

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Eighth Legislature

State of Maine

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beginning June 19, 2018

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

In Senate Chamber
Thursday
June 21, 2018

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

Prayer by Senator Nathan L. Libby of Androscoggin County.

SENATOR LIBBY: Good morning, Senators. I'd like to share
with you a prayer from the MicMac Indians. Let us pray.
Creator, open our hearts to peace and healing between all
people. Open our hearts to provide and protect for all children of
the Earth. Open our hearts to respect for the Earth and all the
gifts of the Earth. Open our hearts to end exclusion, violence,
and fear among all. Thank you for the gifts of this day and every
day. Amen.

Pledge of Allegiance led by Senator G. William Diamond of
Cumberland County.

Reading of the Journal of Wednesday, June 20, 2018.

Off Record Remarks

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

Off Record Remarks

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Clarify Which Municipalities May Receive a Portion
of Day Use and Camping Fees from State Parks and Historic
Sites" (EMERGENCY)

H.P. 1357 L.D. 1915

Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** suggested and ordered printed.

Comes from the House, under suspension of the Rules, **READ
TWICE** and **PASSED TO BE ENGROSSED**, without reference to
a Committee.

On motion by Senator **DAVIS** of Piscataquis, Bill and
accompanying papers **INDEFINITELY POSTPONED**, in **NON-
CONCURRENCE**.

Sent down for concurrence.

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

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **HAMPER** for the Committee on **APPROPRIATIONS
AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a
General Fund Bond Issue To Improve Multimodal Facilities,
Highways and Bridges"

S.P. 682 L.D. 1815

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (S-531)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-531) **READ** and **ADOPTED**.

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

Sent down for concurrence.

All matters thus acted upon 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 Restore Confidence in Utility Billing Systems
S.P. 628 L.D. 1729
(S "A" S-505 to C "A" S-467)

The Chair noted the absence of the Senator from Cumberland, Senator **BREEN**, the Senator from Penobscot, Senator **DILL**, the Senator from Androscoggin, Senator **BRAKEY**, the Senator from Penobscot, Senator **CUSHING**, the Senator from Kennebec, Senator **KATZ**, and the Senator from Oxford, Senator **HAMPER**, and further excused the same Senators from today's Roll Call votes.

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senator having voted in the negative, and 29 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.

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

ENACTORS

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

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2018-19
H.P. 1297 L.D. 1862
(S "B" S-504 to C "A" H-712)

This being an Emergency Measure and having received the affirmative vote of 29 Members of the Senate, with no Senator having voted in the negative, and 29 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.

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

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

ENACTORS

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

Emergency Measure

An Act Making Certain Supplemental Appropriations and Allocations and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government
H.P. 652 L.D. 924
(S "A" S-529 to C "A" H-790)

This being an Emergency Measure and having received the affirmative vote of 30 Members of the Senate, with no Senator having voted in the negative, and 30 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.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"
H.P. 640 L.D. 912
(C "C" H-747)

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - FURTHER CONSIDERATION

(In Senate, April 18, 2018, Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747) READ AND ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.)

(In House, that Body **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**.)

Senator **KATZ** of Kennebec moved the Senate **RECEDE**.

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 (#692)

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

NAYS: Senators: COLLINS, CYRWAY, DAVIS, KEIM, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: BRAKEY, BREEN, CUSHING, DILL, HAMPER

20 Senators having voted in the affirmative and 10 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **KATZ** of Kennebec to **RECEDE PREVAILED**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "C" (H-747), in **NON-CONCURRENCE**.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ACCEPTED** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.

Same Senator moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**, in concurrence.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#693)

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

NAYS: Senators: COLLINS, CYRWAY, DAVIS, KEIM, LANGLEY, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: BRAKEY, BREEN, CUSHING, DILL, HAMPER

19 Senators having voted in the affirmative and 11 Senators having voted in the negative, with 5 Senators being excused, the motion by Senator **KATZ** of Kennebec to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-745) **READ**.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "B" (S-490) to Committee Amendment "A" (H-745) **ADOPTED**.

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

Senator **KATZ:** Thank you, Mr. President. Mr. President, this is a very tough issue. The debate on this seems months ago. I guess it was only a few weeks ago. It was very emotional on both sides. This is a terribly difficult issue on a whole number of levels. I think there were those of us who support this bill and, hopefully, support the amendment but realize it's hardly perfect. I don't think that there's an opportunity to write a bill here which avoids some difficult issues about relationships between parents and children and between church and State. Having said that, I offer this amendment to, hopefully, make this bill a little bit better. I'd like to thank Senator Carpenter, who had significant input into this as well. The amendment basically does three things, Mr. President. First of all, it makes it clear that practitioners who have practiced conversion therapy in the distant past will not be subject to discipline by their regulatory boards. I think we all recognize that times change and that things society finds wrong today might not have - might not have felt the same way 15 or 20 years ago. So the look-back period on the activities of counselors goes from indefinite to 5 years so that someone who was doing things 10 years ago will not necessarily suffer adverse consequences as result of that course of treatment. The second thing that it does is that the amendment makes it crystal clear that this ban on these various practices does not apply to members of the clergy. It specifically says that the Legislation does not apply to activities of a priest, Rabbi, member of the clergy, or minister unless that person receives additional, if you will, monetary compensation specifically for those activities. The reason for this exclusion, hopefully, is somewhat self-evident. It is to try to deal with the issue of the separation of church and State and keeping the

government out of the relationship of a legitimate priest, Rabbi, or minister / parishioner relationship, and hopefully that does so. Lastly, the amendment removes from the Legislative findings some language which had been in there about the United Nations Committee Against Torture and Human Rights. That language, I'm not sure, said exactly what the findings and facts suggested it actually said. So we pulled that out as well. Again, Mr. President, an extremely emotional issue. I don't view this as a referendum on whether people are homophobic or not. I think I know every single member of this Senate well enough to say that I don't think there's a single person in this Body who is homophobic or in their own personal lives discriminates against anybody because of their sexual orientation or gender. I don't view this vote as a litmus test about that at all. On the other hand, I think this bill, particularly as amended, tries to find the right balance so this kind of conversion therapy, which I think most of us would agree shouldn't be done in 2018, we will go on record as saying that. So I offer this amendment in that spirit and hopefully the Body will be able to find its way on this, again, incredibly tough issue. Thank you, Mr. President.

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

Senator **CHENETTE:** Thank you, Mr. President. Men and women of the Senate, I rise conflicted. I strongly support this bill and really appreciate the good work from the good Senator from Kennebec, but I have to have a large caveat, an asterisk, attached to my support. If it's not safe to administer conversion therapy for certified school psychologists; guidance counselors; nurses; doctors; physician's assistants; psychologists; psychological examiners; alcohol and drug counselors and aids; social workers; pharmacists and pharmacy technicians; professional counselors; marriage and family therapists; speech, language pathologists and assistants; and audiologists then it shouldn't be safe for priests, Rabbis, or clergymen. If we want true equality let's start with equality under the law. Either it's safe for children or it is not. It is that simple. If your religion is telling children that they are not good enough, they are not worthy, that they are less than. If your religion is creating irrevocable long-term physical, mental, or spiritual trauma simply because of who they are, maybe it's time to rethink the definition of morality. I was taught in church, Mr. President, the Golden Rule - do unto others as you would have others do unto you. It's time we practiced that with this vote. Kids are bullied throughout school. They do not need it at a place of worship. The inclusion of any exemption or exception like this religious exemption is striking me at my core. Ask yourself: who is actually doing the conversion therapy? I really want you to think about it. It's the religious institutions that are partaking in this form of torture, not our school guidance counselors. Make no mistake. Leaving conversion therapy legally on the books in any form will cost people's lives. Conversion therapy will continue unless we apply the law equally to everyone, not make carve outs to continue harming youth by denying and delaying their truth. So I hope we fix that in a future session and I know this is an important first step. The same blood that runs through my veins runs through yours, Mr. President. I urge my friends on the other side of the aisle to support this amendment. Our neighbors in New Hampshire became the first - the 13th state to ban conversion therapy with a Republican House and a Republican Senate. Republican Governor Sununu signed it into law and said this, 'Discrimination

in any form is unacceptable and runs contrary to New Hampshire's Live Free or Die spirit. If we really want to be the Live Free or Die state we must ensure that New Hampshire is a place where every person, regardless of their background, has an equal and full opportunity to pursue their dreams and to make a better life for themselves and their families.' I think it's time that Maine followed suit. 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'm not going to go on for very long. Suffice it to say that this is an issue that my committee and I struggle with tremendously. This is an issue that I - of all the bills I've dealt with in eight years of service in the Legislature, this is the one that I feel the most conflicted about. Setting aside any of the biblical teachings that we could debate, I honestly feel as though my faith does not ever call me to be discriminatory toward anyone. It does call me to be loving. That said, a vote against this amendment, or this bill, is not an unloving vote. It is a vote about the fact that this particular bill, and I can't speak to what's happened in other states, but this particular bill continues to have a couple of things in it that I take exception to policy-wise. We have boards, professional boards of licensure, for a reason. The reason is that they - it's up to them to discipline this type of behavior. Every single board of licensure that we heard from said that this is already against their best practices. We also heard from a large number of licensed professionals who came in to testify in favor of this legislation. However, most of them who had thoroughly read the bill, and it is a fairly lengthy bill and I would invite anyone who hasn't read it yet to read it but you don't have time before you have to push the button, they specified that they did not support the private right of action that continues to be in this amendment. So for those reasons I am going to have to continue to vote against it. It is not a statement about how I feel personally about conversion therapy. It is not a statement about how I feel about friends and loved ones, some of them very dear to me, who are gay because I do care about each and every one of those people. I care about their feelings and it pains me to know that a vote against this bill is possibly going to pain them. Thank you.

On motion by Senator **KATZ** of Kennebec, Senate Amendment "B" (S-490) to Committee Amendment "A" (H-745) **ADOPTED.**

Committee Amendment "A" (H-745) as Amended by Senate Amendment "B" (S-490) thereto **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745) AS AMENDED BY SENATE AMENDMENT "B" (S-490) thereto, in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Successful Implementation of Proficiency-based Diplomas by Extending the Timeline for Phasing in Their Implementation"
H.P. 1152 L.D. 1666

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-777)**.

Signed:

Senator:
MILLETT of Cumberland

Representatives:
KORNFELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-778)**.

Signed:

Senators:
LANGLEY of Hancock
MAKER of Washington

Representative:
GINZLER of Bridgton

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777) AS AMENDED BY HOUSE AMENDMENT "A" (H-797)** thereto.

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-778)** Report, in **NON-CONCURRENCE**.

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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I'd like to talk a little bit about the Minority Report, the Committee Amendment "B". This amendment retains the bill's provisions, the original bill's provisions to delay by one year the timeline for the implementation of proficiency-based diplomas, and the reason for that is that we have listened and heard that there were some, you know, some issues with implementation out in the field and wanted to make sure that we have the ability to address those issues. So there's some struggle. I think what is out there is that we have some issues that are mixing policy and implementation issues. So we've had some struggles with implementation. We started out, we had a multi-year phase in and dedicated implementation funding to districts. So there's been a little struggle with implementation. The funding had been reduced for that. So we've address that in this amendment. We have added provisions in there for some more effective work through the Department and at the local level, and would like to make sure that we honor the work of the education community over the past eight years. A lot of folks have put in a lot of work and would like to - just need a little bit more time to implement that. So I would ask for your support. Thank you very much.

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 regretfully disagree with the good Senator from Hancock. The Senator and I have spent six years working on this issue in the Education Committee. Six years. My very first term in this Body, we were confronted with this large change in education policy for the State of Maine and we all rolled up our sleeves on a bi-partisan basis, unanimously on the Committee, and we worked hard to address some of the challenges that were starting to bubble up. It is unfortunate that we did not have the kind of leadership and vision that we needed from the Department during such a seismic change and it left the heavy lifting to us in the Education Committee. So I want you to know that I take no pleasure in standing up today in opposition to the motion before us.

There are more than just issues of implementation that have been confronting us for six years, the largest of which, and I am not exaggerating, resulted in me having many nights of lost sleep, in addition to many of my other colleagues on the Education Committee. That issue was this: are we, as a State, prepared to deny a student a diploma who has come to school faithfully and given their all and still cannot show proficiency? This question has been posed every year of the past six years, including this current session. I will tell you that no one has had an answer. That distresses me greatly. We cannot kid ourselves. A high school diploma, or not having a high school diploma can effectively condemn our - a significant part of our youth to a future lifetime of unmet potential. This year the Department of Education came down and testified that they are unable, still, six years later to be able to put into place rulemaking to facilitate the

implementation of this law. They say we just need to rededicate funds, but in the budget that was presented to the Education Committee this year there were no new funds presented to support the work the Department needs to do at a serious meaningful level. No new money. The report before us carries a determination by OFPR that there is a significant statewide unfunded mandate. Passage of this report will require a two-thirds vote in both Chambers. I don't believe that that is likely and what that will mean is that next year's deadline requiring graduates to show proficiency in order to receive a diploma will stand. I imagine that, if we are not able to support a compromise solution to this issue, this legislation will be presented in the next Legislature with a full repeal of this law. This report compounds the huge unfunded mandate of the original roll out of the proficiency-based diploma system and I think it's important to note that we're not talking about repeal of proficiency-based education nor standards for our students. We are talking about the mandate to attach a proficiency to the diploma. This report doubles down on forcing schools to put into place a diploma system that has the potential for significant negative consequences for Maine students, as I mentioned before, whether the local communities supports it or not. The Minority Report ignores the fact that there are many communities, many parents, and students who do not want the proficiency-based diploma and it would force them to implement it at their own cost of their own local budget and their own resources. So I urge you to oppose this large unfunded mandate so that we may consider the Majority Report which puts forward a bi-partisan compromise that allows districts to continue the implementation of the diploma system with the support of their communities and respects the wishes of communities which do not, thus respecting the long standing practice of local control in Maine. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass Report. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#694)

YEAS: Senators: COLLINS, CYRWAY, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

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

EXCUSED: Senators: BRAKEY, CUSHING

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-778)** Report, in **NON-CONCURRENCE**, **FAILED**.

The motion before the Senate was **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)** Report, in concurrence.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I just wish to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **KATZ:** It's my understanding that there was a \$600 and something thousand fiscal note attached to this proposal that was removed. Can anyone explain why the fiscal note is no longer there?

THE PRESIDENT: The Chair would suggest that, while I think that's an appropriate question, we probably should have some sort of motion before the Body and right now we don't have anything before the Body. So if we could first - the Chair would understand that - the Chair understands the Senator from Hancock, Senator Langley, moves the reading of item 5-1 be dispensed with. The Chair understands the Senator from Hancock, Senator Langley, moves the Majority Ought to Pass as Amended Report by Committee Amendment "A" Report be accepted.

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

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

Senator **KATZ:** Thank you, Mr. President. I hope this is the appropriate time to ask a question through the Chair. I understand this has a \$600 and something thousand fiscal note because we'll now have two parallel systems: one with some districts that have proficiency-based education, one where communities don't, which led to, as I understand it, a fiscal note to - additional personnel within the Department to administer two parallel systems. I understand there is no fiscal note on it now and would inquire to why that is? Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. I believe that that happened in the other Chamber. From my understanding, that fiscal note was attached to the bill erroneously, without a Committee review, and that the other Chamber tried to address that issue. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I would first like to start off by addressing the fiscal note. I am looking at what the Department sent over and because of the - of a dual system where this Majority Report - I wasn't really able to speak about that in my previous remarks. The Majority Report goes through and makes optional proficiency-based diplomas and the proficiency-based process. It turns - it says that the Department may collect data from those systems that are using proficiency-based diplomas. But, unfortunately, because of federal reporting laws for ESSA, Every Student Succeeds Act, they have to collect this data from the school. So they've got to collect data on two systems for that. What I'd also like to point out, in the Majority Report the inequities that it creates for our students. You know, student equities are the foundation of our 55% law to support students being proficient in the learning results. As the bills goes and removes, in a lot of places, having the requirement for being proficient being required to 'may'. So let me point out a few areas where this may create problems. In our regional technical centers, our CTE, Career Technical Centers, we have two students standing next to each other in the same program. One student goes to a district that is a proficiency-based diploma and in that diploma law, the proficiency-based diploma law, it allows students to meet graduation requirements while they are attending their CTE programs. Let me give you an example of how that might look. The student who's making some fine cabinetry, very artful in nature, currently, in the old system, you have to take an art class before you could get credit for that. Students taking nursing, for example, and study health, the human body, and all of the elements of a health class, can't get credit for a health credit in a credit-based system, but in a proficiency-based system they get credit for what they know about health. We see the same in many of those programs. So you will have some students who are making their way towards graduation, meeting those requirements in CTE, and the student standing next to them can't, and that CTE course is an elective and they have to put it in on top of all those other courses. I can tell you, over the nearly 30 years that I taught in a technical center, many kids had to leave in their senior year because they were half a credit short in fine arts or half a credit short in health, and they had to give up a full training program in order to go and take that back. So we have those inequities.

We have students - we have mobility in Maine. A lot of students move and we have a report which we got that says that nearly 7% of all students in Maine move on an annual basis for non-promotional reasons. What that means is they're not moving because they got promoted to another grade. They're moving because of other reasons. Not surprisingly, according to the report student mobility was found to be related to eligibility for free and reduced lunch. In any given year, approximately 10.1% of students identified as eligible for free and reduced lunch experienced a non-promotional move each year. So what that means, in terms that are kind of on the street, if you're in one system, a proficiency-based system, and things are going well and you have to move because of economic reasons to a district that's credit-based and based more on seat time than those don't match up and you have to go back and many students then will be penalized because they just don't have a way to reconcile that.

So you're going to see our economically challenged students who move to a new district being challenged. So the - you know, I've heard that proficiency was best suited, you know, for those kids and those kids who don't seem to learn easily, and I find those to be more code words that I've heard all of my life, you know, for those castaway kids. You know, that's why I'm here today. I'm fighting for those kids who want to, when they get out of school, that they have the education that they need to succeed. Surprisingly enough, the Teachers of the Year, we had six in front of us, come in front of our Committee, and I would ask my colleagues on the Education Committee to correct me if I'm wrong, asked us and begged us not to vote for this, that it is working, that this is best practice for kids. They said, 'Please don't, please don't support this report.' When I left the Committee room that day I talked to a Superintendent who was sitting outside and was in tears. She said, 'I can never ask my staff to do anything again.' We pulled the rug out from underneath them and they said this was a stealthy way to kill proficiency, making it optional, because what happens is, and I've gone and I've attended a school board meeting in Southern Maine where this was the hot issue, and I heard some of the comments. I heard one parent stand up and say, 'You know, my daughter doesn't know if she's doing better than the student who's next to her and that's not right.' So we have a system, we have a system in place now that says we need a top 10% in our classes, which means 90% of the people have to be worse, and that's what it is. It's not what are we doing to meet standards. It's am I better than the student who's next to me? That parent went on to say, 'You know, if my daughter doesn't get it, doesn't understand it, she's got to take homework home, but if the girl next to her gets it, and understand it, she doesn't have to take the homework home.' Well, that's the way proficiency works. So if you know it and you understand it, you don't have to do the busy work. So what this report does, by making it optional, is really making it obsolete because what will happen is it won't take long, because it's hard work, that people will give up on it and they won't want to do it again.

So, men and women of the Senate, I know I'm going to ask you to vote against this. We've already had one vote. I don't know what happens if I win, but I don't think I will. But know that I stand here today as a voice for those students who are on the bottom 10%, that aren't scheduled for the Ivy League schools, that aren't scheduled for, you know, the scholarships, the ones that we need to make sure leave high school, leave school, with the ability to function in both secondary and the workforce or in the military. Surprisingly enough, the people that have reached out to me in my district, who most all of my schools in my district support the Minority Report, have said to me that this works for us with little resources. This works the best because we can focus on what kids actually have to have to be able to succeed when they leave school. Then there is the fiscal note on this. I don't know as if you can just wipe it away. There is a cost to this and in the - in this report it says, you know, it says that they may collect the data, they may collect it, but they have to. ESSA requires it. So there is going to be a cost to this. Thank you for your time and your indulgence.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm going to put a different hat on today, and that's

the hat of the School Board Chair of Old Town, now RSU 34, which I've chaired for 20 years. I'm also the Chair of the CTE school in Bangor, the United Technology Center and I've been the Chair of that for the last six years. We've had a lot of discussions around proficiency-based standards and, from what I'm seeing, I'm not sure this is the best choice for everybody. I think that there's going to be a lot of students that are actually going to be left behind, that they're not going to meet the standards, and they're not even sure what those standards are. Some of the teachers are having problems, as has been stated here, trying to teach to it, and I just wanted to go to say, too, that, at least with United Technology Center in Bangor, we have a system in place that actually we can give credits, that we can work with students who need credits in various courses like health, like English. We have a system in place that we can help those so the sending schools don't have to worry about it or they don't have to drop out of CTE because of this. Again, I just want to say that I'm afraid that this is going to leave students behind rather than help some of the students and I think this gives a great option for everybody and I hope that you will follow my vote and vote for this. Thank you.

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

Senator **MILLETT:** Thank you, Mr. President. I rise to speak now in support of the motion before us. It's been a long road to this moment. The six years were certainly long, but this particular year seemed almost as long as the prior five years in terms of the difficult conversations that we were having. This report is the best attempt to respect all of the voices that we have been hearing in the Education Committee room for at least the last four years as concerns continued to rise over this approach to diplomas, diploma implementation and education in Maine. It respects the work of those districts that are in favor of the diploma - the proficiency-based diploma system. It allows those Teachers of the Year who are so enthusiastic to continue with their enthusiasm, to continue to work with their communities, and I hope be so successful, to be that bright shining light for other districts across the State of Maine that they will want to follow suit. This is a compromise between two very passionate sectors of our education policy world and also very respectful of parents who have come before us. I have, I think, a little more faith in our teachers. I don't believe that they give up when the work is hard. I think every day for them they work very hard, whether it's within a proficiency-based diploma system or not. I think they give their heart and souls to their children, because if you talk to them it's their children, to help them reach their potential and help them be successful, and there are just as many teachers who are very concerned by the proficiency-based diploma who have also come to us with great passion, asking us to take a step back because of the concerns that - because of issues that they've seen arise in their classroom, not the least of which is the amount of time that they have to spend entering data to support the proficiency-based diploma system. We are fighting for all of these kids. As I mentioned before, I wasn't losing sleep over the kids that are succeeding, that are going on to four-year colleges, Ivy Leagues, who are showing proficiency already within our existing systems. It's the kids who aren't and I wish that by just simply looking through the prism of career and technical centers that all would be made right. But that is not the case. These students that go to CTE still need to show proficiency in multiple areas unless

we're starting - unless we're willing to agree that showing proficiency in health is no longer necessary or showing proficiency in chemistry is no longer necessary, which has been proposed to this Education Committee as a way to solve the problem of children not receiving diplomas. We have twisted ourselves inside-out over this issue and this report is the way that many of us in that Committee felt we could allow PBD to continue in the State of Maine and still be respectful of local control and those communities that have not been convinced of its power. So I would urge everyone to please support this compromise, bipartisan, Majority Report so that we can put in place a solution and allow the teachers who want to work within this system to do that good work and show us the way forward. Thank you, Mr. President.

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

Senator **DOW:** Thank you, Mr. President. Many of you know I was a school teacher. I didn't teach as long as Senator Woodsome did. I taught six years full-time, off and on a few years after that. I'm not the big expert that some other educators are, that have been in it their whole life and have retired. I've worked on school boards many years, including the CT school boards. But I haven't spent as many years as my good friend, Senator Dill. But I do know, in the educational system, that we've changed educational models several times. I watched it happen when my father was in school teaching. I come from a whole family of school teachers. My sister was one. My father taught for 35 years, finally ending up as Assistant Principal, and when he retired the chemistry physics teacher took his place and I took over the chemistry physics position. Nothing to do with this, but I just wanted you to know.

We have a system and I think that's the problem. We have a system where we've been trying to change models several times and we're trying to put a puzzle together but we're trying to put the puzzle together on a table that's too small and the edges keep falling off onto the floor. We have a system that goes back to the 19th Century, the 1800's, where we have this lovely 6 hour school day while the rest of the world has progressed and we're asking the proficiency-based system, or any system, to fit into that box, in that model, and it will fail. But I'm looking at a new system which can succeed but we've got to be aware that we've got to continue to change the system that we have in this State. The MEA has not come out with any good new models. The MEA is stuck in the past. We need a new system. Regardless of what model we put together, you could have five different models and Model A, B, C, D, and E. Model A is the best one, B is second best. But I've discovered in life that you can pick Model C and if every person is on board with that Model it will move forward and improve. But not until we continue to change the system that we're dealing with so that anything new that comes along can fit on the table. We can't have the table the same size as it always has been. We've worried about a fiscal note of \$600,000. The fiscal note that I envisioned would be much more expensive than that. But it comes down into the future, and this system that we're looking at, this proficiency-based system, is looking towards the future but we've got to give it a chance. We just can't abandon it like we have many of the models before and switch boats in midstream, and we've done that before and we start over again and it causes discouragement.

The town that I come from, the school district I can remember is made up of five towns and my town's been called every name in the book - Dodge City on the Medomak. We're the Rodney Dangerfield of Midcoast, we get no respect. When it came to school consolidations, the surrounding districts were eager to take Union, Warren, Friendship, Washington, but nobody wanted Waldoboro. Nobody. So we're one of the few districts in the State that didn't have to combine. Nobody wanted us. But that district adopted proficiency and they did so eagerly. They got a new Superintendent who was eager to do it and they worked at it diligently and they became a model in the area and other school systems were calling up and asking about that. Now it's going to take more than just changing the systems and we're looking at the arguments that we've already seen in the Governor's races already, that we see in Presidential races all the time, that we're going to see in the future. You want to go back to the old model? That's the question. Or do you want to move forward? Do you want to take a step backwards? I've tutored students for many, many years in math. I was a geek and a nerd before they even invented the words, so I've always had a chance to tutor a lot of math students because you've got to realize that in math only 15% of the students in a school really get it good and the others, there is a bunch of others that kind of get it pretty good, and there's a whole slew of them that don't get it at all. They're the ones that need the help and this proficiency-based system, where we want to bring the lowest up to a certain level and we want the highest to continue to climb and go as far as they can. Not all students are like one that we just had graduate and went to MIT. Finished all the high school math by the time he'd finished the 8th grade. We're not talking so much about those students. We're talking about the ones that businesses want to hire, that can't do simple math because they go to college - some of them that go to college don't know their times tables good enough. They can't do it automatic. They don't know the square roots. They don't know good - how to do negative numbers, decimals, fractions. I've dealt with these things my entire life, so we're dealing with proficiency models. So I'm looking at that system and saying it's good, but we need to do something more with it. Hopefully some day this State will wake up and expand the school day, and what are you going to do with it? Because we have - I mean in the last 100 years, I've got a rank card from the 1890's. Got a lot of good subjects on it, just like we have today. It doesn't have anything in computer science. Doesn't have phys ed. Just think of the things we've added, also that the things that have been cut out of the school day in order to fill these in, and they haven't done our students any good. When we're dealing with proficiency we're basically talking about the three tests that we compare every year: reading, writing, and math. When you look at those scores, when I look at them in the newspapers, they get published, every school in the area is compared for those three things in particular. The needle hardly moves no matter what we've done. We've thrown money at it. It doesn't move. We've changed the model. Doesn't move. But we're going to continue to increase the things we do. We need to change the system eventually. So I am not wanting to take a step backwards. I'm wanting the top 15% of the students in math class that get it good to be the ones that teach the other 85% in that extra hour of the day, if we ever get there. To teach the English and the reading, because the school teachers - we all know that if we teach it we really learn it. So that's why I do not want to abandon. I'm looking to a future where we're really going to step out of the box and do something extra for the school day and for our school teachers. That's going to

require money because you're going to have to pay them an extra hour a day. But that's part of the reason that I will continue to support this system and moving forward. I don't want to take a step backwards. Thank you, Mr. President.

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

Senator **MAKER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when I first was elected we started on this path. I worked at a community college and I saw students that couldn't read. I saw students that couldn't handle any kind of financial. They couldn't do a budget, because my big thing was they shouldn't be taking loans if they don't need them and I would ask them to do a budget. They couldn't do it. They didn't have - and it's not a community college problem because I remember talking to my other financial aid people and they said - first they said, 'No, that's not us, that's you guys.' Well, it turned out it wasn't just us, it was all schools, all colleges. My concern. And when I heard this and visited schools all over the State of Maine and I saw the excitement in the kids and them growing and learning. This is the answer. We need to say, 'You need to complete this, this, and this before you move to the next grade,' and do that continually. What I didn't know, and I think - I hope - whoever's here next year will take care, is that the parents have the right to keep their child home. That's not even teaching them, they just have that right. Then they have the right to move them ahead and then we wonder why our children are not learning. This was an opportunity, this competency-based education was an opportunity for the kids to grow. Most of the phone calls and the letters I received were from parents who were worried about their kids and what their grades were going to be. I get that. I get that and that wasn't part of this law. Had nothing to do with the law. That was a local district decision and they could make it whatever it wants. The other problem that I heard, and I think it's real, is that the whole plan was so that once a student received a 3.5 they went further and they skipped and went into another grade because they learned that. Some schools are doing it correctly. The Education Committee probably takes some blame for this because we were hearing it, as was said before from some people, that what was not happening, what should be happening. We also suffered through many Commissioners, so there was no leadership going. To drop this at this point in time, with our children, all of them, I believe, are our children, is a wrong thing to do. If it's decided in the next year with the new Governor, new Commissioner, there should be a new road; maybe that's what it is. But to pull this out now is not the right way to go. One year is not going to hurt anybody, but to cancel all this and all the hard work in some of these schools throughout the whole State of Maine - that's the other problem that we've had. We kept extending for some schools so some are still in the process and they really haven't completed, and now they're hearing all this. Of course they're not going to do any work. They're not going to try to do this. Who's going to suffer from this whole thing? Our students. Just remember that, because if we don't have a progress and our kids can't get jobs because business owners don't want to hire them because they can't do simple math, and we need to have all students on that route to the top and we need to encourage that. But to say we need everybody to have a diploma no matter what their knowledge is, I don't believe is the right thing to do. If you have 100 in a test that you take today does that show how many competencies you've

done in that 100? Does that value equal another subject? What is 100? What is an A? You knew in the 1 through 4 that the closer you get there, B's are the competencies that you completed. For me, I don't care whether it's - if it really means a lot to you that you get a grade. Get a grade but don't pull this out. And I don't believe for another second, that I've heard, that you can't get in good colleges, because that's not true. They're taking home-schooled students now. They take foreign students. They have all kinds of criteria that they pick, and I worked in admissions as well and I saw that happen. We take credit for students that have been in the military. You have to evaluate what they've done. Really it's more competency-based. When I worked at the community college they also had competency-based education there. They could show you, when they went to go be an automotive mechanic, how much they learned and where they were. That's what we need for our kids. We need to know that they have achieved. Just to say I want them to have a diploma is not the answer. Thank you.

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

Senator **DILL:** Thank you, Mr. Chair, Mr. President. Ladies and gentlemen of the Senate, I just want to briefly comment. I agree with my colleagues from the other side of the aisle. I think proficiency-based standards does work. It's working great, from what I hear, in Waldoboro. This does not take that away from Waldoboro. It does not take this away from anybody. It does not take it away from the school system I'm in, Old Town. It gives us a choice. Many school, as the Senator from Washington County said, a lot of schools have gone down the road and some are way behind. Should we force them to make - to continue on? I'm not sure we should, but I think this gives them the choice and I think this is what this is about. It's like school choice. Where I'm from, all around me is sending schools, it's school choice. I see this as another form of school choice. If it's working well in your towns, keep it. If it's not, this gives you another choice to do something else or try to do it parallel. So I just hope you would vote this just from the standpoint of choice.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" Report. A roll call is in order. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#695)

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

NAYS: Senators: COLLINS, CYRWAY, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, WHITEMORE, WOODSOME, PRESIDENT THIBODEAU

EXCUSED: Senators: BRAKEY, CUSHING

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-777) **READ**.

House Amendment "A" (H-797) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-777) as Amended by House Amendment "A" (H-797) thereto **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-777) AS AMENDED BY HOUSE AMENDMENT "A" (H-797)** thereto, in concurrence.

Senate at Ease Until the Sound of the Bell

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Joint Order, To Recall L.D. 1671 from the Legislative Files
H.P. 1352

In Senate, June 20, 2018, **FAILED PASSAGE** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Joint Order was **PASSED**.

On motion by Senator **VOLK** of Cumberland, the Senate **RECEDED** and **CONCURRED**.

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

The Chair ordered a Division. 32 Senators having voted in the affirmative and no Senator having voted in the negative, the Joint Order was **PASSED**, in concurrence.

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

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

H.P. 1216 L.D. 1762
(S "A" S-516 to C "A" H-676)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

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

S.P. 678 L.D. 1809
(S "A" S-517 to C "A" S-417)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

H.P. 1277 L.D. 1835
(C "A" H-647; S "A" S-518)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with no Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ENACTORS

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

Acts

An Act To Provide MaineCare Coverage for Chiropractic Treatment

S.P. 94 L.D. 320
(S "A" S-507 to C "A" S-199)

An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities

H.P. 292 L.D. 401
(S "A" S-508 to C "A" H-109)

An Act To Enhance Maine's Response to Domestic Violence

H.P. 369 L.D. 525
(S "A" S-509 to C "A" H-139)

An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State

S.P. 439 L.D. 1287
(C "A" S-121; S "A" S-511)

An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program

S.P. 561 L.D. 1597
(S "A" S-514 to C "A" S-183)

An Act To Extend the Term of Guide Licenses

S.P. 619 L.D. 1683
(S "A" S-515 to C "A" S-396)

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

Ordered sent down forthwith.

An Act To Facilitate Compliance by School Employees with Criminal History Record Check and Fingerprinting Requirements
S.P. 438 L.D. 1286
(S "A" S-510 to C "A" S-221)

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 (#696)

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

NAYS: Senators: None

EXCUSED: Senators: BRAKEY, CUSHING

33 Senators having voted in the affirmative and no Senator having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

An Act Regarding Prescription Drug Step Therapy
S.P. 485 L.D. 1407
(S "A" S-512 to C "A" S-245)

On motion by Senator **VOLK** of Cumberland, 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 (#697)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: COLLINS, DAVIS, DOW, HAMPER, KATZ, THIBODEAU, VOLK, WHITTEMORE, WOODSOME

EXCUSED: Senators: BRAKEY, CUSHING

24 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolve

Resolve, Authorizing Claire Dean Perry and the Estate of William Dean To Bring Suit against the Surety Obtained by the Department of Health and Human Services in Its Capacity as Public Conservator

H.P. 1070 L.D. 1554
(S "A" S-513 to C "A" H-365)

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

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

An Act To Give Flexibility to Employees and Employers for Temporary Layoffs

H.P. 491 L.D. 700
(S "A" S-456; S "B" S-521 to C "A" H-749)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Implement Certain Recommendations of the Criminal Law Advisory Commission Relative to the Maine Criminal Code and Related Statutes

H.P. 765 L.D. 1091
(S "A" S-522 to C "A" H-361)

The Chair noted the absence of the Senator from Aroostook, Senator **JACKSON**, and the Senator from Waldo, Senator **THIBODEAU**, and further excused the same Senators from voting on this matter.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

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

ENACTORS

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

Acts

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
(S "A" S-526 to C "D" H-686)

An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services

S.P. 645 L.D. 1746
(C "A" S-390; S "A" S-524)

An Act To Provide Incentives To Attract Trained Firefighters to Maine and To Retain Trained Firefighters by Expanding the Provision of Live Fire Service Training

H.P. 1282 L.D. 1845
(S "A" S-525 to C "A" H-695)

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

Ordered sent down forthwith.

An Act To Provide Training for Forest Rangers To Carry Firearms

H.P. 9 L.D. 8
(S "A" S-519 to C "A" H-451)

On motion by Senator **VOLK** of Cumberland, 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.

The Chair noted the absence of the Senator from Aroostook, Senator **JACKSON**, and the Senator from Waldo, Senator **THIBODEAU**, and further excused the same Senators from today's Roll Call votes.

ROLL CALL (#698)

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

NAYS: Senator: HAMPER

EXCUSED: Senators: BRAKEY, CUSHING, JACKSON, THIBODEAU

30 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 4 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolves

Resolve, Regarding Reimbursement for Speech and Language Pathology Services

H.P. 478 L.D. 687
(S "A" S-520 to C "A" H-382)

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

Ordered sent down forthwith.

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

Resolve, To Save Lives by Establishing a Homeless Opioid Users Service Engagement Pilot Project within the Department of Health and Human Services

H.P. 1191 L.D. 1711
(S "A" S-523 to C "A" H-737)

On motion by Senator **VOLK** of Cumberland, 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 (#699)

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

NAYS: Senators: COLLINS, CYRWAY, DAVIS, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, ROSEN, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

EXCUSED: Senators: BRAKEY, CUSHING, JACKSON, THIBODEAU

16 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 4 Senators being excused, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ENACTORS

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

Emergency Measure

An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System

S.P. 712 L.D. 1869
(S "A" S-487, S "B" S-491;
S "C" S-495 to C "B" S-469)

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with no Senator having voted in the negative, and 31 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

ENACTORS

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

Acts

An Act To Revise Laws Regarding Unemployment That Were Amended or Affected by Recently Enacted Legislation

S.P. 657 L.D. 1770
(S "A" S-485; S "B" S-532
to C "A" S-473)

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

Ordered sent down forthwith.

Senate at Ease.

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

RECESSED until the sound of the bell.

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

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

ENACTORS

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

Acts

An Act To Require Insurance Coverage for Hearing Aids
H.P. 148 L.D. 192
(S "A" S-506 to C "A" H-177)

On motion by Senator **HAMPER** of Oxford, 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.

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

ROLL CALL (#700)

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

NAYS: Senators: HAMPER, KEIM, LANGLEY, MAKER,
VOLK, WHITEMORE, PRESIDENT PRO
TEMPORE MASON

EXCUSED: Senators: BRAKEY, CUSHING, THIBODEAU

25 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 3 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Stabilize Funding for the County Jails
S.P. 519 L.D. 1490
(C "A" S-268)

Placed on Special Appropriations Table - June 15, 2018 by
Senator **HAMPER** of Oxford

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268)**, in concurrence.)

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

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-268).

On further motion by same Senator, Senate Amendment "A" (S-535) to Committee Amendment "A" (S-268) **READ** and **ADOPTED.**

Committee Amendment "A" (S-268) as Amended by Senate Amendment "A" (S-535) thereto **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-268) AS AMENDED BY SENATE AMENDMENT "A" (S-535) thereto, in **NON-CONCURRENCE.**

Ordered sent down for concurrence.

Joint Order

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

An Act To Promote Social and Emotional Learning and Development in Early Childhood

S.P. 450 L.D. 1321
(C "A" S-128)

Placed on Special Appropriations Table - May 31, 2017 by Senator **KATZ** of Kennebec

Pending - **ENACTMENT**

(In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128)**, in concurrence.)

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

On motion by Senator **BREEN** of Cumberland, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128).**

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-128).

On further motion by same Senator, Senate Amendment "B" (S-533) to Committee Amendment "A" (S-128) **READ** and **ADOPTED.**

Committee Amendment "A" (S-128) as Amended by Senate Amendment "B" (S-533) thereto **ADOPTED**, in **NON-CONCURRENCE.**

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-128) AS AMENDED BY SENATE AMENDMENT "B" (S-533) thereto, in **NON-CONCURRENCE.**

Ordered sent down for concurrence.

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

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

ORDERS

On motion by Senator **VOLK** of Cumberland, under unanimous consent, on behalf of Senator **MASON** of Androscoggin, the following Joint Order:

S.P. 750

Ordered, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider objections of the Governor.

READ and **PASSED.**

Sent down for concurrence.

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

Off Record Remarks

Senate at Ease Until the Sound of the Bell.

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

Off Record Remarks

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Medical Use of Marijuana Act
S.P. 84 L.D. 238
(C "A" S-443)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/3/18) matter:

Bill "An Act Regarding Energy Costs"
H.P. 1328 L.D. 1895

Tabled - April 3, 2018 by Senator **WOODSOME** of York

Pending - **REFERENCE**

(In House, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.)

On motion by Senator **VOLK** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/18) matter:

Emergency Measure

Bill "An Act To Increase Funding in the Maine Budget Stabilization Fund" (EMERGENCY)

S.P. 738 L.D. 1908

Tabled - April 18, 2018 by Senator **HAMPER** of Oxford

Pending - **REFERENCE**

(Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested and ordered printed.)

On motion by Senator **VOLK** of Cumberland, Bill and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/18/18) matter:

Resolve, To Fund a New Comprehensive Child Welfare Information System

S.P. 739 L.D. 1909

Tabled - April 18, 2018 by Senator **BRAKEY** of Androscoggin

Pending - **REFERENCE**

(Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.)

On motion by Senator **VOLK** of Cumberland, Resolve and accompanying papers **INDEFINITELY POSTPONED**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Align State-funded Benefits with Federal Eligibility Standards"

H.P. 1306 L.D. 1873

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Create the Office of the Public Defender and Amend the Duties of the Maine Commission on Indigent Legal Services"

H.P. 1292 L.D. 1854

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Prohibit Mandatory Membership in a Union or Payment of Agency Fees as a Condition of Employment"

H.P. 1312 L.D. 1880

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of a Federal Immigration Verification System"

H.P. 1326 L.D. 1893

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Allow Minors To Work in a Family Business without Obtaining a Work Permit"

H.P. 1341 L.D. 1905

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Streamline the Management of Maine's Transportation Infrastructure by Initiating the Process of Terminating the Maine Turnpike Authority"

H.P. 1322 L.D. 1890

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin

Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/19/18) matter:

Bill "An Act To Require the Provision of Photographic Identification by Voters"

H.P. 1283 L.D. 1846

Tabled - June 19, 2018 by Senator **MASON** of Androscoggin
Pending - **REFERENCE**

(In House, Bill and accompanying papers **INDEFINITELY POSTPONED**.)

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

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

Off Record Remarks

On motion by Senator **VOLK** of Cumberland, **ADJOURNED**, pursuant to the Joint Order, until the Call of the President of the Senate.