Representatives:
DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford

THERIAULT of China

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

Signed:

Representatives:
HARLOW of Portland
MASON of Lisbon
WOOD of Greene

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "B" (S-284) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Archives and Records Management Law"

S.P. 549 L.D. 1567

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-285)**.

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 To Pass as Amended by Committee Amendment "B" (S-286)**.

Signed:

Senators:
DAVIS of Piscataquis
KEIM of Oxford

Representatives:

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

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-285)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-285) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-285)**.

Sent down for concurrence.

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

ORDERS OF THE DAY

Unfinished Business

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

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

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Modernize the Renewable Portfolio Standard"

H.P. 810 L.D. 1147

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-272)** (11 members)

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

Tabled - May 31, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(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-272)**.)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-272) **READ**.

On motion by Senator **DION** of Cumberland, Senate Amendment "A" (S-290) to Committee Amendment "A" (H-272) **READ** and **ADOPTED**.

Committee Amendment "A" (H-272) as Amended by Senate Amendment "A" (S-290) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272) AS AMENDED BY SENATE AMENDMENT "A" (S-290)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/12/17) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

H.P. 241 L.D. 327

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

Minority - **Ought to Pass** (5 members)

Tabled - June 12, 2017, by Senator **KEIM** of Oxford

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

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

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 Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I take a look at the title of this bill. It seems like that this would be either a choice of pro-choice or pro-life on this bill. Most of us know which side of that aisle we sit on and when you see pro-choice or pro-life it's usually time to go to our corners and defend those corners. I think that would be a mistake, Mr. President, in analyzing this particular bill. I consider myself to be solidly pro-choice and I consider myself to be a supporter and defender of Planned Parenthood, but I believe that this is a sensible bill and I rise in support of the pending motion.

The wrongful death statute in Maine governs the subject of what happens when there is a death and the typical case, say Jane Smith is in an accident caused by the negligence of somebody else and she is killed, the personal representative for her estate, which would usually be her husband if she were married, would bring an action and as part of that action, Mr. President, the heirs would be able to recover for the loss of their wife, the loss of their mother. It's called Loss of Consortium in the law, which is really the major loss, when you think about it. It's not the medical bills. It's not the hospital bills. It's the loss of your loved one. Now, that's the current law but if Jane Smith, at the time of the accident, were, say, 40 weeks pregnant and let's say she did not die but the viability of the fetus was ended, there would be no recovery under current law for either Jane Smith or her husband, the perspective parents, for the loss of their perspective child. This statute in this bill simply creates a cause of action for the grieving parent who has now lost what they were looking forward to more than anything in life, the birth of a child, and it makes good sense, Mr. President, I think, to do this because if that same viable fetus had only been damaged in the accident, and then born alive, current Maine law would provide for a recovery for the injury to the viable fetus who has now been born alive, and that makes sense, and the parents under that case would bring an action on behalf of the injured child, and that's the law in virtually every state.

We had a case dealing with this same situation called *Milton vs. Cary* in which the court was asked to determine whether, under current Maine law, there was a recovery for the loss of a viable fetus, and it was a 4-3 decision and in his dissent then Chief Justice Wathen said the following about talking about how most courts, including Maine, recognized that the cause of action, if the child is born alive, and he said of those other courts: "Those courts concluded it would be irrational to prohibit recovery for a more severe injury causing the death of a fetus and yet that is the situation that currently exists under Maine law." Judge Wathen, in his court decision, wrote the following: "We are now left - under current Maine law, we are now left with the result that a prenatal injury is actionable, while a prenatal death is not." He goes on to say: "The absurdity of such a result is usually illustrated by the hypothetical of twins suffering simultaneous prenatal injuries, with one dying moments before birth and the other dying moments after birth. Such an extreme case demonstrates the irrationality of the requirement of a live birth." That's what this bill is trying to fix.

This will be characterized, and has been characterized, by some, Mr. President, as a radical assault on the pro-choice movement, and I respectfully disagree, and I just ask everybody to take a careful look at the bill. It provides no rights whatsoever to an unborn fetus. Instead, it only provides rights to the parents, and this was made clear by Maine courts in a separate case, and that is the case of *Charmaine Shaw* case in which the court talked about that law. It says, 'The wrongful death statute,' and that's what we're talking about here, 'grants no rights to the deceased.' No rights to the deceased. 'The statute provides a cause of action only to the living relatives or heirs.' That's what the court said there, and that is clearly Maine law. Now, the court went on to say: 'The circumstances presented in *Milton*,' which is really what we're talking about here today, 'did not implicate Maine's abortion law in any way.' I want to emphasize that. Forty other states, Mr. President, including every single other state in New England, the People's Republic of Vermont has this law in place. Every single state has this in place and you've heard criticism

from some, 'Well, that may be true but some of these other states did it by court decision and not by statute,' as if that is somehow not as important as a statute being passed. Well, I'm not sure that *Roe v Wade* is any less important, and any less the law in this country, because it was done by the Supreme Court as opposed to Congress. So, is this a slippery slope? I hear arguments that this is a slippery slope, that somehow passage of this law will become an argument for those who attempt to chip away at the right to abortion that is guaranteed by *Roe v Wade*, and I understand that argument. I worry about that argument. But I look with comfort to the other 40 states and, from my research, similar law in those other 40 states has never been successfully used in an attempt to erode women's right to an abortion. This is not about an assault on *Roe v Wade*. I suggest, Mr. President, it's about justice, justice for the family who made the choice to bear a child and having that choice taken away from them by a wrongful action. All groups, no matter their position on abortion, ought to be able to agree that women who have made the choice to bring a child into the world, and have that choice taken away from them through no fault of their own, deserve justice.

The Maine Medical Association did not testify against this bill. The Maine Osteopathic Association did not testify against this bill. Again, this is a right that women have in Massachusetts, New Hampshire, Vermont, and 37 other states, and we ought to extend that same right to mothers and fathers in Maine. So I'm suggesting, Mr. President, if you are pro-life don't vote against - don't vote for this bill because you're pro-life. Vote for this bill because it makes sense. If you are pro-choice, don't vote against this bill simply because you're pro-choice. Vote for what makes sense for justice in the State of Maine. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I'm not a lawyer, so I am not going to attempt to argue the law that was presented by my esteemed colleague, but I will agree with him on one count. This is a slippery slope. This bill, like other fetal personhood bills around the country, does seek to establish, in its intent, the fetus as a separate and distinct person from the woman who carries it, and I know enough about the law to know that we already have protections in place to protect the woman for the loss of her unborn child in the instance of accidents and other instances that result in the loss of pregnancy. This bill is nearly identical to one that was introduced several years ago that was clearly intended to restrict access to safe and legal abortion. This bill, as presented today, establishing the separate rights of a fetus, will create confusion in existing Maine law, which already, as stated, has clear protections for pregnant women, and it will chip away at our reproductive rights. Further, it opens the door to baseless lawsuits against doctors who provide legal abortions. Although abortion is an exception in the bill, doctors could be sued and then forced to prove in court that the abortion and the informed consent procedures were legal in order to avoid liability. This bill would allow wrongful death lawsuits against any individual or entity that a fetus' heirs may believe caused a second or third trimester pregnancy loss, including a healthcare provider who knowingly treats a pregnant woman, an employer who oversaw a pregnant woman in a specific workplace setting, or a pharmacy that sold an over-the-counter drug. Mr. President, I believe that

this bill is unnecessary and dangerous, and I respectfully ask that you do not support this motion. Thank you.

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 and I would just like to share that while the case of Milton from 1988 is good law to the extent in which it does, in fact, create tort remedies in civil court for the parents who suffer a tragic loss, the Maine Legislature has since updated the law to create additional protections. I was Executive Director of the ACLU of Maine in 2005 when I advocated for the Motherhood Protection Act, which the Maine Legislature passed, to put into law specific protections for women who suffer the tragic loss of wrongful death of her pregnancy, of her child, her fetus; and those protections are in place. What this bill does is seek to amend tort remedies under the probate court and, I point to you, in line 8 of the bill it does, in fact, create fetal personhood, which both the pro-life and pro-choice advocates across the country will agree is the basis for a challenge to Roe v Wade. I would also point to you that the Maine Medical Association member testimony in the record on this bill does speak specifically to opposition from doctors' concerns about the unintended consequences of this proposed statute - doctors and lawyers and the choice coalition. There was extensive testimony in the record and there was not quite as much testimony as there had been two years ago on the same exact issue, on the same exact nature, when L.D. 1193 was before this Body and was defeated; but I would draw your attention to that Legislative Record as well. Those arguments, and in that testimony from that year, for the same exact issue, Maine Medical Association and Maine Section of American College of Obstetricians and Gynecologists testified against L.D. 1193, An Act to Allow a Wrongful Death Cause of Action for the Death of an Unborn Child.

THE PRESIDENT: Senator, can I suggest - I'm just trying to remind folks of the rules that we're not supposed to be referencing other bills that may or may not have been before this Body, but to contain our discussion to the bill that is presently before this Chamber, if you could, please. Thank you.

Senator **BELLOWS:** In summary, I make three arguments. One, this bill is unnecessary because Maine law already provides criminal and civil remedies under the law for harm to a pregnant woman causing damage or loss of her pregnancy. Second, this bill, make no mistake, does convey some rights of personhood to the fetus as a distinct legal entity from the mother. Finally, this bill creates potential unintended consequences for doctors, nurses, and, potentially, mothers. Quoting from an attorney, and former law school professor, from the ACLU, "The language of L.D. 1193 is poorly drafted and could lead to substantial unintended consequences, creating a barrier to a pregnant woman's access to appropriate medical care. L.D. 1193 opens the door to protracted litigation against abortion providers who will be forced to defend in court the legality of the abortion and informed consent in every individual case. That's because the exception in L.D. 1193 from recovering a civil action against an abortion provider is if, and only if, the doctor can prove in court that the abortion and the informed consent procedures were legal. L.D. 1193 further allows for civil actions against all healthcare providers if they should have known that the woman was

pregnant and this language could chill doctors' treatment during emergencies because doctors might fear....

THE PRESIDENT: Again, are we not on L.D. 327?

Senator **BELLOWS:** Excuse me, we are on L.D. 327.

THE PRESIDENT: Okay, so I'm confused by the reference to L.D. 1193?

Senator **BELLOWS:** Forgive me. It's because the language of L.D. 327 is identical to the 1193, but I will continue from my speech about L.D. 327. It's a typo in my comments.

THE PRESIDENT: It's very confusing to me and others as well. Thank you.

Senator **BELLOWS:** Sure. Because L.D. 327 amends the probate code, the question of personal representative arises. The fetus will not have a will, so the probate court must determine who the personal representative is, and under L.D. 327 the probate court would have to decide whether the mother or the father were the appropriate legal representative of the fetus. If L.D. 327 were to pass, it could potentially allow a father to sue a healthcare provider, including an abortion provider, on behalf of the estate of the fetus, even if the suit is contrary to the mother's desire. Regardless of our political or religious views, we can all agree that pregnant women deserve special protection under the law and should be treated with compassion and care. That's what this legislature did when it passed the Motherhood Protection Act in 2005 to update the law to ensure that the deficiencies identified in prior cases were addressed. This is an anti-abortion bill and I hope you will vote against the pending motion.

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

Senator **KATZ:** Thank you, Mr. President. I'd pose a question through the Chair if I could.

THE PRESIDENT: The Senator may proceed.

Senator **KATZ:** I've heard that this is going to lead to a flood of litigation against physicians, a flood of litigation against employers, that it is going to lead to the limitation of abortion rights, and it will lead to contest in probate court. My question is: is there a single state out of those 40 states, in the hundreds of years of collective experience, where any of those horrible outcomes has come to pass? Thank you, Mr. President.

THE PRESIDENT: The Senator from Kennebec, Senator Katz, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Senator from Kennebec, Senator Bellows.

Senator **BELLOWS:** To clarify that across the country only 12 states provide a statutory right of action for the wrongful death of a fetus. This would make Maine one of the handful of states nationwide and the only one in New England to codify this form of wrongful death action on behalf of a fetus.

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

Senator **KATZ:** Thank you, Mr. President. I request the chance to speak for a third time very briefly.

THE PRESIDENT: The Senator may proceed without objection.

Senator **KATZ:** This is the law in 40 states. What is the difference whether it was adopted by the Supreme Court of the State or the Legislature of the State? Again, I would refer you back to Roe v Wade. Does anybody suggest that that is a less valid law in the United States because it was done by the Supreme Court as opposed to a Congress? Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I just rise very briefly. A personal aspect of this, that in rheumatology one also uses a medicine called Methotrexate, a strong medicine initially developed for particular kinds of Leukemia but works very well for rheumatoid arthritis, Lupus, etcetera, but it has many side effects, as I think people are aware. It can be used as a morning after pill. It has that effect. It also has the effect, in high doses, of causing the loss of a fetus. The difficulty is: should I know when a woman comes before me 25 weeks pregnant - she doesn't want to tell me, I ask her if she's pregnant, always ask that when you don't know. I believe people. I do not always do pregnancy tests on people and the language of the bill, particularly section 2 A1, is really open to question and I think this is going to have a major chilling effect on the use of particular kinds of medicines. I urge people to vote against this. The time is not ready for this. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I just, based on the good Senator from Penobscot's recent testimony, I'm just confused because, as I read the title, it says An Act to Allow Wrongful Death Cause of Action for the Death of a Viable Fetus. I don't understand, and perhaps I can pose a question through the Chair to anyone who might answer, how the referenced material the good Doctor just provided us would apply to a viable fetus?

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

Senator **GRATWICK:** Thank you, Mr. President. Many medicines that are used can have an abortifacient effect on the fetus. They can cause the death of a fetus. This is one, this is the most commonly used medicine for rheumatoid arthritis and it can have that unfortunate side effect.

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

Senator **CARPENTER:** Thank you, Mr. President. Just to follow along that line, and I guess this question would be posed to the Senator from Kennebec, Senator Katz. It would appear to be consistent with Senator Gratwick's concerns, this bill would appear to insulate from a cause of action a healthcare practitioner unless that healthcare practitioner did not know or and had not medical - medical, medical - reason to know. So I think Dr. Gratwick's scenario where you ask the patient, 'Are you pregnant?' and if the patient said 'no' you proceed, and I didn't catch the name of the drug, to administer the drug. It would seem to me that any healthcare practitioner, to be safe, would have to do pregnancy checks, whether they were dermatologists or rheumatologists or any of the ologists that are out there because it says 'no medical reason'. If the word 'medical' wasn't in there perhaps you could go on the patient's word, 'No, I'm not pregnant.' But that's not a medical reason. It seems to me you throw a burden onto the healthcare community here that they didn't have before and I think the chilling effect is of consequence. I would appreciate if somebody could respond to my question.

THE PRESIDENT: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair to anyone who cares to respond. The pending question before the Senate is Acceptance of the Ought to Pass Report. The Chair recognizes the Senator from Oxford, Senator Keim.

Senator **KEIM:** Thank you, Mr. President. This bill is pretty simple. It speaks only to a time which is passed the legal window for abortion. So this will not, and has not, affected abortion rights in any state. This bill is simply about economic justice for families in an amount of \$500,000. This bill is simply about allowing a family to say there is value, and a value that is far beyond that price, but something that they have lost through an action of another. This is about justice. Thank you.

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, certainly the loss of a pregnancy is tragic. We've heard remarks on the Floor of this Chamber and we've received testimony on this bill that a woman already has legal recourse in the courts. She can sue for negligence, assault, battery, or a host of other causes. That is not what this bill is about. I would also like to share some testimony that was received from insurance companies in Maine, particularly the Medical Mutual, and the testimony said it strongly urges the committee to reject L.D. 327. 'If adopted, the bill would alter 197 years of Maine law. We believe that dramatically altering the wrongful death statute in place since 1891 is inappropriate. Regretfully, we believe the bill appears to be more about a major social, philosophical, and contentious debate in this country.' I would concur. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought to Pass Report. A roll call has been ordered. If you are in favor of accepting the 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 (#348)

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 **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

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

Ordered sent down forthwith for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/17) matter:

An Act To Promote Impartiality in the Probate Court
S.P. 345 L.D. 1043

Tabled - June 19, 2017, by Senator **DAVIS** of Piscataquis

Pending - **ENACTMENT** in concurrence

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

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

Senator **DAVIS:** Thank you, Mr. President, and, Mr. President, I will wish you a good day. I'm taking a chance that the clock here might be wrong and it'd still be morning or afternoon, but it is day.

I rise, Mr. President, to oppose this matter, in opposition to this bill, and I will do my best to articulate why I do so. In nearly 200 years, Mr. President, the State of Maine has been a state and

during that time Maine's probate matters, such as contested estate wills and child custody things and that type of thing, have been taken care of by part-time, popularly elected judges, and that's all 16 counties, not just rural counties. That's according to the probate website. This system has worked well, I believe, for all these years and it brings me to the question: why do we need to change it now? In my small county of Piscataquis, although we are second in the State in landmass and in population we're the smallest, we have 17,000 people, our judge holds court one or two days a month and then sometimes they don't hold court at all if they don't have anything to do. Mr. President, my good friends who are the supporters of this legislation bring it forward and they seem to feel that sitting probate judges have some sort of an advantage when they are appearing - representing contested cases and they are appearing in other courts in other parts of the State from their own. However, Mr. President, I looked into this and I found some surprising results. The fact is I found absolutely the opposite from what was presented. I found that far more is expected of sitting judges than regular attorneys. That sitting judges are required to know more about probate matters and that more is demanded of them and, therefore, they even work harder than regular attorneys would. They know they are under a magnifying glass. They know they're being watched real close. Interestingly, Mr. President, Judge Morton, from Farmington, and Judge Mitchell, James Mitchell the deceased spouse of the current Judge Mitchell, had met each other in court, in probate court, in contested cases on opposite sides in front of Judge Alsop up in Skowhegan and if you talked to them they would tell you that there hasn't been any favoritism shown, although the losing guy might think there was a bit, but that isn't what's happened so far. That isn't what's been said. That certainly isn't to say that there haven't been some problems with our system. There're problems with every system. We had a judge in the southern part of the State that there was a bit of corruption around him and he was taken care of with the ballot box. There was another judge that decided he would run for political office other than Judge of Probate and the State Supreme Court had quite a bit to say to him about doing that.

Now, Mr. President, as you well know, I represent Piscataquis County, along with parts of Somerset, Piscataquis being the smallest of the three, certainly population-wise. This bill will hurt my county. There's no question. As I said before, we only have 17,000 people. Take that judge of probate and our probate courts away from us in favor of a full-time judge, it will mean, probably, that my constituents will have to travel great distances to receive the services of a probate judge and I would submit to you, Mr. President, as strongly as I can, my constituents are deserving as any constituents in the State of Maine of the services of a probate judge - anywhere, and they also deserve not to be handicapped by having to travel long distances. From Piscataquis, Maine to Bangor is probably 75 or 80 miles. That's unacceptable.

While, Mr. President, we have a small population, we are a very hard working, resourceful bunch of folks. We look after each other. Rural people usually do. We live distances apart and we have to take care of each other. When tragedy does strike, be it a disease or an accident or cancer, almost immediately a fundraiser of some sort or a benefit, supper, whatever, comes before us and it's done so to lift the spirits of those affected, and that is the order of the day, to look after each other. Ladies and gentlemen, we lost our hospitals quite a number of years ago. Most of the small schools in rural Maine are closed, most of them

in small towns. I would submit to you that when you close a school, a small school in a small town like Guilford, Maine or Monticello, Maine, or Wells, Maine, or any small town, you literally rip the heart out of that town. The school is the center of the town. It's where parents meet. It's where people get together. Often it's where the voting takes place and on and on. Our county jails are pretty much decimated. The State took over the funding and then didn't follow through and now they've restricted them to a certain amount and they're having a tough time. However, I'll tell you folks, if, in fact, we have to suffer the loss of our probate courts then the good folks in Piscataquis County will adapt to the situation. We will make due. We'll make due in spite of what I see as an eviction notice to us, to get out of rural Maine, an order sent by our State and federal governments. Please, folks, follow my light and support the little guy, the smallest county in the State, Piscataquis. Thank you very much, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, first of all, in response to my good friend from Piscataquis County, I just want everybody to be assured that there is nothing whatsoever in this bill which interferes in any way with the existence of the probate judge for Piscataquis County. Nothing. There is another bill which has passed this session already, which you may recall, which sets up a committee to study the entire probate court system and see if it still makes sense in 2017 and the way it did 200 years ago. I don't know what the conclusions of that commission will be. I don't think any of us do. I think there was a feeling that it's time to take a look at it and that's what that committee will do. This bill, Mr. President, is much more narrow in focus, and it simply says that if you're a sitting probate judge in any county you shouldn't practice in a different probate court as a lawyer. You can do divorce cases. You can do drunk driving cases. You can do property disputes. You can do anything you want, but the one narrow area of law you shouldn't be practicing in is contested probate matters in another county. I don't know how many probate judges even do it. Some of them do. Excuse me, I'm sorry. I've submit it's a problem because of the perception of unfairness, the perception of undue influence, and there was a lawyer who testified at the hearing on this matter who I thought put it up well. He said, 'I'd go into a contested probate matter, say in York County, with my client and on the other side of the case was the other client who walked in with a probate judge as his lawyer,' and he walked into the York County Court House and everybody's saying to the opposing lawyer, 'Your Honor, it's great to see you. Your Honor, it's great to have you back in court. Hi, Judge, good to see you, Judge,' and then they walk into a courtroom where the person deciding the case is one of the brotherhood or the sisterhood of probate judges. I don't mean this in a bad way, but they are a very closely knit group that works well together and, if you're a client who's not being represented by a judge, how do you feel about the fairness of the system. All this says, Mr. President, is that probate judges can still practice in other probate courts as long as the things are uncontested. They can still represent themselves in other probate courts. If they are a personal representative in case, they can still appear as the personal representative. It just says they shouldn't appear as an attorney in a contested matter. I think that's a reform which is long overdue. The Judiciary Committee heard this. As I recall, the

decision out of committee was a unanimous one, Ought to Pass, and it's got to this stage of enactment and I hope everyone will support it. Thank you, Mr. President.

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

THE PRESIDENT: The pending question before the Senate is Enactment of L.D. 1043. If you are in favor of Enactment you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#349)

YEAS: Senators: BREEN, CARPENTER, CHENETTE, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK

NAYS: Senators: BELLOWS, BRAKEY, CARSON, CHIPMAN, COLLINS, CYRWAY, DAVIS, DOW, SAVIELLO, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

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

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Solar Power for Farms and Businesses"

S.P. 529 L.D. 1504

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-276)** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-277)** (5 members)

Tabled - June 16, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

On motion by Senator **WOODSOME** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-276) **READ**.

On motion by Senator **WOODSOME** of York, Senate Amendment "A" (S-293) to Committee Amendment "A" (S-276) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Sagadahoc, Senator Vitelli.

Senator **VITELLI:** Thank you, Mr. President. Members of the Senate, I rise very briefly in support of this motion with the added amendment and, in particular, I just want to say that several of you may know that a couple of years ago I was the sponsor of a bill that lead to the Value of Solar Study, which indicated that there are many values to solar energy, including a more secure energy supply, reduced cost to the grid, and less air and climate pollution. So I want to thank Senator Saviello, Senator Woodsome, and Senator Dion, in particular, for moving this bill forward, directing the PUC to take the next steps towards devising an equitable rate design, integrating distributive energy in the State of Maine, and really taking solar policy and it's center framework forward in this State. I would point out that the testimony from the public advocate, or the past public advocate, in addressing this bill indicated that over the next four years avoiding all the costs from solar would save Maine ratepayers between \$530,299 and \$1.561,190 million between now and the end of 2021. So this bill, indeed, is a positive step forward and I want to thank the members of the Senate and the committee for having taken this bill to its position today. Thank you.

On motion by Senator **WOODSOME** of York, Senate Amendment "A" (S-293) to Committee Amendment "A" (S-276) **ADOPTED**.

Committee Amendment "A" (S-276) as Amended by Senate Amendment "A" (S-293) thereto, **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-276) AS AMENDED BY SENATE AMENDMENT "A" (S-293)** thereto.

Ordered sent down forthwith for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Establish the Let's Grow Maine Program"
H.P. 1066 L.D. 1548

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-492)** (6 members)

In Senate, June 19, 2017, on motion by Senator **DOW** of Lincoln, 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-492)**.

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

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 **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)

In Senate, June 19, 2017, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Pursuant to Statute

The Committee on **JUDICIARY** on Bill "An Act Concerning Private Personal Information of Public Employees and Licensed Individuals"

H.P. 1126 L.D. 1633

Reported that the same be **REFERRED** to the Committee on **JUDICIARY**, pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G.

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

Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Senate at Ease.

The Senate was called to order by the President.

Bill and accompanying papers **REFERRED** to the Committee on
JUDICIARY, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 534

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

June 19, 2017

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

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Honorable Thomas E. Delahanty II of Falmouth, for appointment as an Active Retired Justice of the Superior Court.

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

YEAS	Senators	2	Keim of Oxford, Hill of York
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Representatives 9 Moonen of Portland,
Babbidge of Kennebunk,
Bailey of Saco, Bradstreet of
Vassalboro, Cardone of
Bangor, Guerin of Glenburn,
Johansen of Monticello,
McCreight of Harpswell,
Reckitt of South Portland

NAYS	0
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ABSENT	2	Sen. Whittemore of Somerset, Rep. Sherman of Hodgdon
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Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Honorable Thomas E. Delahanty II of Falmouth, for appointment as an Active Retired Justice of the Superior Court be confirmed.

Signed,

S/Lisa Keim
Senate Chair

S/Matthew W. Moonen
House Chair

READ and ORDERED PLACED ON FILE.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#350)

YEAS: Senators: None

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

No Senator having voted in the affirmative and 35 Senators having voted in the negative, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Thomas E. Delahanty II** of Falmouth for appointment as an Active Retired Justice of the Superior Court was **CONFIRMED**.

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

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. 259

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

June 20, 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 to Pass as Amended Report of the Committee on State and Local Government on Bill "An Act To Create the Procurement Review Board" (S.P. 447) (L.D. 1295) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-274);

the Majority Ought Not to Pass Report of the Committee on Transportation on Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs" (S.P. 122) (L.D. 381);

the Majority Ought Not to Pass Report of 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).

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

This matter was ordered sent down forthwith for concurrence.

Off Record Remarks

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

RECESSED until the sound of the bell.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

JOINT ORDER - Expression of Legislative Sentiment recognizing the The Scarborough High School Softball Team, of Scarborough, which won the Class A State Championship. The team finished a fourth straight undefeated season. Members of the team include players Hannah Dobecki, Mikayla Plummer, Chloe Griffin, Courtney Brochu, Lindsey Kelley, Lilly Volk, Bella Dickinson, Laura Powell, Abby Roy, Mia Kelley, Hunter Greenleaf, Hannah Ricker, Hannah Gower, Emily Jefferds, Felicia O'Reilly, Ivy DiBiase, Abbie Murrell, Sam Carriero and Ava McDonald; assistant coaches Charlie Andreson, Liz Winslow, Mike Bogart and Mo Hannan; and coach Tom Griffin. We extend to all the members of the team our congratulations and best wishes;
SLS 488

Tabled - June 20, 2017, by Senator **VOLK** of Cumberland

Pending - **PASSAGE**

(In Senate, **READ**.)

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, I'm very honored today to talk a little bit about some kids that are near and dear to my heart. Most of you, probably everybody here, knows now that my daughter had the honor of pitching in the State Championship game on Saturday, right here at Cony High School actually, and we have many members of the Scarborough Red Storm Softball Team with us in the Chamber, and just to give you a little bit of information on this team, their batting average for the season was 400. They hit 16 home runs, scored 278 runs and gave up just 20, only 13 of which were earned. The pitchers, there were three different pitchers who

pitched throughout the season and, as a team, they had a 0.669 ERA. They struck out, collectively, 201 batters in 136 innings. Most of their games, I can attest, did not go more than the legal requirement for the league of five innings because most of them were mercy rules. They gave up 59 hits and walked just 26. Their fielding percentage was an amazing .964% and this is a team, a group of kids, three seniors, who had not lost a single regular season game in four years and they had one more opportunity to clinch that State Title on Saturday. One of the pitchers who wasn't able to be here today, Abbie Murrell, actually pitched in the Class A South final to get them to the State Final, where my daughter was able to pitch. She had - she threw 82 pitches, 68 were strikes, and she had 13 strike outs and one walk, I believe it was. So I'm just very pleased to be able to have them here today and honor them, and long live two of the members of their Coaching staff and thank you very much.

PASSED.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled matter:

JOINT ORDER - Expression of Legislative Sentiment recognizing Benjamin Batoosingh, of Scarborough, a student at Scarborough High School, who won the 400 Meter Dash at the Class A State Outdoor Track Championship with a time of 50.43 seconds. We extend to Benjamin our congratulations and best wishes;
SLS 497

JOINT ORDER - Expression of Legislative Sentiment recognizing Sam Rusak, of Scarborough, a student at Scarborough High School, who won the Pole Vault at the Class A State Outdoor Track Championship, clearing the bar at 16 feet. We extend to Sam our congratulations and best wishes;
SLS 498

JOINT ORDER - Expression of Legislative Sentiment recognizing The Scarborough High School Boys Outdoor Track Team, of Scarborough, which won the Class A State Outdoor Track Championship, the team's second straight championship title and their third in the past five years. Members of the team include Benjamin Batoosingh, Jarod Beers, Akash Bhatnagar, Lasse Bolbrugge, Anthony Breen, Liam Bridgham, Justin Castaldo, Daniel Chaplick, Anthony Clavette, Connor Coffin, Tristram Coffin, Cameron Deniso, Jason Derrick, Alex Dionne, Noah Drapeau, William Ducott, Bradley DuPerre, Brian Farino, Jarett Flaker, Andrew Gardner, Anthony Gatti, Tyler Gobeil, Jacob Goff, Andrew Bolduc, Ian Gott, Thomas Hanson, Benjamin Hatch, Jonathan Hayes, Sawyer Hebert, Noah Howitt, Ryan Jacquet, Michael Jamison, Kyle Jordan, Connor Langlois, Erik Larkin, Brandon L'Heureux, Shamus Malia, Peter Martin, Camden McFadden, Heath McSorley, James Mullen, Connor Oliver, William Onorato, Harrison Osborne, Sebastian Osborne, Gunnar Phetteplace, Charles Piper, Sam Rusak, Kyle Schuler, Connor Thompson, Alexander Wright and Lucas Wright. We extend to all the members of the team our congratulations and best wishes;
SLS 499

Tabled - June 20, 2017, by Senator **VOLK** of Cumberland

Pending - **PASSAGE**

(In Senate, **READ**.)

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

Senator **VOLK:** Sure. Thank you very much. We also are quite honored to have with us today as well the Boys Track Team from Scarborough Red Storm and this is an absolutely amazing group of athletes. So I just want to read some of the titles that they have won over the last four years. They were the Class A State Champions in 2016 and 2017. This year, 2017, they won States by 53 points. In 2015, they were the Class A State runner-up. In 2014, they took third and they were the SMAA Southwestern Champs in 2016, 2017, runner-ups 2014, 2015, and Cumberland County Champions for all four years. They have - their team record for 2017 was 61 - 0, and we have some individual champions as well. Sam Rusak has had just an absolutely amazing career. He is a Senior Captain and he is a pole vault champion, who is going to the University of Connecticut next year. We also have with us Ben Batoosingh, who runs the 400 meter. Some of the other champions include the 4 x 800 meter relay: Erik Larkin, Noah Drapeau, Charlie Piper, Shamus Malia. The 4 x 100 meter relay: Ben Hatch, Jarett Flaker, Ben Batoosingh, Sam Rusak; and the 4 x 400 meter relay: Ben Batoosingh, Noah Drapeau, Charlie Piper, Jarett Flaker. They have some records. Sam Rusak holds the State Meet Record for the pole vault and the 4 x 100 meter relay record is also held by this group. Of note, Freshman All-time Best Jarett Flaker hit his all-time best in the 100 meter, 200 meter, 400 meter, 110 high hurdle - I'm guessing - and the 300 IH. So we are just very, very pleased and honored to have them with us today as well.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber the Scarborough Girls Softball Team with coaches Tim Griffin and Charlie Anderson. They are the State Champions. Would they please rise and accept the congratulations of the Maine Senate.

The Chair is also pleased to recognize in the rear of the Chamber the Scarborough Boys Outdoor Track Team with Coach Derek Veilleux. Would the State Champion Track Team please stand and accept the greetings of the State Senate.

The Chair is pleased to recognize in the rear of the Chamber parents of the Boys Track Team, Jennie Ketch and Joanna Dionne. Would Jennie and Joanna please stand and accept the greetings of the State Senate.

The Chair laid before the Senate the following Tabled and Later Assigned (6/13/17) matter:

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

S.P. 548 L.D. 1564

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-251)** (6 members)

Tabled - June 13, 2017, by Senator **VOLK** of Cumberland

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-251) **READ** and **ADOPTED**.

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

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-279) **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I'd like to just speak for a moment on this piece of legislation. You know - I would first ask more of a rhetorical question: how many of you in here have raked blueberries or had a paper route, mowed lawns, or babysat, or worked in a movie theater? This piece of legislation attempts to address getting minors a little more opportunity to work, and I would like to, you know, tell you why I feel that this is so important, and I want to talk a little bit about an article that I read in the Bangor Daily that was posted on April 25th, and while at the outset it may not seem to be relevant to this bill, I'd like to tell you that I believe it really is. This article talked - it says it's no secret that Maine is short on workers. The unemployment rate of 3% is the lowest in four decades and warning about the State's impending workforce shortage abound, but there's a reserve of potential workers that few people talk, or even know about, and this - it was very disturbing to me in this article - around 37,000 Maine men in their prime working years, ages 25 to 54, are neither working or looking for work according to the data from the Maine Department of Labor Center for Workforce Research. So, you know as in my role here in the Legislature, I look for ways to go upstream of issues and, as an employer who hires this age group, I'd like to just recount just some conversations I've had in just the previous short weeks, e-mails I've gotten. 'I'm now old enough to work. I'd like to apply for a job.' Just on Sunday night, one young man came up to me after we were finishing our shift and said, 'Can I work every night? I'm saving up money.' Another young man I talked to said, 'I'm saving up money for a lift kit on my truck. I'm going to raise it 5" and I'm going to put 36" wheels underneath it.' So as we look to instill the work ethic, it's this particular age group that is chomping at the bit to come out and do something to earn

some money to put into their pockets, so this legislation helps with that and also what it does is if they're a student who's a minor that's gone to the Technical Center, the Career and Tech Centers, and you have credentials but you're under 18 and you've proven you've mastered, you've got industry credentials, you can go out to work and use those. A young man came and testified, lives in my district. He has all five welding certifications that are available in the welding program, but he's under 18 and couldn't go to the local welding shop. So what was he doing? He was welding up his boat. He has his lobster license and he was going to go out fishing. So I would argue that being onshore and in the welding shop is far less dangerous than being out on the open seas fishing. So I thank you for your support and we're going to try to get some kids to work this summer. Thank you very much.

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

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

THE PRESIDENT: The Senator may proceed.

Senator **MILLETT:** Thank you, Mr. President. Would anyone in the Chamber be able to answer whether current statute currently allows individuals who are 16 years of age or older to be employed within the housekeeping duties? That's current statute.

THE PRESIDENT: The Senator from Cumberland, Senator Millett, has posed a question through the Chair to anyone who may wish to respond. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** Sure, I don't believe that you are allowed to do housekeeping duties currently, under current statute, but this bill would not change that. That was something that was proposed and rejected by the committee.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise not in opposition to what this bill is trying to accomplish. I have concerns about the particular area of the question that I asked earlier. The way I actually read this bill, as amended, it would allow 16 year old or older to be employed within housekeeping duties and, as a parent and someone who spends a lot of time thinking about our young people, I would have concerns. If that is not the case, then I certainly would wish to be corrected, but that is my understanding. Thank you, Mr. President.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-279) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-251) AND SENATE AMENDMENT "A" (S-279).

Ordered sent down forthwith for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 536

June 20, 2017

Honorable Heather J.R. Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

In reference to the action of the Senate on June 19, 2017 in which it Insisted and Asked for a Committee of Conference on L.D. 209, "An Act To Amend the Laws Governing Temporary Sign Usage" (H.P. 165) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Ronald F. Collins of York
Senator Andre E. Cushing III of Penobscot
Senator James F. Dill of Penobscot

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

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:

PAPERS FROM THE HOUSE

Non-Concurrent Matter

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

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

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

In Senate, June 13, 2017, 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-54) AS AMENDED BY SENATE AMENDMENT "A" (S-226)** thereto.

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-54)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide for a Statewide Contract for School Teachers"

H.P. 613 L.D. 864

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

Signed:

Senator:
MILLETT of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-496)**.

Signed:

Senators:
LANGLEY of Hancock
MAKER of Washington

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

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

Reports **READ**.

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

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

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

Senator **MILLETT**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. This legislation before us has had a rather tortured path to us today. The original version began as a study of statewide teacher contracts and, in that form, actually garnered the support of a number of Democratic legislators, including myself. I thought - we all thought it was worthwhile conversation to have. But by the time it reached the Education Committee it had been changed to a pilot study. A number of questions were raised during that public hearing and by the time the work session on that bill came before us there was another iteration of the pilot - proposed pilot project, to which there were further questions which remained unanswered. To this date, no response from the sponsor or from the department. As proposed, the State would fund 100% of salaries and benefits for those districts that decide to participate. The question - one of the questions we had was, well, if that's 100% of salaries and benefits for each of these districts, how does that impact the remaining districts in the State? How does that impact how much money they receive? Of particular concern is for those districts that are currently, perhaps, receiving 8%, 10% in State funding and decide to enroll or participate. They would receive 100% of one of the largest cost drivers of their district and, most likely, then be receiving close to 70% - 80% State funding for their cost of education. So what does that do to the remaining districts that currently were receiving 50%, 40%? Would they then be receiving less? Those questions were not answered. It's also really important to understand that very few other states are doing this. In fact, there's really only one other state, and that is the State of Hawaii and anyone who spends any time discussing public education, Hawaii does not really rank high in terms of model education systems.

This is a significant education policy change and requires thoughtful deliberation, thoughtful planning, thoughtful discussions. Certainly it requires as much thought as that was recently given to the Central Programs and Services Funding Model, which required a one-half a million dollar study and nearly three years' worth of discussion. There's literally been two weeks, maybe, worth of discussion on this bill.

I also want to draw your attention to the fact that, as written, this proposal would allow school boards to decide whether a district would enter into a regional project. It's not clear to me how any true negotiations could be entered into without both parties agreeing, both teachers and school boards agreeing to enter together or not. Then they would do so in somewhat equal

footing but, as written, that would not be the case. In addition, it's also important to remember that matters of salaries and benefits are not binding. Not for school districts and not for the State. So, as written, the Chief Executive would be enabled to unilaterally impose the last best offer on our teachers and the teachers would have no recourse.

So, again, I would reiterate this topic is worth discussion. We were ready to have that discussion but, as the legislation is before us, I would urge you to join me in voting Ought Not to Pass - opposing this current motion. Thank you, Mr. President.

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

Senator **LANGLEY**: Thank you, Mr. President. Men and women of the Senate, I'm a dues paying member of the MEA. I've negotiated a couple of contracts myself. Chief negotiator on one, the last one that I did. A study here just won't make it. You learn - you actually have to go through the process. You don't find out all the details until you're in there negotiating those details. I would not support this if there were not, at the very end, that this would have to be ratified by the teachers. I just wouldn't support it. But any time you think of something new or try something a little bit different there's a lot of skepticism and when I was teaching in the classroom you would find that would be the thing that would keep teachers from stepping out and trying something new, afraid that someone would be sawing the limb off behind them. So a number of things would have to happen. You'd have to have districts that would opt in and they would go through the process. Labor law is really quite specific on how contract negotiations are to go. The fact is, currently under negotiations, you would have people who would come in and be hired by the school district to come in and negotiate for them, and then you'd have the MEA send in people to help negotiate on the teachers' side. So having outside entities is very commonplace in the negotiating process. I think I'm not wedded to the outcome, whether it's a good idea or not a good idea, but to go through the process, the exercise, you would learn a whole lot.

What would happen to us when we would negotiate - negotiating wages, hours, and working conditions - but in those conversations we would keep a white paper on the side of issues that came up that we outside of that and education policy. I remember one very specifically when I was in the negotiating process, and that is: who is in charge of ed techs and one that wants to come into your classroom? So that was something that hadn't come up in front of the administration before, but teachers were concerned. Do I supervise them? As we went along in the process, we learned so much more about what was going on in our classrooms, and it was great for administration and the school board in the negotiating process to really learn what was going on. So, again, I'm enthusiastic about the opportunity to investigate this and then let the outcome dictate whether it's worth going forward or not. I certainly would like to give it a try and see what we learn. Thank you.

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

Senator **MILLETT**: Thank you, Mr. President. Just very briefly, I would reiterate that salaries and benefits are not binding and can be imposed upon the parties and, you know, it took us five years, five years, to put into place the Essential Programs and Services.

They didn't just decide to have - just to try it and see how it worked out and tweaked it. They recognized the stakes that were involved. I would certainly hope that something as significant as a policy change here for the State of Maine, we would be equally cautious and careful and, finally, I would just say that earlier in this session our Education Commissioners stated before the Joint Committee on Education and Cultural Affairs that teachers would have a vote as to whether or not they wanted to participate in any regional pilot and yet the language before us today is not currently written to reflect that. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought 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 Chair noted the absence of the Senator from Aroostook, Senator **CARPENTER**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#351)

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, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: CARPENTER

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-496) **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.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-147)** (11 members)

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

In Senate, June 19, 2017, on motion by Senator **ROSEN** of Hancock, 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-147)** in **NON-CONCURRENCE**.

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

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

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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Disclosure of Major Contributors Influencing Maine Elections"

H.P. 1019 L.D. 1480

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

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-526)**.

Signed:

Representative:

CASÁS of Rockport

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

Reports **READ**.

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

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

ENACTORS

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

Act

An Act Regarding Pay Equality

S.P. 422 L.D. 1259
(C "A" S-173)

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.

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. 262

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

June 20, 2017

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

Dear Secretary Priest:

The Speaker appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill "An Act To Amend the Laws Governing Temporary Sign Usage" (H.P. 165)(L.D. 209).

Representative Andrew J. McLean of Gorham
Representative Gay M. Grant of Gardiner
Representative Wayne R. Parry of Arundel

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: H.C. 261

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

June 20, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Amend the Laws Governing Eluding an Officer" (S.P. 361) (L.D. 1090)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

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

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 **INLAND FISHERIES AND WILDLIFE** on Resolve, Authorizing the Bureau of General Services within the Department of Administrative and Financial Services To Assume Ownership of the Forest City Project (EMERGENCY)

H.P. 1121 L.D. 1626

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-524)**.

Signed:

Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
THERIAULT of China
WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-525)**.

Signed:

Representative:

HARLOW of Portland

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**.

Reports **READ**.

On motion by Senator **CYRWAY** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)** Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-524) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-524)**, in concurrence.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, June 21, 2017 at 10:00 in the morning.