

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session
beginning January 3, 2018

beginning at Page 1451

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

In Senate Chamber
Tuesday
April 3, 2018

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

Prayer by Reverend Carie Johnsen, Unitarian Universalist
Community Church in Augusta.

REVEREND JOHNSEN: The spirit of life, love, and all that is holy, we gather in these chambers made sacred by the presence of Your people committed to what is right and good and true. Called by something beyond ourselves and within ourselves, we gather, the eyes and ears and hearts and minds of God, known by many names but never truly known. By the will of the people we gather. May our discourse and debate expand possibilities, generate creative resolution, and affirm life and love. May our compromises, our decisions, and our votes bring strength, compassion, equity, and justice to all that is, was, and will be. We gather with ideas and passions, conviction and power. May our shared dreams, divergent ideas, and conflicting commitments merge in a circle of mutuality with each other, with the people we are called to serve, and with all of God's creation. Guided by wisdom greater than ourselves, may we hold this work in the open palm of our hands, to be refined, strengthened, and perhaps replaced. May we suspend knowing, listen to understand, expand options, and craft the impossible. May the marginalized, oppressed, and suffering be the breath that leads our ideas. May our outcome serve the people, all of the people, God's people. We are the stewards. God calls us to love, to care, to serve with compassion, and to be architects of a more equitable and just nation, to unite with a global community. Assembled in the call to serve, gathered in this place of privilege, as people of privilege. Spirit of love, life, and all that is holy, be here now. Amen.

Pledge of Allegiance led by Senator Rodney L. Whitemore of
Somerset County.

Reading of the Journal of Monday, April 2, 2018.

Doctor of the day, Mark Grohman, D.O., of South Portland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Elections"

H.P. 1206 L.D. 1726
(C "B" H-684)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-683)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-684)** (6 members)

In Senate, March 29, 2018, on motion by Senator **MASON** of Androscoggin, the Minority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-684)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **UGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-683)**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#577)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **INSIST PREVAILED**.

Ordered sent down forthwith for concurrence.

EXCUSED: Senator: LANGLEY

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **CARPENTER** of Aroostook to **RECEDE** and **CONCUR FAILED**.

Out of order, the Senate considered the following:

ORDERS

Joint Orders

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

Expressions of Legislative Sentiment recognizing:

Senator **LIBBY**: Mr. President, I had pushed the request to speak button before you brought the gavel down.

Steve and Natalie Chandler, of New Gloucester, Charlie Chandler, of Dixmont, and Bertha Chandler, of Arlington, Massachusetts, for their permanent conservation of 2,500 acres of working forest in Maine, the family ownership of some of which dates back before the American Revolutionary War. Managing their land has been a lifelong labor of love, so they began what turned out to be a 12-year conversation with their heirs about the future of the land, wanting to ensure it would always be managed according to their ideals and principles. They ultimately decided to convey their land to Maine Woodland Owners to continue their legacy. The land will remain as working forestland, never be developed, be open to the public and be on the local tax rolls. We recognize their generous gift to the people of Maine, on whose behalf we offer thanks;

Senate at Ease.

The Senate was called to order by the President.

SLS 794

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

Sponsored by President THIBODEAU of Waldo. Cosponsored by Senators: BRAKEY of Androscoggin, CUSHING of Penobscot, Representatives: ESPLING of New Gloucester, FREDETTE of Newport.

Senator **CARPENTER**: Mr. President, my intention was to ask for a roll call, but since the gavel has dropped I think somebody needs to move to reconsider, if I'm not mistaken. Mr. President, I move to reconsider our action whereby the motion to Insist was granted.

The Joint Order was **READ**.

On motion by Senator **CARPENTER** of Aroostook, the Senate **RECONSIDERED** whereby it **INSISTED**.

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

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.

Senator **BRAKEY**: Thank you, Mr. President. It's with incredible pride as the State Senator for the Town of New Gloucester that I rise today to recognize Charlie Chandler, Bertha Chandler, Steve Chandler, and Natalie Chandler for their incredibly generous permanent conservation of 2,500 acres of working forest. Ownership of some of this land dates back in the family to before the Revolutionary War. The Chandlers have continued the work of their early ancestors, especially Charlie and Bertha's father - Charles' and Steve's father, Warner. Since the 1960's they have added to their ownership; pruning over 5,000 white pine trees, planted more than 750,000 trees, and pre-commercially thinned by hand more than 150 acres of forestland. With the help of local forester, Clifton Foster, they have been recognized for being outstanding stewards of the land, including being a national finalist in the 1990's for the National Tree Farmers of the Year. The 2012 to 2013 annual report of the Town of New Gloucester was dedicated to them for their stewardship. They have taken great pride and satisfaction in growing and managing large trees. Managing their land has been a lifelong labor of love, but they started a 12 year conservation discussion with their heirs about

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#578)

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

the future of the land. They wanted to ensure that the land would be permanently managed according to their ideals and principles. They ultimately decided to convey their land to the Maine Woodland Owners to continue their legacy. The land will remain as working forestland, never developed, open to the public, and on the local tax rolls. We recognize and applaud the generosity, stewardship, vision, and commitment of Charlie Chandler, Bertha Chandler, Steve Chandler, and Natalie Chandler to the future of Maine and of Maine people. Thank you very much.

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

The President took a seat on the Floor.

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU**: Thank you, Mr. President. Ladies and gentlemen of the Senate, this morning we have an opportunity to really reflect on the wonderful people that we have in the State of Maine. You know, I had an opportunity to meet both Charles, Natalie, and Steve Chandler just recently as they were recognized for their really generous gift of this pristine piece of land that literally has been in their family not for generations but for hundreds of years. Their family has cared for this piece of land, 2,500 acres, and certainly we all recognize the tremendous value of a piece of property like that, but they saw greater value and something else. Rather than seeing an opportunity to cash in and benefit themselves financially, they wanted our state and the people that live in it to benefit from this really generous gift. So I want to suggest to this group that, as we take an opportunity to reflect on this generous gift, this is but one more example of the generosity of the people in the State of Maine and we all ought to be incredibly proud that we have people living in our state like the Chandler family. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Natalie and Steve Chandler of New Gloucester. They are the guests of the Senator from Waldo, President Thibodeau. Would they please rise and accept the greetings of the State Senate.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON**, to his seat on the Floor.

The Senate was called to order by the President.

The China Middle School Girls Basketball Team, of China, which won the Sheepscot Valley Athletic Conference Championship. Members of the team include Lili Lefebvre, Hayden Hoague, Madison Lully, Samantha Golden, Sarah Praul, Mackenzie Roderick, Nikki Salvadori, Emma Jefferson, Emily Clark, Kayla Peaslee, Samantha Reynolds and Julia Barber and coach Ryan Reed. We extend to all the members of the team our congratulations and best wishes;

SLS 798

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: POULIOT of Augusta,
THERIAULT of China.

The Joint Order was **READ**.

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

Senator **KATZ**: Thank you, Mr. President. I rise with respect to item 4-4. I'm very proud to stand here this morning, Mr. President, and recognize the China Middle School basketball team, the girls team, who won the Sheepscot Valley Athletic Conference Championship, and not only did they do that, they went 19-0 this season, which is really pretty incredible. This group of girls, Mr. President, is made up of largely the same group that also, I believe, went undefeated during the soccer season this fall and they are hoping to do at least as close to well in the softball season this spring. Congratulations to them for winning this conference championship, and particularly I'm trying to say as many nice things as I can, Mr. President, because two of the fathers are either current or former police officers who I've dealt with over the years. So I'm particularly glad to recognize the whole team. So to Coach Ryan Reed, athletic director Josh Brooks, and all members of the team our congratulations. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today the members of the China Middle School team as well as Coach Ryan Reed and athletic director Josh Brooks. They are the guests of the Senator from Kennebec, Senator Katz. Would they please all rise and accept the greetings of the State Senate.

Non-Concurrent Matter

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

H.P. 930 L.D. 1336

Report - **Ought to Pass as Amended by Committee Amendment "B" (H-605)**

In Senate, March 28, 2018, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto.

On motion by Senator **MAKER** of Washington, the Senate **ADHERED**.

House Paper

Bill "An Act Regarding Energy Costs"

H.P. 1328 L.D. 1895

Comes from the House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **WOODSOME** of York, **TABLED** until Later in Today's Session, pending **REFERENCE**.

COMMUNICATIONS

The Following Communication: S.C. 947

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

March 30, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Trevor J. Hustus of Hollis for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 948

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

March 30, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Dr. Raymond C. Stevens of Los Angeles, California for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 949

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

March 30, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Dr. David M. MacMahon of Poland for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 950

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

March 30, 2018

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Larissa Darcy of Brunswick for appointment to the Midcoast Regional Redevelopment Authority.

Pursuant to Title 5, MRSA §13083-I, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 946

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON AGRICULTURE, CONSERVATION AND
FORESTRY**

March 6, 2018

The Honorable Michael D. Thibodeau
President of the Senate

The Honorable Sara Gideon
Speaker of the House of Representatives

128th Legislature
State House
Augusta, ME 04333

Dear President Thibodeau and Speaker Gideon:

Please accept this letter as the report of the findings of the Joint Standing Committee on Agriculture, Conservation and Forestry from its review and evaluation of the Maine Agricultural Bargaining Board under the State Government Evaluation Act, Title 3 Maine Revised Statutes, chapter 35.

In its review, the majority of the committee found that, although currently inactive, there is interest in preserving the Maine Agricultural Bargaining Board's statutory authority to exist. Therefore, the majority report of the committee does not recommend any changes or legislation.

One member of the committee recommends that the committee report out legislation to repeal the Maine Agricultural Bargaining Board.

Sincerely,

S/Paul T. Davis
Senate Chair

S/Representative Michelle Dunphy
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: H.C. 484

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

April 2, 2018

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 Conform the Laws Regarding a Salaried Employee Who Is Exempt from Overtime and Minimum Wage Requirements to Federal Law" (S.P. 656) (L.D. 1769)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 482

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

March 30, 2018

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 1823, "An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer."

This bill amends the law to make permanent the temporary exception allowing non-residents to hunt on the day reserved for residents-only deer hunting on the Saturday prior to the open deer-hunting season. This has traditionally been a day reserved solely for residents of the State. In 2016, the legislature voted for a two-year exception to allow non-residents owning 25 or more acres of land open to hunting to participate in this residents-only hunting day.

I believe that allowing hunting on the Saturday prior to the open season is a privilege that should return to being an exclusive benefit for the residents of the State of Maine. I encourage anyone who wants to hunt on that day to declare residency. I do not favor an extension of this pilot program and believe the exception should sunset on September 15, 2018, as originally passed.

For this reason, I return LD 1823 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE.**

The accompanying Bill:

An Act Regarding the Repeal of a Provision of Law Allowing Certain Nonresidents To Hunt Deer before the Open Season on Deer

H.P. 1265 L.D. 1823

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 (#579)

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.

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Resolution

On motion by Senator **WHITTEMORE** of Somerset (Cosponsored by Representative **CRAIG** of Brewer and Senators: **COLLINS** of York, **HAMPER** of Oxford, **KATZ** of Kennebec, **LANGLEY** of Hancock, **MASON** of Androscoggin, **VOLK** of Cumberland, Representatives: **FOLEY** of Wells, **PICCHIOTTI** of Fairfield), the following Joint Resolution:

S.P. 727

**STATE OF MAINE
IN THE YEAR OF OUR LORD
TWO THOUSAND AND EIGHTEEN**

**JOINT RESOLUTION
RECOGNIZING MAINE BANKS AND THEIR EMERGING
LEADERS**

WHEREAS, Maine's 31 retail banks are committed to serving the needs of their customers and communities within all 16 Maine counties. Maine banks employ more than 9,000 Maine citizens and recognize emerging leaders for further educational opportunities and development in order to position the banking industry and Maine for the future; and

WHEREAS, Maine's banks and their employees are a critical component in keeping the State's economic engine moving forward. Maine's banks have assets exceeding \$28,000,000,000 deployed throughout the State. In 2017, those banks lent over \$3,100,000,000 to Maine businesses and more than \$2,100,000,000 to Maine citizens who were purchasing or refinancing homes; and

WHEREAS, Maine's bankers believe that a vibrant state economy helps to ensure continued prosperity for the State's business climate and adds jobs for people in Maine communities. Banks are partners in their communities and can only grow and be successful if those communities thrive and prosper; and

WHEREAS, Maine's banks donated more than \$12,300,000 to Maine charities in 2017, and their employees raised over \$459,000 for community causes in addition to volunteering more than 194,000 hours in their communities; now, therefore, be it **RESOLVED**: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Maine's banks, their emerging leaders and all bank employees for their positive contributions and the significant role they have played in the lives of Maine citizens and their communities. Their service and dedication to this State are a tribute to those values and principles that we all hold dear; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Bankers Association and its 31 member retail banks.

READ and ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today members, employees, and emerging leaders associated with Maine banks. Would they please all rise and accept the greetings of the State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Public Law

The Committee on **JUDICIARY** on Bill "An Act To Reinstate Certain Other Special Revenue Funds Allocations for the Maine Commission on Indigent Legal Services"
H.P. 1330 L.D. 1897

Reported that the same **Ought to Pass**, pursuant to Public Law 2017, c. 284, Pt. UUUU, section 17.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase Broadband Access for Rural Communities"
H.P. 951 L.D. 1372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-703)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-703)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-703) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, Regarding Legislative Review of Portions of Chapter 308: Standards of Conduct for Transmission and Distribution Utilities and Affiliated Generators, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY)
H.P. 1244 L.D. 1799

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-704)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-704)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-704) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Create Mental Health Liaison Positions in Each County Jail"

H.P. 679 L.D. 966

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-700)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-700)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-700) **READ** and **ADOPTED**, in concurrence.

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

Senator **JACKSON:** Thank you, Mr. President. If you were going to ask for a Second Reading, I object.

THE PRESIDENT: The Chair would advise the members that he does not intend to ask for a Second Reading.

ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Transparency in the Distribution of Federal Block Grant Funds"

H.P. 990 L.D. 1435

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-701)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
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:

Senator:

HAMPER of Oxford

Representative:

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-701)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-701) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow the Maine Developmental Services Oversight and Advisory Board Access to Investigations of Suspicious Deaths and Mortality Reviews Performed by the Department of Health and Human Services"

H.P. 1189 L.D. 1709

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-702)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
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-702).**

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-702) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Economic Security to Maine Families through the Creation of a Paid Family Medical Leave System"

H.P. 1091 L.D. 1587

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-699).**

Signed:

Senators:

VOLK of Cumberland
BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senator:

LANGLEY of Hancock

Representatives:

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

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-699).**

Reports **READ.**

On motion by Senator **VOLK** of Cumberland, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT.**

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of the Town of Atkinson"

H.P. 1023 L.D. 1484

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-698).**

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
GRIGNON of Athens
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield

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

Signed:

Representatives:

BRYANT of Windham
SPEAR of South Thomaston

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-698)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-698) **READ** and **ADOPTED**, in concurrence.

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

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-432) **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this bill, L.D. 1484, is an Act to Authorize the Deorganization of the Town of Atkinson and I certainly wouldn't want to stand in the way of that. That was, certainly, the will of those folks and through the work of the Committee, but in that, this bill also allows, or would allow, the Town of Atkinson and all townships that deorganize after July 1, 2019 to be eligible for the same state and local funding provisions as organized towns and municipalities. With the outset, that sounds, sounds like that is a doable thing but it's not, and here's why. If a town is deorganized, they're no longer a legal entity and they cannot receive funding. If there is no town government to send - there would be no town government to send State education subsidy payments to. There's no town government responsible for submitting required data to the State in order to calculate State education funding and there's no town government responsible for submitting required data for State and federal reporting. What this amendment does, men and women of the Senate, is just strike out all the provisions that are related to Title 20A, which happens to be the title which would normally come to the Education Committee, and allows

them to continue to deorganize. It's just not a workable provision in this bill to be able to do this, so I'd appreciate your vote on that. Thank you very much.

On motion by Senator **DAVIS** of Piscataquis, **TABLED** until Later in Today's Session, pending the motion by Senator **LANGLEY** of Hancock to **ADOPT** Senate Amendment "A" (S-432).

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Authorize Tribal Gaming" H.P. 838 L.D. 1201

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
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-697)**.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

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

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-697)**.

Reports **READ**.

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

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

Off Record Remarks

Senate

Divided Report

Nine members of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Ensure the Safe and Consistent Regulation of Pesticides throughout the State by Providing Exemptions to Municipal Ordinances That Regulate Pesticides"

S.P. 700 L.D. 1853

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

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

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

One member of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass**.

Signed:

Representative:

ORDWAY of Standish

One member of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-431)**.

Signed:

Senator:

KEIM of Oxford

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, Report "A" **OUGHT NOT TO PASS ACCEPTED**.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Enact the Revised Uniform Fiduciary Access to Digital Assets Act

H.P. 595 L.D. 846
(C "A" H-691)

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.

Emergency Measure

An Act To Clarify Liability Pertaining to the Collection of Debts of MaineCare Providers by the Department of Health and Human Services

H.P. 1194 L.D. 1714
(C "A" H-674)

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

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.

Emergency Measure

An Act To Ensure Sustainable Health Care Access in the Jackman Region

H.P. 1216 L.D. 1762
(C "A" H-676)

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

Emergency Measure

An Act To Amend the Laws Governing the Issuance of Burn Permits

S.P. 678 L.D. 1809
(C "A" S-417)

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

Emergency Measure

An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath

H.P. 1270 L.D. 1828

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 4 Senators having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act Regarding Permits for Burial of Cremated Remains

S.P. 701 L.D. 1856

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention

H.P. 1146 L.D. 1661
(C "A" H-675)

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.

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection

H.P. 1242 L.D. 1797
(C "A" H-670)

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.

Mandate

An Act To Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials

H.P. 1263 L.D. 1821
(C "A" H-680)

Comes From the House, **FAILED ENACTMENT**.

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 34 Members of the Senate, with 1 Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

**Pursuant to Constitution
Public Land**

An Act Authorizing Changes to the Ownership and Leases of Certain Public Lands

S.P. 668 L.D. 1789
(C "A" S-416)

In accordance with the provisions of Article IX, Section 23 of the Constitution, passage requires the affirmative vote of two-thirds of the entire elected Membership of the Senate. 35 Senators having voted in the affirmative and 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.

An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos

S.P. 690 L.D. 1838
(C "A" S-419)

Acts

An Act To Amend the Process for a Single Municipality To Withdraw from a Regional School Unit

H.P. 37 L.D. 51
(C "A" H-693)

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 Authorize the Maine Public Employees Retirement System To Procure and Offer Long-term Disability Insurance

H.P. 132 L.D. 176
(C "A" H-681)

An Act To Revise the Municipal Consolidation Referendum Process

S.P. 692 L.D. 1840
(C "A" S-418)

An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers

S.P. 231 L.D. 669
(C "A" S-399)

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

An Act To Ensure Fairness among Large Consumers of Natural Gas

S.P. 267 L.D. 822
(C "A" S-400)

Senator **BRAKEY:** Thank you, Mr. President. I rise today to speak very briefly on L.D. 1840, An Act to Revise the Municipal Consolidation Referendum Process, which I have sponsored on the behalf of the Mayors of Auburn and Lewiston after a hotly contested referendum to merge the two cities this past November. I want to thank, first and foremost, the Committee on State and Local Government for working with us on this bill and for their unanimous report in support of this legislation. This legislation seeks to add one step to future municipal consolidation processes which has the potential to save other communities from much of the heartache and expenditure of taxpayer resources that we went through. Under current law, there are three steps to the municipal consolidation process. Step one, petitioners gather enough signatures to trigger the formation of a joint charter commission. Step two, voters vote to elect members to the joint charter commission and taxpayers expend resources to support the commission as it develops a municipal consolidation proposal. And step three, upon completion of the work of the joint charter commission, voters get a simple final yes or no vote on whether or not to accept the merger proposal. Nowhere in this process, however, do voters get a chance to vote on whether or not they are even interested in exploring municipal consolidation before they, as taxpayers, are required to finance this process. In both Lewiston and Auburn, the consolidation proposal was rejected with about 80% voting no. Having that extra step, a chance to vote on whether or not to form a joint charter commission in the first place, having that extra step could have saved us a lot of time, a lot of resources, and also a lot of heartache. This legislation simply adds that step. So, again, I want to thank the Committee on State and Local Government for working with us and their unanimous support for this legislation and I also, on behalf of the people of my community, I want to thank, hopefully, in advance this Chamber for the support today. Thank you very much, Mr. President.

An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act

S.P. 314 L.D. 958
(C "A" S-401)

An Act To Help Prevent Financial Elder Abuse

H.P. 681 L.D. 968
(C "A" H-599)

An Act To Strengthen Crime Victims' Rights

H.P. 1185 L.D. 1705
(C "A" H-668)

An Act To Change the Procedures for Veterinarians in the Controlled Substances Prescription Monitoring Program

S.P. 629 L.D. 1730
(C "A" S-422)

An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations

H.P. 1207 L.D. 1755
(C "A" H-679)

An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow

H.P. 1223 L.D. 1774
(C "A" H-687)

An Act To Implement the Recommendations of the Board of Dental Practice

H.P. 1267 L.D. 1825
(C "A" H-669)

Senator **SAVIELLO** of Franklin requested a Roll Call.

Senator **LIBBY** of Androscoggin moved the Bill and accompanying papers be **TABLED** until Later in Today's Session pending **ENACTMENT** in concurrence.

Subsequently, Senator **LIBBY** of Androscoggin requested and received leave of the Senate to withdraw his motion to **TABLE** until Later in Today's Session.

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

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.

An Act To Include Security Installations and Upgrades in Maine's School Revolving Renovation Fund

S.P. 703 L.D. 1858

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#580)

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, the Bill 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.

An Act To Support Kinship Families by Creating a Kinship Care Navigator Program

H.P. 203 L.D. 270
(C "A" H-673)

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

An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers

H.P. 207 L.D. 274
(C "D" H-686)

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

An Act To Establish Homelessness as an Emergency in the General Assistance Laws

S.P. 363 L.D. 1109
(C "B" S-409)

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

An Act To Reduce the Incidence of Obesity and Chronic Disease in Maine

S.P. 383 L.D. 1162
(S "A" S-420 to C "A" S-380)

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

An Act To Ensure the Quality of and Increase Access to Recovery Residences

S.P. 618 L.D. 1682
(C "A" S-411)

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

An Act Regarding Meals in Public Schools

S.P. 620 L.D. 1684
(C "A" S-413)

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

An Act To Repeal Certain Provisions Regarding the System Administration Allocation Affecting Maine School Districts in the 2018-2019 Biennial Budget

S.P. 625 L.D. 1689
(C "B" S-415)

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

An Act To Reorganize the Bureau of General Services in the Department of Administrative and Financial Services
H.P. 1287 L.D. 1850
(C "A" H-672)

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

Resolve

Resolve, Directing the Department of Health and Human Services To Develop a Plan To Strengthen the Quality and Supply of Child Care Services

S.P. 124 L.D. 383
(C "A" S-408)

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

Ordered sent down forthwith.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1331

**JOINT RESOLUTION
RECOGNIZING APRIL 3, 2018 AS
NATIONAL SERVICE RECOGNITION DAY**

WHEREAS, service to others is a hallmark of the American character and is central to how we meet our challenges; and

WHEREAS, local governments in the nation are increasingly turning to national service and volunteerism as a cost-effective strategy to meet their needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our communities, including educating students for the jobs of the 21st century, fighting the opioid epidemic, responding to natural disasters and supporting veterans and military families; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills and leadership pathways for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, bolstering the civic, neighborhood and faith-based organizations that are so vital to our economic and social well-being; and

WHEREAS, national service participants increase the effectiveness of the organizations they serve, through both their direct service and their management of millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages nonfederal resources to strengthen the effect of volunteer service in communities and increase the return on taxpayer dollars; and

WHEREAS, by making an intensive commitment to service, national service participants demonstrate commitment, dedication and patriotism, attributes that remain with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service works with local leaders nationwide to engage citizens, improve lives and strengthen communities and is joining with the National League of Cities, the National Association of Counties, Cities of Service and local leaders across the country for National Service Recognition Day on April 3, 2018; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 3, 2018 as National Service Recognition Day and encourage residents to recognize the positive effects of national service in our community, to thank those who serve and to find ways to give back to their communities.

Comes from the House, **READ** and **ADOPTED**.

The Joint Resolution was **READ**.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, after serving in the Peace Corps I served one year as an AmeriCorps Vista volunteer in an education and economic empowerment program in Nashville, Tennessee's largest public housing project, working with high school students. It was a phenomenal experience for a young woman from Maine and I learned an incredible amount of lifelong skills that served me later as a non-profit Executive Director at LearningWorks in Portland, working to improve our schools and support young people in the Greater Portland Area. LearningWorks relied heavily on AmeriCorps volunteers and I saw firsthand the difference that they make in our communities. As a member of the Manchester Conservation Commission, we invited and welcomed the Maine Conservation Corps to do trail improvements in our community. Today, as State Senator for Southern Kennebec County, I am so pleased by the Foster Grandparent Program and the Senior Volunteer Programs that bring seniors connecting with children in our communities. So today we rise to celebrate and thank those people who give a year or more of service to our communities and to our nation. We have representatives here today, including a representative from the National Corporation for Community and National Service, Libby Hite who's Maine's Program Officer; the Executive Director

of the Maine Commission for Service, Maryalice Crofton; and then members, those noble volunteers, from AmeriCorps, including Maine Conservation Corps, Goodwill AmeriCorps Vista Partnership, Leadership Corps, the Maine Campus Compact, Senior Corps Maine Senior General Retired Senior Volunteer Program, the Opportunity Alliance Foster Grandparent and Senior Companion Programs, the Penquis Foster Grandparent and Retired Senior Volunteer Programs, and the University of Maine Center on Aging Retired Senior Volunteer Program. Thank you to all those who serve. It makes our state and our nation a stronger and better place.

The Joint Resolution was **ADOPTED**, in concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber with us today members of AmeriCorps, Maine Conservation Corps, Senior Corps including Foster Grandparents. Would they please all rise and accept the greetings of the Senate.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Authorizing the Deorganization of the Town of Atkinson"

H.P. 1023 L.D. 1484

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-698)** (10 members)

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

Tabled - April 3, 2018 by Senator **DAVIS** of Piscataquis

Pending - motion by Senator **LANGLEY** of Hancock to **ADOPT** Senate Amendment "A" (S-432)

(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-698)**.)

(In Senate, Reports **READ**. On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in concurrence. Bill **READ ONCE**. Committee Amendment "A" (H-698) **READ** and **ADOPTED**, in concurrence. Rules suspended, Bill **READ A SECOND TIME**. On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-432) **READ**.)

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-432) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-698) AND SENATE AMENDMENT "A" (S-432), in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (3/27/18) matter:

Emergency Measure

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Maine's Economy by Slowing the Rate at Which the State's Minimum Wage Will Increase and Establishing a Training and Youth Wage" (EMERGENCY)
H.P. 1210 L.D. 1757

Majority - Ought Not to Pass (7 members)

Minority - Ought to Pass as Amended by Committee Amendment "A" (H-666) (6 members)

Tabled - March 27, 2018 by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to speak today knowing that the minimum wage law has sadly become one of the most highly partisan issues on both sides of the aisle in this Legislature. I rise to speak today knowing that, in these circumstances of divided government we find ourselves in, passing legislation of this kind will likely be very difficult. That said, I rise to speak today because passing this legislation, and I mean this without any exaggeration or hyperbole, is the single most important and impactful action this Legislature can take this year to help improve the lives of the most disadvantaged and low-skilled working people in Maine. I know this is a counterintuitive claim to many. The conventional wisdom tells us that raising the minimum wage helps people by giving them more money for their work. But I'm here to say that conventional wisdom is sadly wrong and economics tells us so. For those who lose their job in the aftermath of a minimum wage hike, it certainly does not help them. Even those who manage to keep their jobs after a minimum wage hike don't see the tangible benefits we would always hope. We all agree on the goal and I'm convinced that each and every person in this Chamber wants Maine people to earn bigger paychecks. I don't doubt for a moment the sincerity everyone here holds in their hearts towards achieving that goal. We just often have very different understandings of how that is best achieved.

Why doesn't raising the minimum wage help us achieve this goal? To start, when we raise the minimum wage we are raising the cost of doing business for companies big and small across the state. Short of going out of business, there are primarily two ways that businesses can respond to increased costs. They can cut costs elsewhere, which sometimes means laying people off, or they can raise their prices. We might shrug off this concern about raised prices, saying that everyone should be willing to pay higher prices in order to support workers being paid more. Certainly I hear that argument. But we need to also understand that the very people being paid more are also some of the people paying the higher prices and when that happens the dollar amount in your paycheck, what economists call your nominal wage, may increase but your purchasing power, what economists call your real wage, has not necessarily increased one penny. If we want the real wages for working Maine people to increase we need to focus on opportunities to grow the productivity of our people and our economy. When an economy is more productive the supply of goods and services expands and prices come down. When workers are more productive they can demand higher wages in the labor market because they can produce more value for their employers. If we aren't increasing productivity, at best, we are just rearranging deck chairs on a sinking economy. So how do we increase productivity? There are primarily two ways: capital investment and skill development. With capital investment, factories, machinery, tools, a single worker can do a job that previously required many, increasing his or her productivity many times over and with skill development individuals are able to bring more of their own innate value to a position, making him or her much more valuable to employers.

Now, we spend a lot of money on skill development, both through government with taxpayer money and as private individuals for ourselves and our children. Many young adults coming out of college are coming out of college these days with enormous student loan debts for the purpose of developing their skills in the workforce. But not everyone has access to high quality education or a stable family that taught them important work skills. Thankfully, there exist many extremely affordable programs, programs that actually come at no cost to taxpayers, where people can develop their work skills, not just completely for free but they can actually be paid to do it. If that sounds too good to be true the question certainly is: what are these programs that exist? How can we support these miraculous programs and what are they called? Well, these miraculous programs are called jobs and we can support them by passing this legislation. When we consider the minimum wage and the value an individual derives from a job, we cannot make the mistake of only measuring the value of a paycheck. When you work a job you are developing your skills, developing your resume, developing your work experience. If the job market is a ladder, an individual's skills are one of the biggest factors for determining what rung he or she can step onto that ladder. But every time we raise the minimum wage we are raising the bottom rung on that ladder. That doesn't help a low-skilled individual. If we set the minimum wage at \$12 an hour, and an individual does not currently possess the skills necessary to produce \$12 an hour worth of labor, we have just done incredible harm to that person because we've made them unemployable. He or she will now never be able to reach that bottom rung on the ladder, to learn new skills, to start climbing that ladder to higher skilled, higher paying jobs. So let's not do this to people. It's within our power today. Let's not cut the bottom rungs off of the ladder.

I know that we make decisions not only based on economics and the macro information available to us, but also by the personal stories of individuals who these policies have affected. So I'm going to finish today by sharing with everyone a true story shared by economist Jeffery Tucker about his experience as a young man with a minimum wage. For anyone who cares, this is an excerpt from *The Cruelty and Carnage of the Minimum Wage, the Case of Tad* originally published by the Foundation for Economic Education. 'My first real job was working maintenance at a department store. I was 15. Yes, I lied about my age. You could get away with it back then. My job was to clean toilets, crush boxes, pick pins out of the dressing room closets, wax the floors in the china shop, vacuum the place, and shine the glass. It was a great job, and I mean truly great. I loved it because it was a hugely important job. If I didn't clean the bathrooms well and replenish the toilet paper and towels customers the next day might be grossed out and never come back. I played a big role in ensuring the profitability of the store. I especially loved my co-worker. His name was Tad. The department store would close, leaving just the two of us to have so much fun doing all this wonderful work. We would sing together, thrill to the danger of the wax machine, gross out at the mucky bathrooms, and just have that wonderful feeling that comes with having a real work partner. You see, Tad was not a normal kid. He had some physical deformities. His face was oddly shaped and he had what looked like a large stain on half of it. He couldn't move around that well really. I had to help him and assign tasks carefully. He was also mentally retarded. He spoke in a muffled way and you had to be very clear about instructions. But I tell you what, when he was happy it made me happy. To see that big smile come across his face when I praised the way he shined up a counter just gave me a huge lift. Every day I would try to find ways for him to be both delighted and productive. We were a wonderful team and I wanted it to stay that way. One day a poster appeared in the work room. It was from the Department of Labor. The minimum wage was going up by 40¢. Tad pointed the sign out to me. He said, 'Look, we're getting a raise.' I was a bit suspicious. I was pretty sure that the boss was the one who set the wage, not some weird, distant government thing. I didn't quite believe it to be true. Still, I was happy that he was happy. The next day I showed up at the usual time after school. I was getting the mop ready, running hot water in the pail, and prepared to do my thing. Tad wasn't there. I asked the boss, 'Where's Tad today?' Well, he explained to me that he had hired Tad only because he was a boy he knew from church. He needed work. He knew that he would require a lot of help, which was one reason he was excited that I was able to work with him. In the end, he said, this was charity because he knew I could do the job by myself. It worked for us to be together so long as he could afford it, but this new minimum wage changed things. The store's profit margins were very thin and the wage requirement applied to the whole staff. So he had to make a hard decision. The long and short of it, Tad had to go. I was devastated. I stared at the Department of Labor sign again, the cursed thing. That sign just ruined a kid's life. It stopped a great act of charity and look what it did to me. I had to work alone now. I suddenly felt guilty about my job. I kept mine at his expense, and why? It was a pure accident of birth. Management left, the lights dimmed, and I heard the familiar click of the doors leading outside. I would have to clean alone today. I did all the tasks I had to, but there was no more music, no more laughter, no more clowning around, and no more beautiful smiles. Tad was somewhere else, probably at

home confused and sad. I didn't call him. I too embarrassed and I didn't know what to say. So I let our friendship go. He died a few years later. This is what the minimum wage means to me. I can't help but think of the millions of Tads that will lose that opportunity to do wonderful things in this world and with their lives.' Again, that was *The Cruelty and Carnage of the Minimum Wage, the Case of Tad* by economists Jeffrey Tucker.

Mr. President, I hope that we think of Tad today as we cast our votes. I hope we think of the many Tads right here in the State of Maine who will lose their opportunities by this hike of the entry level wage. I hope that we think of the many individuals without pre-developed job skills who won't be able to reach that first rung on the ladder, and I hope that, as we think about all these things today, we do that right thing for Maine people and we vote in support of this 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, my colleague from Androscoggin County has waxed eloquently about one side of the equation. Certainly I have pictures of people that I have worked with in my career that fit Tad's description. The reason I rise is I understand the difficulties that this bill presents to folks who really want to see the wages increased for our citizens, and certainly not opposed to that in the least. But what this bill, I think, does for us that are out there trying to pay those wages is just slows the increase down a little bit. What I don't think people really understand is being a business there are a lot of factors that you have to deal with every single day. In my own, cost of labor, cost of ingredients. I've been working on my menu for the summer. Minimum wage increases have affected all, everything, across the board. Inflation is sitting in a bit on the cost of goods. Can't find enough truck drivers. The companies I deal with can't find enough truck drivers so they're paying higher wages to get truck drivers, which has added about \$1 to \$1.50 a case for anything that comes in. What this bill would do, and asks for, is that it lets us get a chance to normalize our businesses, and what I mean by that is you have to factor in all of these variables and then find ways to make it work. Do I hire less people? Do I change - for me, do I make the menu a little less intricate so that maybe I don't need as many people to put that out? Do I change my ingredients? Do I try to find something that I can put on the center of the plate that's a little less costly, that I can make a little better margin? All those things take time and, as small business people, we really only get to look back and try to reflect on that. The corporate world is a little different. They have real-time analytics and when they hit that percentage of labor in a day, it could be 4 o'clock in the afternoon, they start sending people home. We've hit that. Small businesses, we tend to do that more towards the end of the year. When we look back, and as we try to manage our stuff, and say, 'Oh, you know that hurt a little bit more than I thought.' For myself, payroll's up 13% over last year, sales were not. So going into the next year I'll have to look to do a little bit. What I fear most is that, if we don't slow this down and let us - the smaller Mom and Pop places, get a chance to normalize it really clears the runway for the larger corporate sort of entities that have bigger pockets, have better management tools, have better scales of economy, and then as we fade off into the sunset, one small business at a time, your choices, I think, will be more limited as to what you are able to - for services and product you are able

to buy. So I'm not asking for the will of the people to be thwarted in this case, just take a little longer to get there than it might - then the referendum suggested. So I know that folks are in a difficult place when they vote on this and I understand that, but certainly at least you'll have heard it from somebody who lives out on the front lines. Thank you for your attention.

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. Our committee has heard a lot about the minimum wage over the last two years. We have heard a lot of concerns that the increase in minimum wage, passed overwhelmingly by the voters, would lead to unemployment. But, in fact, in February Maine's unemployment level reached its lowest level in more than 42 years. Maine's unemployment rate is currently at 2.9%, and to quote *Maine Biz* in an article last week, the last time unemployment was this low Gerald Ford was the President, gas cost 59¢ a gallon, and the number one song was Paul Simon's *Fifty Ways to Leave Your Lover*. So, in fact, the deleterious impact on unemployment has not come to pass. What has happened, last year, in 2017, 100,000 Mainers received an increase in pay. This past January 59,000 Mainers received an increase in pay. I urge you to vote Ought Not to Pass because people who work full-time should be able to pay their bills and put food on the table. No one who works full-time should deserve to live in poverty because when you work for a living you deserve to make a living. There's a second aspect of this bill, that is extraordinarily troubling to me, having grown up working class, I worked through high school and college. I waited tables. I worked retail. I was a Subway sandwich artist. I worked in the kitchen of a lobster pound. I worked not for spending money, but I worked to earn money to be able to attend college. I heard from young people in my district that to do as the Minority Ought to Pass Report would do and reduce the wage for young people, who are working to afford college, to help their household meet household expenses, would be devastating. So given the fact, given our low unemployment rate, given our low rate of inflation, for the Northeast Region to date this year it's 1.7%. Now you can argue whether that is high or low, but I don't think we've seen runaway inflation. We certainly have not seen any negative impact on unemployment. Now this Body, in the coming weeks, will vote on whether to raise our own pay or raise the Chief Executive's pay, the Chief Executive who says \$70,000 is not enough. I urge you today to consider why on earth would we vote to cut the minimum wage for people at the lowest economic ring in our state and raise our own? Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of the pending motion. For those of us who have actually run a business, Mr. President, there's a perspective that Senator Langley has eloquently pointed out. There are some factors that happen in life and it reminds me of a book I read a while ago

called *The Tipping Point* by Malcolm Gladwell, I believe. In that he points out that there is a point, there is a break point or a catalyst point, where things happen. Mr. President, we are seeing the effects on many of Maine's seasonally related businesses. We're also seeing the effects, if you want to look for them, as we travel and we participate in different businesses. For example, when I go to a local chain restaurant, sometimes here in Augusta or in Bangor, they have these little kiosks on the table, Mr. President. Those kiosks are where you can place orders, pay your bill, do a variety of things related to the food service business, and they are training their people that now you have to pay your bill on that. I asked some of the waitresses and waiters, Mr. President, if they understand they are being trained to replace themselves with an automated machine. Some of them get that and some of them don't because they trust that the system is not going to undercut them. I walk into fast food restaurants, Mr. President, and now there are kiosks in those restaurants. Where young people used to be trained in customer service and how to handle money and how to do the skills that are necessary, they are now being replaced by machines. So we can say that people are getting raises, and I agree. A rising tide does raise all ships, but if the water coming into the boat is coming in faster than you can pump it out eventually that boat's going to sink. Mr. President, I believe by not considering the impact on our seasonal economy here and our number one industry, which is tourism, we are going to affect, adversely, people who depend upon that extra income, or that primary income, that allows them to participate in jobs that pay them much more than the minimum wage because they are related to an industry that rewards people based upon their success. So I ask, Mr. President, that we tread carefully, that we support this amendment, and that we send the right message so that we, in Maine, don't reach the tipping point where more of our important and valuable resources exit the state. 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 of the Senate, I just want to quickly go over what this amendment does and what it does not do, the report in front of you. So what it does, it struck the original bill and it amends the minimum wage law that was passed by voters by keeping the current minimum wage at \$10 an hour until January 1st of 2020. That rate currently, right now, that's the point at which we would be entering the \$12 mark. So it would only increase it, at that point, to \$10.50. The increases would continue annually by 50¢ every year until they reach that \$12 mark. So we're really just slowing this down. We are giving these businesses an opportunity to breathe a little bit. This was a 7-1/2 hour public hearing in my committee. We heard something rare in our committee, quite honestly. We heard from businesses from all over the State of Maine who came, many of them are Mom and Pop style shops that had to pay someone else so that they could come and spend the day in Augusta. We had one gentleman who drove 3 hours each way just to spend time with us and then he returned again for the work session. That said a lot to me. We had a couple of the business owners who literally were in tears. Many of them said that they, themselves, much like those of us who serve in this Chamber doing this work, don't make minimum wage themselves. So they - this was a very raw public hearing. The proponents outstripped the opponents within a

couple of hours and it was, by in large, true grassroots. This wasn't the Chamber driving these people there. This wasn't even NFIB. These people had heard about this. They were concerned about it and they were pleading with us to help them save their businesses.

The other thing, and we've already heard a little bit. My colleague from Kennebec talked a little bit about the training wage and Maine does not currently have a training wage. But I do want to let you know that most other states do. In fact, I have a list right here if anyone is interested. I would be happy to share that with you. But I just want to let you know what the other New England states do. Connecticut has a training wage which we actually modeled ours after because it's on the first 200 hours, and that is what this legislation before you would do. It's the first 200 hours that someone is employed and, basically, in training, they would be allowed to be paid 80% or less. That is only for people who are not emancipated minors under the age of 18. We are really, truly talking about minors here who are not supporting themselves. They are not emancipated minors. Massachusetts has an 80% training wage in many different environments. New Hampshire, whose minimum wage, by the way, is only established by the federal government, which is \$7.25. New Hampshire doesn't have their own, unique, minimum wage. They still allow a training wage of 75% of that minimum to anyone with less than 6 months experience, again, no age limitation even, and anyone 16 and under. Okay, so if you have less than 6 months experience and you're of any age or if you are under the age of 16. Rhode Island's training wage, in many environments, 75% of minimum wage and in many non-profit environments, and it's 75% for ages 14 and 15. Even liberal California has a training wage for any learners in the first 160 hours of work. I take that to mean there's no age limitation.

So I would very much appreciate you following my light and passing this extraordinarily sensible legislation, which simply allows some of our rural businesses to take a breather. Again, if a business is doing great or if they have to offer higher wages in order, because we do have low unemployment, to get employees, there is no prohibition on them paying higher than minimum wage, just as there never has been. This just allows some of those struggling businesses that we heard from for 7-1/2 hours a breather. Thank you.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I really don't want to belabor the point but hearing some of the floor debate about people crying. Certainly, serving on the Labor Committee for a long time and just being a working class person, I certainly had an awful lot of working class, low wage workers crying too. Crying about the fact that they weren't able to pay their bills. They weren't being able to pay for the health insurance. Weren't able to pay for their prescription drugs. The idea that the hearing had more proponents than opponents really doesn't surprise me when you take into effect that this was probably on a work day that many low wage workers would have been working and not have the ability to come to a hearing, all the way to Augusta. I just think that we have seen, time and time again, that when we've raised the minimum wage we haven't saw that the sky is falling and the unemployment rate is certainly bearing that out. U.S. Bureau of Labor statistics shows that the economy in Maine is doing better

than ever. So I am not someone who is going to stand here and push back against something that seems, by all intended purposes, to be working in this state. I will say once again, if there is such an outcry for communities to lower this or slow it down, then they should go out and get the signatures to put this on the ballot, much like it was enacted in the first place.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "A" Report. A roll call has been ordered. 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 (#581)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, 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, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-666) **READ**.

On motion by Senator **MAKER** of Washington, Senate Amendment "A" (S-428) to Committee Amendment "A" (H-666) **READ**.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Thank you, Mr. President and ladies and gentlemen of the Senate. This amendment changes the timing of the minimum wage increases by starting with \$10.50 per hour on January 1, 2019 and increasing it by 50¢ per hour each year until it reaches \$12 per hour on January 1, 2022. Starting January 1, 2023 the minimum wage will increase by an increase in the cost of living measured by the Federal Consumer Price Index. I proposed this amendment after hearing from my constituents, many of whom are small business owners and are afraid of the problems resulting from increasing the minimum wage so quickly so much. Small businesses are often already strained in their operation and see only two options, either to raise the price of goods and services or to cut positions. Both have the potential to

greatly harm the businesses and have the potential to close stores and service providers. This increase in minimum wage does not just impact those working at minimum wage level. It also impacts those who have proven themselves and who are paid above minimum wage. To be fair, employers would shift the wages of all employees, greatly increasing the cost that may have to be passed on to the consumer or cutting the pay of the veteran workers. This rapid increase in costs could leave businesses operating at a loss until they are forced to drastically increase prices or close their doors. In rural Maine, these businesses are often at the heart of the community and their loss would be devastating to rural towns and to the individuals who now must travel extensively for goods and services previously found in their communities, and this is true in Washington County. This amendment would provide businesses the ability to better plan for the future and protect both the ability to pay their workers and stay in business. The desired minimum wage is still achieved but at a rate that better matches the needs of Maine employers. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. I'd like to ask a question.

THE PRESIDENT: The Senator may proceed.

Senator **DOW:** I'd like to know which Consumer Price Index is included in the amendment?

THE PRESIDENT: The Senator from Lincoln, Senator Dow, has posed a question through the Chair to anyone who cares to answer. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK:** The Consumer Price Index is not changed.

THE PRESIDENT: The Senator may proceed.

Senator **VOLK:** Mr. President, it's CPIW.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#582)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, 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, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **MAKER** of Washington to **ADOPT** Senate Amendment "A" (S-428) to Committee Amendment "A" (H-666) **PREVAILED**.

Committee Amendment "A" (H-666) as Amended by Senate Amendment "A" (S-428) 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-666) AS AMENDED BY SENATE AMENDMENT "A" (S-428)** thereto in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/27/18) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Reimbursement for Child Care Services"

S.P. 58 L.D. 166

Majority - Ought to Pass as Amended by Committee Amendment "A" (S-407) (8 members)

Minority - Ought Not to Pass (5 members)

Tabled - March 27, 2018 by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** 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 the bill and in support of the motion before us. The committee, in a bi-partisan way, agrees that childcare reimbursement rates need to be increased. To give you a little bit of the background, for many years the State reimbursed childcare providers at 75% of the market rate for childcare services, but during the last major recession in 2011 this Body decided to reduce that rate to 50% of the market rate. That was enacted in the 125th. There were a lot of cuts being made during that period of time to close the budget. This, unfortunately, had to be one of those cuts made and since that time the rates

have been the same. So for the last seven years childcare providers accepting subsidy kids basically have been serving that population at 50¢ on the dollar, and that's really tough to keep your doors open, given all of the increased costs these providers face. So it's high time we address that concern and provide these folks with a reasonable increase in the reimbursement rate. The fortunate development since we worked on this bill is that Congress passed a 2 year budget which increases the federal funds for our Maine subsidy program by a factor of two. So we have twice the amount of money coming to us for this program and, basically, what the amended bill does is says that as soon as those federal funds are received DHHS is directed to push those monies out into the market, raising that childcare reimbursement rate to the 75th percentile. Just as a side note, these rates for family care providers were increased last year, sort of in a unilateral action on the part of the Executive Branch. What we're saying here is that we, as the Legislature, a policy making Body, we are going to set the terms for what's going to happen with this money when it comes in. So I'd ask you to support the pending motion and thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, I rise to pose a question. Based upon our discussion on the previous action related to minimum wage, I'm wondering if some of those costs that are affected in the childcare area may have anything to do with the increased minimum wage? Thank you, Mr. President.

THE PRESIDENT: 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 Kennebec, Senator Bellows.

Senator **BELLOWS:** I think on this, I rise in support of the pending motion and I would state that on this issue, and many issues, the State needs to fulfill its obligation to increase subsidies for these vital workers in which we see a compelling public interest. So just as we, as requested by the voters, have moved to uphold their will and see an increase in the minimum wage, so too should we see an increase in reimbursement for childcare services and other vital services. Yes, of course.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I hate to belabor things, but I think it's an important point to refer to the tipping point that I referenced in prior comments, Mr. President. I think we have consequences for many of our actions here and we should all reflect on that. 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, I think it's a great idea to reflect on it. If anybody was involved in the actions two years ago, trying to raise the minimum rate after 10 years of it not being addressed, that

was the concern, that by leaving the conversation behind that we're going to get to a point where it's going to have to be raised exponentially, and that's what happened when the voters decided to raise it with their own formula. They indexed it to the CPIW and now we're going to have that and it's going to be a consideration for everybody. So yes, part of the cost for these businesses that have been cheated out of 50% of their asking rate is minimum wage, along with the cost of toilet paper, along with the cost of gravel to fill the holes in their driveway, along with the cost of the oatmeal that they might feed the kids, along with every frigging thing you can imagine. So trying to index that....

THE PRESIDENT: The Chair would remind the Senator that course language is not acceptable in this Chamber.

Senator **MIRAMANT:** I always get mixed up since my language is usually much courser. I think that's the....

THE PRESIDENT: Senator, please defer. So the Chair would remind the Senator that course language is not acceptable in this Chamber.

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

THE PRESIDENT: The Senator may proceed.

Senator **MIRAMANT:** Thank you, Mr. President. So yes, when you ask the question: does it include the minimum wage? The minimum wage was made law by the referendum. The minimum wage has increased it. It is part of everything that goes on for every business. So it is the consideration of people making minimum wage and when you don't keep the minimum wage indexed to the economy you create a big gap. Nothing from all these businesses has stopped over the years where that wage was not considered. I see some looks. I'm staying on point because the question was directed related to minimum wage. So when you don't keep people up with the economy, and they fall behind, and yet every time you receive goods for your business and they say, 'Now it costs more,' so you have to pay. People just pay. All the employees are watching and they're saying, 'Why is it that every time anybody raises their prices for anything you just pay and yet when we ask you for more money you say you don't have any because you had to pay these other prices, these other increases?' How is labor the one thing that doesn't have to increase and then when they finally want what's fair we say, 'Well they're going to be the reason the whole business fails, the whole country fails because somebody in labor wants their fair share of the money, an economy that's leaving them behind.' That's just absurd to me, and I hope that's not too strong a word, and I appreciate you allowing me to answer that question.

THE PRESIDENT: The Chair would remind the Senator that course language is not acceptable and we will not make light of the fact that that's unacceptable. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. Obviously, looking at the two reports from the committee on this bill, you'll see there are two reports. I'm on the Ought Not to Pass Report, however I have moved the Ought to Pass Report. I have some concerns with this bill as is. In committee there were a lot of outstanding questions about what the status of the federal funds in the block grant were going to be. That said, there's the possibility that there may be an amendment coming forward which may make me more satisfied with the bill. I'll speak on that later. So I will be voting in support of the motion with that understanding, and I would encourage the rest of the Body to do so as well.

THE PRESIDENT: The Chair would remind the Senator that it is not appropriate to reference any future or impending amendment to a bill.

Senator **BRAKEY:** My apologies.

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 support of this motion. What is before us today is about children and families. It is about the best practices for improving and strengthening the care that our children receive. We have been trying to reestablish the reimbursement rate to these providers since before the citizen referendum. This is about getting back on track. This is about being where we need to be in relation to other states around the country. Congress has recognized that quality care for our children is a critical aspect of our community's futures, our state's future, and our national future. I really hope that we all keep this in mind when we vote and that we think about the underlying policy behind this bill, as it was presented to the committee of jurisdiction. 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, and I apologize, Mr. President. You were right. My passion got away with me and thank you for having allowed me to continue at that point.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" Report. Is it now the pleasure of the Senate to accept that report? A roll call has been ordered. 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 (#583)

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, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-407) **READ**.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-423) to Committee Amendment "A" (S-407) **READ**.

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 in opposition to the pending motion. This is an interesting concept but, to me, it is quite a bit separate from the matter that this bill sought to address. My understanding of the amendment is that it allows a childcare provider to start charging subsidy families the difference between their private market rate and the rate set by the State. I think a concern here, and an idea that probably wasn't fully flushed out in the committee process, is what happens in the situation where, today, a family is receiving subsidy and the family is receiving care at a facility and tomorrow this law is enacted, the facility can then say to that existing family, 'By the way, the State is going to allow us to charge you \$100 a week more, or \$150 a week more, or \$200 a week more,' whatever the rate is, 'and if you don't pay that we're no longer going to have a spot for your child.' I think that would be a really unfortunate situation and I think that's one situation that perhaps should be wrestled with a little bit more through the committee process and I know they had taken this up. It was a divided outcome and was disposed of last week. So I just suggest this amendment's not ready for prime time and ask you to join me in defeating the pending motion. 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 motion and I'll say, you know, if that's a true and genuine concern, what could happen if we allow - if we allow this and providers decide to say, 'Well, we're going to have you make up the difference now.' Well I think it's a good thing then that we're, at the same time as we'd be doing this, increasing the subsidy from the 50th percentile to the 75th percentile. So perhaps we're not going to run into that problem since the subsidy will be increasing so significantly. I will say I think that this is a common sense proposal, a proposal which was actually brought before the committee by my good friend and colleague from Androscoggin County and we had a lot of debate on this and I think this is a common sense proposal. I think this is the nature of compromise. So unless you're uncomfortable with a blanket increase in the subsidy, which the underlying bill does, but to allow kind of more choice for parents at the same time, to give parents more ability to have the subsidy act as somewhat of a voucher, the ability to have choice when they are selecting a daycare that best fits the needs of their child and, if the cost of that daycare is say \$25 more than the subsidy, not saying to those parents you're precluded from sending your kid to that daycare. Let the parents choose. We're giving them this assistance, we're giving them the subsidy, and let them choose what daycare best fits the needs of their child. Thank you very much, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I oppose the pending motion. Just simply put, this amendment would allow providers to charge low income parents the difference between the subsidy rate and their private pay rate. It ends up pitting parents who have no money against parents who might have a little bit more money to pay the difference. Thank you, Mr. President.

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

Senator **CHIPMAN:** Mr. President, men and women of the Senate, I feel like I'm having a déjà vu moment here because this amendment is essentially the same language that was in a bill that was already - been defeated by this Body. I find it a little bit frustrating because we're all trying to get out of here in a couple of weeks. If we keep recycling bills that have been defeated and putting them into amendments so we can deal with them again we're going to be here all summer. I don't think we want to do that. Speaking to the point of the amendment, this amendment completely undermines the whole purpose of the subsidy for childcare because the subsidy is to provide a way for low income parents to bring their children to childcare who can't otherwise afford childcare. They're poor. So why would we expect or ask more money of them when they don't have the money? That's why they're getting the subsidy in the first place. I think it will displace a lot of kids who won't be able to go to childcare anymore if this passes. I hope you will vote no.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** Mr. President, I would like to ask a question.

THE PRESIDENT: The Senator may proceed.

Senator **MAKER:** I have a concern that childcare people could charge more under this amendment. The way I read it is that if a parent wants to take a child to another childcare, and they have some assistance in helping them pay for the additional money, I have no problem with that. But I don't know where it says there that the childcare facility can actually tell the parent that if you want to stay here you have to pay it. I would think the parent would have that choice: 'No, I don't want to do it. I can't afford it,' because I agree with everybody, because I've seen it. The reason why they qualify for subsidies is because they are low income and they need the money. But I also know that some of these parents do not have grandparents, but if it was my child, and I thought it would be better for them to go to another daycare, I would help them go to a better daycare and they would receive the subsidy. I would pay the difference for them so that they could go there. But if you're telling me that if the person doesn't have a parent, doesn't have anybody to help them - I want to know where it says that in this amendment because I don't see that and I need some help. So if anybody could explain it to me.

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

Senator **BRAKEY:** Thank you, Mr. President. To answer that question, I think it is important to recognize that any daycare currently can say, 'We can't afford to take your kid, the subsidy's too low, and sorry, you're out of luck.' I mean, that's the situation right now. What we're saying is, in that situation, that if the difference is \$25, \$50 a week, a month, what have you, that you can make up the difference. I think the idea that providers - that businesses aren't going to work with people, that they don't want customers, that they're not going to work with people to find a mutually beneficial arrangement, that's not how the market works. The market works - these are businesses. They're seeking customers. They want to work with their customers in order to - in order to come to mutual win-win arrangements for people. They don't - they do not - a business is not going to succeed by turning away customers that they could otherwise have. So I'll leave it there.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, in response to the question that was raised. This amendment will let them charge more and, yes, there are a few parents that may be able to pay that difference. There are a lot that will not be able to pay that difference and, because childcare is so limited in the state in terms of places to go and bring their children, there are kids that will be shut out as a result of this amendment.

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

Senator **CARSON:** Thank you, Mr. President. We focused our debate and our comments on the children, which is absolutely appropriate. In my district, childcare, affordable childcare in particular, is in very short supply. That, obviously, has an impact on the children. It also has an impact on the parents. If you don't

have grandparents or aunts or uncles or other childcare that comes at a modest or no cost, if you have a two parent family and both parents need to work in order to make ends meet, getting the subsidy and getting the child into childcare by means of the subsidy is really important. If that couple is being asked to pay even more it further constrains the couple's finances and may result in someone actually not going to work so that he or she can stay at home with the kids. I think we need to look at this as a very good thing that Senator Libby has proposed and as a way not only to take better care of our kids at an affordable cost but also to allow more people to get into the labor market. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. You know, what I'm hearing is that we want to use this system, a federal subsidy, to impose price controls on this industry. That's what I'm hearing is that we want to use this system to force providers to charge rates that we deem are best. But anyone who takes an Economics 101 course knows that price controls lead to shortages. While we are complaining about shortages in supply of daycare and then we are, at the same time, talking about how we can use this subsidy system to impose price controls on providers to force them to charge only what we deem as appropriate. The market works these things out far better than we ever can. Let's give parents choice again. Let's give parents choice in finding the best providers for their kids. Let's give them - let's give them access to these subsidies as something to help them, to navigate this, to be able to afford services, but let's not try to dictate, from Augusta, what prices should be set in the market. It never works out. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Washington, Senator Maker.

Senator **MAKER:** I'm sorry to stand for the second time, Mr. President, but I think we need to be talking about our children and not about the markets. If at some point in time a parent wants to go to a childcare place and say, 'I can't afford this and I have to go someplace else,' I understand that. But what I was hearing was that they would be forced to pay that amount, plus the subsidy. Subsidy is not that much. They don't get that much in subsidy. I understand what everyone is saying here, and I appreciate it, but you confused me even more. So thank you, Mr. President.

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

Senator **LIBBY:** Mr. President, thank you. I rise in response to my friend from Washington County, Senator Maker's question. So the scenario I laid out was a child in a facility today and their family receives a subsidy. If we pass this amendment, we are basically saying under new State law a provider can charge the difference between the market rate and the subsidy. They can charge that to the parents of the child receiving care. When I read the amendment I see no expressed prohibition on children already receiving care from being excluded from this new scheme that's going to be created. If there was an expressed prohibition to protect the kids in care today, that would be a different

conversation for me. But what we have before us is an amendment of a single sentence. I think there needs to be a lot more thought put into what this new arrangement looks like. I think there needs to be protections for children already in care today, to make sure that in a childcare facility in a market where there's not a lot of empty slots, like my community, that some providers are not compelled to go along with the new arrangement that we'd be offering them and start charging subsidy kids cash out of their pockets. I think it's a very dangerous new policy for this Legislature to enact and I think if we are going to go down that path a lot more thought needs to be put in it, and there needs to be protections in place for children already receiving care, and it should be done in a bi-partisan way, not as a floor amendment offered here in the Senate. So thank you, Mr. President.

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

Senator **BRAKEY:** I apologize, Mr. President. I did not have my light on.

Senator **CUSHING** of Penobscot moved the Bill and accompanying papers be **TABLED** until Later in Today's Session pending the motion by Senator **BRAKEY** of Androscoggin to **ADOPT** Senate Amendment "A" (S-423) to Committee Amendment "A" (S-407).

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.

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

Senator **CUSHING:** Mr. President, I think as we reflect on this debate, it comes to the basis of a lot of the issues that we face here. When we inflict upon businesses, because we are talking about business even though it's childcare, we inflict upon them responsibilities and duties and, as one of my colleagues from Androscoggin has said, price controls, we effect the market in a way that is adverse because we cause people to have to make choices as to whether they are going to be able to provide the services that are necessary in the marketplace or whether they're going to have to find alternatives. I think we need to reflect on that very carefully. I thank you for the opportunity to rise and speak on this.

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

Senator **BRAKEY:** Thank you, Mr. President. I...

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

Senator **LIBBY:** Mr. President, thank you. I believe a member requires leave of the Senate to speak a fourth time.

THE PRESIDENT: The truth of the matter is I don't believe that rule exists in the Senate and so unless you can point directly to that. Would the Senator please approach the rostrum, leadership.

Senate at Ease.

The Senate was called to order by the President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll just say this, I appreciate the very heartfelt debate on this issue from this Body and I respect that those who may be on the other side of this issue, I respect that they're coming from a place where they have true and genuine interests of children in mind. I just want to say on this side of the issue that's very much true as well. As I look at this issue, we are talking about trying to make sure that every child has access to the daycare that best fits their individual needs as directed by their parents, those who are responsible for making those choices for them. All this amendment does is it gives parents more choice. That's all it does. It gives parents more flexibility, more choice in finding the daycare service that best fits the needs of their child. Now we can try, from here in Augusta, to dictate what arrangements parents should be making with these providers on the basis of price. But I think that parents know far better than we do the individual needs of their kid and the individual needs of their budgets. As the underlying bill, underlying this motion, would increase by 50% - moving from the 50th percentile to the 75th percentile, the subsidy that we are making available to parents, I'm sorry, the concerns that we're going to see a sudden, irrevocable, non-negotiable increase in prices beyond that 50% increase, which is already going into effect, that we're going to see that increase in prices take place from providers, it just does not seem like a realistic concern to me when we're increasing the reimbursement - so, you know, again, by 50%. So I hope that we will adopt this motion today. I hope that we will adopt this amendment. I think that this will be a very good thing for children in the State of Maine, for parents as we give them more choice, and, Mr. President, I hope that we do the right thing and accept this motion today. Thank you very much.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session pending the motion by Senator **BRAKEY** of Androscoggin to **ADOPT** Senate Amendment "A" (S-423) to Committee Amendment "A" (S-407). (Roll Call Ordered)

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, April 4, 2018 at 10:00 in the morning.