

MAINE STATE LEGISLATURE

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Senate Legislative Record
One Hundred and Twenty-Ninth Legislature

State of Maine

Daily Edition

First Regular Session
beginning December 5, 2018

beginning at Page 1

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

In Senate Chamber
Thursday
May 2, 2019

Senate called to order by President Troy D. Jackson of Aroostook County.

Prayer by Rabbi Erica Asch, Temple Beth El in Augusta.

RABBI ASCH: Elohainu v'lohei avoteinu v'imoteinu, our God and God of our ancestors, we come before You today ready to do the work of governing our great state but before we move into our work we pause for a moment to remember. Today is Yom HaShoah, Holocaust Memorial Day. It is a day dedicated to remembering the nearly 6 million Jews, including more than 1 million children, who died in what Adolf Hitler hoped would be the Final Solution. In less than a decade four times the population of our state were murdered simply because of their religion. As the Holocaust recedes further into history, as the last of the survivors pass away, it used to be tempting to think that such horror could never happen again, not here, not now, not in an interconnected world of smartphones, Facebook, and the internet but, as we know too well, the last six months have seen the murders of Jews, Muslims, and Christians in their houses of worship. This day is not some relic which exists to remember the victims of the Holocaust, it is a clear and dire warning about the perils of dehumanization in our own time. Yom HaShoah reminds us of how an advanced, civilized society moved from Beethoven and Gutenberg to terror and mass murder. This day reminds us that the demonization of wealthy Jews who fund shadowy political campaigns and the labeling of people who look or dress differently as un-patriotic traitors can easily lead to the gas chambers and crematoria of Auschwitz. This reminder is especially pertinent to the leaders who hold elected office.

Primo Levy, an Italian chemist, author, and survivor of Auschwitz, wrote in 1947: 'Auschwitz is outside of us, but it is all around us, in the air. The plague has died away but the infection still lingers and it would be foolish to deny it. Rejection of human solidarity, obtuse and cynical indifference to the suffering of others, abdication of intellect and of moral sense to the principle of authority, and above all, at the root of everything, a sweeping tide of cowardice, a colossal cowardice which masks itself as warring virtue, love of country, faith in an idea.'

We play with fire when we elevate our ideas above our humanity. In this country we hold strong, passionate opinions. In recent years we have seen increasing polarization and retreat into opposite corners. We are free to express our disagreements within our democratic system at the ballot box and by sharing our opinions in person and through social media, but Yom HaShoah reminds us to beware of scapegoating, to recognize the perils of dehumanization, the dangers of delegitimization of our central institutions of the judiciary and the press. It reminds us that we must speak strongly against the anti-semitism we see today.

This solemn commemoration reminds us that the silence of good people allows hatred to flourish. It is easy to say that we do

not know what is happening, to ignore the tweets and posts about alleged terrorists in our midst, heartless business owners, co-opted student activists, radical gun owners, violent refugees, a corrupt media, or a tainted judiciary all bent on destroying the America we know and love. We retreat into a cocoon of silence, rationalizing to ourselves that we do not hold such hateful views, but the Holocaust reminds us that we cannot and must not meet hatred with fear or silence. We must speak out strongly against such rhetoric. We must recommit ourselves to standing with marginalized communities and we must protect the diversity which strengthens our country. We must actively work to stop this hatred now.

God, as we move through our work today may we be mindful of the warning this day brings. May we find the humanity in others and act as examples to our fractured society. May we recognize that the words 'never again' are easy to speak but that the actions needed to make these words a reality are more difficult. May we commit ourselves to acting. May we remember all the lives and lights that were extinguished too early and may that compel us to shine light on the perils of dehumanization and scapegoating which we see today.

National Anthem Performed by Joe LeBlond of Biddeford.

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

Reading of the Journal of Tuesday, April 30, 2019.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator **LIBBY** of Androscoggin, the following Joint Order:
S.P. 548

Ordered, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 7, 2019 at 10:00 in the Morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

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

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

The Foxcroft Academy Wrestling Team, of Dover-Foxcroft, which won the Class B North Championship, the team's 4th-straight regional title. Members of the team include Sawyer McCarty, Cameron Parlee, Austin Jackson, Joseph Keenan, Rice Ayala, Grady Reardon, Khrystofor Downing, Grace McLaughlin, Josh Tatlock, Jacob Ireland, Sabrina Hamele, AJ Atkinson, Austin Gil, Dusti Simmons, Sam Robinson, Sahak Barseghyan, Josh Whittemore, Lucas Ames, Nathaniel Skomars and Jared Atkinson, assistant coaches Terry Whittemore, Chris O'Connell, Ryan Reardon, Isaac Whittemore and Brooks Law; and head coach Luis Ayala. We extend our congratulations and best wishes;

SLS 468

Sponsored by Senator DAVIS of Piscataquis.
Cosponsored by Representative: HIGGINS of Dover-Foxcroft.

The Joint Order was **READ**.

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

Senator **DAVIS:** Thank you, Mr. President. Ladies and gentlemen of the Maine Senate, I'm pleased to recognize the athletes and coaching staff of the Foxcroft Academy Wrestling Team, the winners of this year's Class B North title. We all know that to have a good team you need to have a dedicated coaching staff and a team of athletes willing to contribute to the best of their ability while supporting the team goal. This is especially true for wrestling, as athletes aren't just competing as a team but trying to score points individually as well. The team before us is a fine example as Lucas Ames and Dusti Simmons also won individual titles this season. I know the team, along with the coaching staff, worked extremely hard all season to be one of the best in the north. To do so, every one of the team needed to be both physically tough, strategic on the mat, as well as mentally tough during the matches. To be mentally tough you need to be able to push through and win even when it seems the odds are against you. Interestingly, three rounds into the Class B North Championship Foxcroft trailed Dexter by 41 points. Coach Ayala and the team knew that in order to come out on top everyone needed to step up and push until the final round and that's exactly what this team did. The Foxcroft Academy Ponies ended up winning the Class B North title with 169.5 points, taking home their fourth straight title. Four times they've won this. There is no doubt that Foxcroft Academy has a great program and it's an honor to join the students, staff, and community in recognizing them for their hard work and tremendous success. Thank you, Mr. President.

The Joint Order was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize in the rear of the Chamber members of the Foxcroft team. They are Sawyer McCarty, Cameron Parlee, Austin Jackson, Joseph Keenan, Rice Ayala, Grady Reardon, Khrystofor Downing, Grace McLaughlin, Josh Tatlock, Jacob Ireland, Sabrina Hamele, AJ Atkinson, Austin Gil, Dusti Simmons, Sam Robinson, Sahak Barseghyan, Josh

Whittemore, Lucas Ames, Nathaniel Skomars and Jared Atkinson, and also student managers Sabrina Hamele, Grace McLaughlin, and Claire Sensei. Would they all please rise and accept the greetings of the Maine Senate.

Shannon Smith, of Wilton, who has received the Gary A. La-Grange Community Impact Award from the United Way of the Tri Valley Area. We extend our congratulations and best wishes;
SLS 471

Sponsored by Senator BLACK of Franklin.
Cosponsored by Representative: HALL of Wilton.

The Joint Order was **READ**.

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

Senator **BLACK:** Thank you, Mr. President. Good morning, ladies and gentlemen of the Senate. I am pleased that Shannon Smith of Wilton is able to join us this morning. She is here with the Farmington Emblem Club 460. She recently received the Gary A. La-Grange Community Impact Award from the United Way of the Tri Valley Area. The award singles out an exceptional volunteer who consistently goes above and beyond for their community and it would be impossible for me this morning to take the time to just begin to mention the things that Shannon does in our area, in the Franklin County area. To give you an idea of the type of person that Shannon is I'm going to read to you a quote from Trista Mosher, the Executive Director of the Franklin County Chamber of Commerce, in regards to Shannon winning this award. 'What a great honor to bestow on one of Franklin County's hardest working volunteers. We are so proud of Shannon Smith and all the work she does for Franklin County.' In closing, I would like to congratulate Shannon on this award and thank her personally for all that she does for Franklin County. Thank you, Mr. President.

The Joint Order was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT: The Chair would like to recognize Shannon Smith of Wilton. She's the guest today of the Senator from Franklin County, Senator Black. She's joined today by members of the Farmington Emblem Club #460. They're all from Farmington also and also guests of the Senator from Franklin, Senator Black. Would they all please rise and accept the greetings of the Maine Senate.

Off Record Remarks

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

ORDERS

Joint Resolutions

On motion by Senator **BELLOWS** of Kennebec (Cosponsored by Representative **TEPLER** of Topsham and Senator: **BREEN** of Cumberland), the following Joint Resolution:

S.P. 546

**JOINT RESOLUTION
COMMEMORATING YOM HASHOAH,
THE DAY OF REMEMBRANCE, May 2, 2019**

WHEREAS, from 1933 to 1945, 6,000,000 Jews were murdered in the Holocaust as part of a state-sponsored, systematic persecution and annihilation program of genocide, and millions of other people suffered as victims of Nazism, such as the handicapped, political dissidents and many others for racial, ethnic or national reasons; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated, and the history of the Holocaust offers an opportunity to reflect on the moral responsibilities of individuals, societies and governments; and

WHEREAS, the people of the State of Maine should always remember those who liberated the Nazi concentration camps, some of whom lost their lives and others of whom have experienced lifelong emotional suffering, as holding an honored place in our history; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, the national community, pursuant to an Act of Congress, will be commemorating the week of April 28, 2019 to May 5, 2019 as the Days of Remembrance of the Victims of the Holocaust, including the Day of Remembrance, known as Yom HaShoah, May 2, 2019; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration, marking 74 years since the end of World War II and the liberation of the Nazi concentration and death camps; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust and in honor of the survivors, rescuers and liberators; that We urge one and all to recommit themselves to the lessons of the Holocaust through the week of commemoration; and that We express our common desire to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further **RESOLVED:** That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Holocaust and Human Rights Center of Maine and the United States Holocaust Memorial Council in Washington, D.C. on behalf of the people of the State of Maine.

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, I rise in support of the pending motion to honor those who were lost and those who survived. Outside of the Senate I serve as the Executive Director of the Holocaust and Human Rights Center of Maine. Our mission is to promote universal respect for human rights through outreach and education. Using the lessons of the Holocaust, we encourage individuals and communities to reflect and act upon our moral responsibilities to confront prejudice, intolerance, and discrimination. Each year today, on this day, governments all across the world on the 27th day of Nisan on the Hebrew calendar, which is the anniversary of the Warsaw Uprising, will stop for a moment to remember and renew our commitment to standing up against hate. We dedicate ourselves to remembering the dead. We dedicate ourselves to making 'never again' a reality. On Sunday, the 1st day of Days of Remembrance, we held an observance at the Holocaust and Human Rights Center and Holocaust survivor, Charles Rotmil, who came to Maine after WWII, spoke of his experiences during the war. He spoke of his mother and sister who died in a train crash as they were trying to escape the Nazis. Charles survived. He spoke of his father arrested and deported to Auschwitz. So we lit six candles in honor of the nearly 6 million Jews who died in the Holocaust, who were murdered in the Holocaust, and then we had the traditional Kaddish prayer, the Jewish prayer of mourning, and we read the names of the concentration camps where those millions of people died, and I will read them today and encourage all of us to take a moment to reflect and to honor those who were lost. Auschwitz, Birkenau, Lodz, Donar, Babi Yar, Majdanek, Ravensbruck, Kovno, Janowska, Theresienstadt, Buchenwald, Treblinka, Vilna, Bergen-Belsen, Mauthausen, Dachau, Ninsk, Warsaw. We remember. We honor. Let us never forget. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

Off Record Remarks

On motion by Senator **LAWRENCE** of York (Cosponsored by Senator: **FOLEY** of York, Representative: **ROBERTS-LOVELL** of South Berwick), the following Joint Resolution:

S.P. 547

**JOINT RESOLUTION
EXPRESSING SUPPORT FOR THE END OF
FORCED ORGAN HARVESTING
IN THE PEOPLE'S REPUBLIC OF CHINA**

WHEREAS, there continue to be persistent and credible reports of systematic, state-sanctioned organ harvesting from nonconsenting prisoners of conscience and members of religious and ethnic minority groups in the People's Republic of China, resulting in mass killings of Uyghurs, Tibetans, select Christians and practitioners of Falun Gong, a spiritual practice, in order to obtain organs for transplants; and

WHEREAS, China's organ transplantation system does not comply with the World Health Organization's guiding principles of traceability and transparency in organ procurement, and China's government has resisted independent scrutiny of the system; and **WHEREAS**, new investigative reports conclude that the Chinese Communist Party has engaged in the mass killings of innocent people to obtain organs for transplants, and China's official figure of 10,000 transplants each year has been understated by an order of magnitude; and

WHEREAS, the United Nations Committee Against Torture and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment have called for increased accountability and transparency in China's organ transplantation system and punishment for those responsible for abuse; and **WHEREAS**, the practice of harvesting organs from prisoners, and explicitly from Falun Gong prisoners of conscience and members of religious and ethnic minority groups, is an egregious and intolerable violation of the fundamental right to live; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, declare our support for the end of forced organ harvesting in the People's Republic of China on Falun Gong adherents and other prisoners of conscience and members of religious and ethnic minority groups; and be it further

RESOLVED: That the medical community in the State of Maine is encouraged to educate our citizens about the risks of traveling to China for organ transplants so as to prevent them from unwittingly becoming involved in murder in the form of forced organ harvesting from prisoners of conscience and members of religious and ethnic minority groups.

The Joint Resolution was **READ**.

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

Senator **LAWRENCE**: Thank you, Mr. President. It's important today to pause and to recognize what is going on in China with organ harvesting. Senator Foley's guest today, the Gails from North Berwick, are two people who have worked tirelessly on this issue. They first brought it to my attention, I think it was 15 or 20 years ago, when it was popular and in the public attention. It's important to have the Resolution today to bring it back into the public attention because it's a practice that continues and is an inhumane practice. Thank you.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1184

**JOINT RESOLUTION
MEMORIALIZING THE PRESIDENT OF THE
UNITED STATES AND THE UNITED STATES CONGRESS
TO ALLOW THE IMPORTATION OF AFFORDABLE
AND SAFE PRESCRIPTION DRUGS**

WE, your Memorialists, the Members of the One Hundred and Twenty-ninth Legislature of the State of Maine now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the United States Congress as follows:

WHEREAS, Maine residents have a high median age and a low median income and are especially vulnerable to high prescription drug costs; and

WHEREAS, in Canada, within walking distance of Maine's border, the same medications used by Maine residents, manufactured by the same companies in the same factories, are available for a fraction of the price charged in the United States; and

WHEREAS, Maine has previously allowed the personal importation of safe prescription medications, which saved residents and businesses as much as half the cost of their medications, significantly decreasing their health care and insurance costs; and

WHEREAS, Maine's ability to import such medications has since been blocked by federal law, thus inserting the Federal Government between Maine people and potentially lifesaving medications while also preventing free-market competition from working to benefit consumers; and

WHEREAS, in 2014, Americans spent \$1,112 per person on prescription drugs while Canadians spent \$772 and Danes spent \$325, and nearly one in three Americans have been unable to afford the medicine they were prescribed at some point in their lives; and

WHEREAS, multiple members of Congress from both major political parties, including Maine's delegation, have introduced legislation to allow wholesalers, pharmacies and individuals to import qualifying prescription drugs from licensed sellers in Canada and other member nations of the Organization for Economic Cooperation and Development, using standards for the approval and sale of such medications comparable to those in the United States, that are purchased from an entity certified by the United States Food and Drug Administration and that have the same active ingredient, strength and route of administration as drugs approved in the United States; and

WHEREAS, the President's health care proposal prior to his election read as follows: "Congress will need the courage to step away from the special interests and do what is right for Americans...Allowing consumers access to imported, safe and dependable drugs from overseas will bring more options to consumers"; now, therefore, be it

RESOLVED: That We, your Memorialists, on behalf of the people we represent, take this opportunity to respectfully request that the President of the United States and the United States Congress enact legislation to allow the importation of safe, affordable prescription medications from Canada and other Organization for Economic Cooperation and Development nations; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald J. Trump, President of the United States; the President of the United States Senate; the Speaker of the House of Representatives of the United States; and each Member of the Maine Congressional Delegation.

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

The Joint Resolution was **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **TABLED** until Later in Today's Session, pending **ADOPTION**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 347

**STATE OF MAINE
129TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

April 30, 2019

The Honorable Darek Grant
Secretary of the Senate
3 State House Station
Augusta, Maine 04333

Dear Secretary Grant:

Pursuant to my authority under House Rule 201.1 (l) (a), I have rescinded the temporary appointment of Representative Michelle Dunphy of Old Town from the Joint Standing Committee on Labor and Housing and I have reappointed Representative Donna Doore of Augusta to the Joint Standing Committee on Labor and Housing, effective immediately.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 346

**STATE OF MAINE
ONE HUNDRED AND TWENTY NINTH LEGISLATURE
COMMITTEE ON HEALTH AND HUMAN SERVICES**

April 23, 2019

Honorable Troy Dale Jackson, Senate President
Honorable Sara Gideon, Speaker of the House
129th Maine State Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon,

Pursuant to Joint Rule 310, we are writing to notify you that we have approved the request by the bill sponsor Rep. Handy of Lewiston, to report the following bill Leave to Withdraw:

L.D. 1153 An Act To Provide Flexibility in the Treatment of
Individuals with Intellectual Disabilities or
Autism

Sincerely,

S/Sen. Geoff Gratwick
Senate Chair

S/Rep. Patty Hymanson
House Chair

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

The Following Communication: S.C. 348

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

April 19, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

L.D. 233 An Act To Move the Bureau of Parks and Lands
from the Department of Agriculture,
Conservation and Forestry to the Department of
Inland Fisheries and Wildlife

L.D. 796 An Act To Reestablish the Department of
Agriculture, Food and Rural Resources and the
Department of Conservation (EMERGENCY)

This is notification of the Committee's action.

Sincerely,

April 26, 2019

S/Sen. Jim Dill
Senate Chair

S/Rep. Craig V. Hickman
House Chair

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

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

Dear President Jackson and Speaker Gideon:

The Following Communication: S.C. 351

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

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

L.D. 1398 An Act To Allow the Efficiency Maine Trust To Provide Support for New Home Construction

April 19, 2019

This is notification of the Committee's action.

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Sincerely,

S/Sen. Mark W. Lawrence Senate Chair
S/Rep. Seth A. Berry House Chair

Dear President Jackson and Speaker Gideon:

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

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

- L.D. 273 An Act To Require Transmission and Distribution Utilities To Purchase Electricity from Renewable Resources at Certain Prices
- L.D. 434 An Act To Price Carbon Pollution in Maine
- L.D. 1279 An Act To Modernize Maine's Renewable Portfolio Standard
- L.D. 1299 An Act To Incentivize Municipalities, State Agencies, Colleges and Universities To Use Electric Vehicles

The Following Communication: S.C. 349

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

April 24, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

This is notification of the Committee's action.

Sincerely,

Dear President Jackson and Speaker Gideon:

S/Sen. Mark W. Lawrence Senate Chair
S/Rep. Seth A. Berry House Chair

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

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

L.D. 221 An Act To Reduce the Cost of Automobile Repairs by Eliminating the Aftermarket Catalytic Converter Requirement

The Following Communication: S.C. 352

L.D. 1287 An Act To Protect the Penobscot River and Penobscot Bay from Mercury Contamination

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENERGY, UTILITIES AND TECHNOLOGY**

This is notification of the Committee's action.

Sincerely,

S/Sen. Brownie Carson
Senate Chair

S/Rep. Ralph L. Tucker
House Chair

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

The Following Communication: S.C. 350

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON ENVIRONMENT AND NATURAL
RESOURCES**

April 29, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- | | |
|-----------|---|
| L.D. 197 | An Act To Convene a Working Group To Authorize a Public Trust for Maine's Groundwater and To Impose a 2-year Moratorium on Large-scale Groundwater Extraction |
| L.D. 413 | An Act To Ensure the Rights of Citizens to Groundwater in the State |
| L.D. 1101 | An Act To Amend the Shoreland Zoning Laws To Allow Pedestrian Walkways and Trails That Exclude Motorized Vehicles within the Shoreland Zone |
| L.D. 1336 | Resolve, Directing the Governor To Renominate Penobscot Bay for Inclusion in the United States Environmental Protection Agency National Estuary Program |
| L.D. 1358 | An Act To Further the Public Interest in All Maine Waters |

This is notification of the Committee's action.

Sincerely,

S/Sen. Brownie Carson
Senate Chair

S/Rep. Ralph L. Tucker
House Chair

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

The Following Communication: S.C. 353

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON HEALTH COVERAGE,
INSURANCE AND FINANCIAL SERVICES**

April 25, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- | | |
|-----------|--|
| L.D. 1349 | An Act To Create a Licensing Board and Licensure Requirements for Intentional Peer Support Specialists |
| L.D. 1389 | An Act To Address Transparency, Accountability and Oversight of Pharmacy Benefit Managers |
| L.D. 1406 | An Act To Require Certification of Radiologic Technologists Who Are Licensed Chiropractic Assistants |

This is notification of the Committee's action.

Sincerely,

S/Sen. Heather B. Sanborn
Senate Chair

S/Rep. Denise A. Tepler
House Chair

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

The Following Communication: S.C. 354

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

April 23, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- L.D. 409 An Act To Allow Fair Access to Child Advocacy Center Records
- L.D. 644 An Act To Improve Safety at State Courthouses
- L.D. 856 An Act To Give Probate Judges Latitude in Permitting Visitation by Grandparents
- L.D. 1045 An Act Regarding Bad Faith Assertions of Patent Infringement
- L.D. 1091 An Act Regarding the Personal Liability of Government Employees

This is notification of the Committee's action.

Sincerely,

S/Sen. Michael E. Carpenter Senate Chair
S/Rep. Donna Bailey House Chair

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

The Following Communication: S.C. 355

**STATE OF MAINE
ONE HUNDRED AND TWENTY-NINTH LEGISLATURE
COMMITTEE ON TAXATION**

April 30, 2019

Honorable Troy Dale Jackson, President of the Senate
Honorable Sara Gideon, Speaker of the House
129th Legislature
State House
Augusta, Maine 04333

Dear President Jackson and Speaker Gideon:

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

- L.D. 77 An Act To Increase the Homestead Property Tax Exemption to \$50,000 for Persons 75 Years of Age and Older

- L.D. 452 An Act To Change the Penalty When Land under the Maine Tree Growth Tax Law Is Transferred
- L.D. 837 An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age
- L.D. 1070 An Act To Reduce the Number of Domestic Assaults and Suicides By Increasing the Tax on Alcohol
- L.D. 1123 An Act Regarding Telecommunications Infrastructure Costs
- L.D. 1172 An Act To Provide Direct Property Tax Relief to Homeowners by Increasing the Homestead Exemption

This is notification of the Committee's action.

Sincerely,

S/Sen. Ben Chipman Senate Chair
S/Rep. Ryan Tipping House Chair

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

The Following Communication: S.C. 356

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
AUGUSTA, MAINE**

May 1, 2019

The Honorable Troy D. Jackson, President
Maine State Senate
3 State House Station
Augusta, Maine 04333

The Honorable Sara Gideon, Speaker
Maine House of Representatives
2 State House Station Augusta, Maine 04333

The Honorable Erin Herbig, Senate Chair
The Honorable Matthea Daughtry, House Chair
Committee on Innovation, Development, Economic Advancement and Business
100 State House Station
Augusta, Maine 04333

The Honorable Mark Lawrence, Senate Chair
The Honorable Seth Berry, House Chair
Committee on Energy, Utilities and Technology
100 State House Station
Augusta, Maine 04333

Re: 2017/2018 Attorney General Report to the Legislature Under the Petroleum Market Share Act

Dear President Jackson, Speaker Gideon, Senators Herbig and Lawrence, and Representatives Daughtry and Berry:

I am pleased to submit this report in accordance with the Petroleum Market Share Act (PMSA), 10 M.R.S.A § 1677. The PMSA requires the Attorney General to make a report to the Legislature describing the concentration of retail outlets in the State, including a recommendation as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in the State. The report, which is based on data collected from wholesalers of both motor fuel oil and home heating oil, includes maps depicting relative concentration in designated markets throughout the State. This report is also available on the Attorney General's website at:

<http://www.maine.gov/ag/docs/PMSA%20Report%202017-2018.pdf>.

Since no refiners of petroleum products operate retail outlets in this State, we recommend no legislation to limit or curtail such operations.

I appreciate this opportunity to provide this information and hope it is useful.

Sincerely,

S/Aaron M. Frey
Attorney General

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

SENATE PAPERS

Bill "An Act Regarding Building Codes"

S.P. 549 L.D. 1675

Presented by Senator BELLOWS of Kennebec.

On motion by Senator **DESCHAMBAULT** of York, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Establish the Maine Climate Change Council To Assist Maine To Mitigate, Prepare for and Adapt to Climate Change"

S.P. 550 L.D. 1679

Presented by Senator WOODSOME of York. (GOVERNOR'S BILL)

Cosponsored by Representative TUCKER of Brunswick and Senators: BLACK of Franklin, BREEN of Cumberland, President JACKSON of Aroostook, LAWRENCE of York, MIRAMANT of Knox, POULIOT of Kennebec, SANBORN, L. of Cumberland, Representatives: BERRY of Bowdoinham, BLUME of York, BRENNAN of Portland, COREY of Windham, FAY of Raymond, Speaker GIDEON of Freeport, HUBBELL of Bar Harbor, KESCHL of Belgrade, MARTIN of Eagle Lake, MAXMIN of Nobleboro, McLEAN of Gorham, MOONEN of Portland.

On motion by Senator **CARSON** of Cumberland, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Prohibit Prescription Drug Advertising"

S.P. 544 L.D. 1673

Presented by Senator CHIPMAN of Cumberland.

Cosponsored by Representative TEPLER of Topsham and Senators: CLAXTON of Androscoggin, GRATWICK of Penobscot, President JACKSON of Aroostook, LIBBY of Androscoggin, Representatives: BRENNAN of Portland, FOLEY of Biddeford, MASTRACCIO of Sanford, MELARAGNO of Auburn.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **H. SANBORN** of Cumberland, **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Amend the Laws Concerning the Retired County and Municipal Law Enforcement Officers and Municipal Firefighters Health Insurance Program"

S.P. 545 L.D. 1674

Presented by Senator LIBBY of Androscoggin.

Cosponsored by Senators: BELLOWS of Kennebec, DIAMOND of Cumberland, Representatives: BRYANT of Windham, COSTAIN of Plymouth, DUNPHY of Old Town, HALL of Wilton, MARTIN of Eagle Lake, VEROW of Brewer.

On motion by Senator **BELLOWS** of Kennebec, **REFERRED** to the Committee on **LABOR AND HOUSING** and ordered printed.

Sent down for concurrence.

Bill "An Act To Authorize Auxiliary Liquor Licenses for the Consumption of Alcoholic Beverages within Designated Entertainment Districts"

S.P. 551 L.D. 1680

Presented by Senator SANBORN, H. of Cumberland.
Cosponsored by Representative TEPLER of Topsham and
Senators: DILL of Penobscot, LUCHINI of Hancock, POULIOT of
Kennebec.

On motion by Senator **LUCHINI** of Hancock, **REFERRED** to the
Committee on **VETERANS AND LEGAL AFFAIRS** and ordered
printed.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND
FORESTRY** on Resolve, To End Hunger in Maine by 2030
H.P. 848 L.D. 1159

Reported that the same **Ought to Pass**.

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

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
on Bill "An Act To Ensure Proper Prosecution of Crimes Involving
Domestic Violence and Enhance Protection of Victims of
Domestic Violence" (EMERGENCY)

H.P. 19 L.D. 18

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-175)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-175)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-175) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
on Bill "An Act To Improve Reporting of Operating Under the
Influence Offenses"

H.P. 469 L.D. 648

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-152)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-152)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-152) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on
Bill "An Act To Help New Teachers Succeed"

H.P. 271 L.D. 345

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-153)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-153)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Facilitate School Access to Federal Title I Funds and Improve the Delivery of Special Education Services" H.P. 472 L.D. 651

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-154)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-154)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-154) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Increase the Safety of Municipal Residents by Allowing Municipalities To Address Downed Wires in Extended Power Outages" H.P. 281 L.D. 372

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-171)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-171)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-171) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Direct a Plan for Energy Independence for Maine H.P. 479 L.D. 658

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-170)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-170)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-170) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Aboveground Utilities' Responsiveness to Public Interests" H.P. 870 L.D. 1206

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-169)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-169) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Direct the ConnectME Authority To Report on the Progress of the Detailed 2019-2021 Strategic Plan for Broadband Service in Maine H.P. 909 L.D. 1248

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-168)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-168)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-168) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Exempt from Permit Requirements the Repair of Low-head Dams"
H.P. 738 L.D. 983

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-174)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-174)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-174) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Biofuel in Number 2 Heating Oil (EMERGENCY)

H.P. 803 L.D. 1080

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-148)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-148)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-148) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **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 an Alzheimer's Disease and Dementia Coordinator Position within the Department of Health and Human Services"

H.P. 368 L.D. 511

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-159)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-159)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-159) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County (EMERGENCY)

H.P. 747 L.D. 1005

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-160)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-160)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-160) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate Weekend Malt Liquor Purchases by Licensed Establishments"

H.P. 627 L.D. 853

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-161)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-161)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-161) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Increase the Betting Limit on Games of Chance at Fairs and Festivals and To Expand Allowed Operation" H.P. 843 L.D. 1154

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-162)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-162)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-162) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

H.P. 1049 L.D. 1437

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-163)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-163)**.

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

Resolution **READ ONCE**.

Committee Amendment "A" (H-163) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Strengthen Resource Sharing and Access to Library Materials among Maine Libraries" H.P. 838 L.D. 1149

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-173)**.

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

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-173)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-173) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Concerning Pavement Sealing Products"

H.P. 670 L.D. 906

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-166)**.

Signed:

Senator:

CARSON of Cumberland

Representatives:

TUCKER of Brunswick

BLUME of York

FAY of Raymond

GRAMLICH of Old Orchard Beach

HOBBS of Wells

ZEIGLER of Montville

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

Signed:

Senator:

FOLEY of York

Representatives:

CAMPBELL of Orrington

LYFORD of Eddington

SKOLFIELD of Weld

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-166)**.

Reports **READ**.

Senator **CARSON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 Cumberland, Senator Carson.

Senator **CARSON:** Thank you, Mr. President. This bill, L.D. 906, An Act Concerning Pavement Sealing Products, is described in the bill summary by our analysis as follows: 'The bill prohibits the sale of coal tar sealant products beginning October 1, 2020 and prohibits the application of coal tar sealant products on driveways or parking areas beginning October 1, 2021.' It also provides that the Commissioner of the DEP may grant an exception from the prohibitions for research or development purposes. Our Department of Environmental Protection, along with other proponents, testified DEPs, in essence, was coal tar based sealant products are likely having an adverse effect on aquatic life and there is an alternative asphalt-based sealing product available. Ladies and gentlemen of the Senate, I present to you a few excerpts from a letter from Dr. David Page, who is a retired Professor of Chemistry and Biochemistry at Bowdoin College. Dr. Page had reviewed all of the testimony before the Committee on L.D. 906 and came to the conclusion, after also reviewing a number of peer review journals on the subject of environmental

risk, that coal tar sealant products ought to be banned, and I would like to read one paragraph from his letter. 'Coal tar is a waste-product of the high temperature treatment of coal to produce coke for steel making. The terms coal tar creosote, coal tar, and coal tar pitch refer to the mixtures of similar compounds, including PAH, polycyclic aromatic hydrocarbons, as well as oxygen, sulfur, and nitrogen-containing compounds. These compounds are generally toxic, carcinogenic, and are considered hazardous substances. We used to be able to buy and use creosote (coal tar) to preserve wood at home. In 1985, ladies and gentlemen, that's more than 30 years ago, 'the USEPA banned such use because of its carcinogenic properties. While the commercial and controlled use of creosote to preserve railroad ties and telephone poles is permitted because there is no reasonable alternative, in the case of coal tar creosote containing driveway sealants there is a far safer alternative in the form of asphalt-based sealcoats. It is noteworthy that, by 2016, major retailers like Lowes, Home Depot, and Ace Hardware no longer sold coal tar sealcoat products. It has been banned or controlled by many states, counties, and municipalities across the county.' In conclusion, ladies and gentlemen, I would point to the states of Washington, a somewhat different climate than ours, and the state of Minnesota, with a very similar climate to ours, have banned the use of coal tar based pavement sealants. Washington state in 2012, Minnesota in 2013. We would be exercising prudent environmental protection if we banned coal tar sealant products, both because of their potential impacts on human health and because of their harmful effects on aquatic life. I ask you to vote in support of the Majority Committee and I thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. With all due respect to my colleague from Cumberland County, I would ask you to oppose this motion. As well intentioned as it is, I think it's going to be clearly putting a lot of small businesses out of business. A lot of individual proprietors that plow snow in the winter and seal driveways in the summer. I think that they believe, at least some of them, that the alternative that's been approached will not work well in Maine. If anything, it would cause, certainly, a delay in their summer schedule or spring schedule. So I think, unintentionally, this would really be devastating to a lot of small businesses and I would ask you to think about that so that we can not just abruptly put them out of business, which I believe this would do. 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'm going to stand up every time we have one of these bills where something is running off. Running off into our streams, rivers, ponds, ocean. We've identified what it's running off. We've identified that it's harmful to species of fish and other aquatic life. We've identified that children playing on these surfaces and crawling around in them, or us walking across them, brings carcinogenic material into our house environment. It spreads it through dust. We breathe it. These are the reasons these bills come. Sometimes they come before we have an

alternative but not in this case. I respect my colleague who says that it will affect businesses. It will but, as far as I can tell, only in the time that they start applying the other alternatives by having to wait a couple of weeks for weather. We have a variable time period for when we start our spring activities, our summer activities. Sometimes they start in August in Maine for summer. So, you know, we have that flexibility. I don't believe it will put them out of business. I do believe that for the health of themselves, their children, and our environment going forward that we need to start making those accommodations for the variations in timing to begin a practice that can still continue, and I think it's a way to do it, and I hope you support Senator Carson's motion.

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

Senator **MILLETT:** Thank you, Mr. President. When there's a bill before us that's a great concern to my constituents they are very quick to contact me and let me know. Certainly there are a number of businesses in my district that are also involved with plowing and paving and I have yet to receive a single contact or email from any of those individuals. But I do hear from our marine industries, consistently, with their concern about what is happening to their livelihood. I think we have heard comments from the good Senator Carson that this is a serious issue and, as such, I plan to support this motion before us.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, just to note that coal tar is nasty stuff. One can go through all the organic chemicals that are apparent in it and we all know that there is a major epidemic of cancer and many of the conditions in our modern world, and most assuredly there's some connections that have been made. We've already done this with smoking in the past. It took 30 years to develop. How much more do we need to know? These are products that should not be running into our wells, your well next to your driveway, the waterways. I strongly urge you to take this precautionary measure. Are the other alternatives good? The answer is yes they are. Are they perfect? No but, most assuredly, coal tar is not perfect either. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#71)

YEAS: Senators: BELLOWS, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, GRATWICK, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI

NAYS: Senators: BLACK, BREEN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, LIBBY, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **CARSON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Minority **OUGHT TO NOT PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act Regarding the Sale and Release or Abandonment of Balloons"

H.P. 692 L.D. 937

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-167)**.

Signed:

Senators:

CARSON of Cumberland
CHENETTE of York
FOLEY of York

Representatives:

TUCKER of Brunswick
BLUME of York
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
ZEIGLER of Montville

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

Signed:

Representatives:

CAMPBELL of Orrington
JOHANSEN of Monticello
LYFORD of Eddington
SKOLFIELD of Weld

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-167)**.

Reports **READ**.

Senator **CARSON** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 Cumberland, Senator Carson.

Senator **CARSON:** Thank you, Mr. President. The Environment and Natural Resources Committee has been doing some excellent work recently. We have more to do but we are doing excellent work on solid waste. It is now called, actually, materials management policy. We recently passed, voted Ought to Pass, and the Legislature adopted and the Governor has signed, a ban on single use polystyrene food containers. We are on our way, I believe, to banning single use plastic bags and encouraging the use of reusable bags. In this report from the ENR Committee to the full Legislature, we have recommended that the intentional release of balloons be included within the definition of litter and be prohibited. We will hear, I am sure, that we should not over-reach, that we should not allow ourselves to be accused of interfering with kid's birthday parties. This is not what this bill is about. The definition of litter in this bill reads, 'Includes all waste materials resulting from the outdoor release or abandonment of a balloon.' The prohibited acts, which by terms of this bill, are qualified as having to be intentional. It reads, in part, as follows: 'A person may not throw, drop, deposit, discard, dump, or otherwise dispose of litter in any manner or amount (a) in or on a public highway, road, street, alley, public right-of-way, or other public lands except in a container or receptacle or on property that is designated for disposal of garbage and refuse by the State or its agencies or political subdivisions, and (b)' and this is where balloons and other plastic have been a particular problem, 'litter may not be disposed of in a fresh water lake, river, stream, tidal or coastal water, or on ice or overwater. When any litter is thrown or discarded from a watercraft a person is in violation of that section. Etcetera.' What we are trying to do is keep the plague of plastics, including balloons that are intentionally released, not a child at a party who accidentally releases a balloon, but balloons that are intentionally released from getting into marine mammals and becoming litter on our landscape and in our waterways. I hope that you will support this measure and I ask you to vote in favor. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just have a question. Doesn't littering already cover that, that we already currently have? That's the question I'm putting out to the President.

THE PRESIDENT: The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair for anyone that may be able to answer. A roll call has been ordered. The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#72)

YEAS: Senators: CARSON, CHENETTE, CHIPMAN, DILL, FOLEY, GRATWICK, KEIM, MILLETT, MIRAMANT, MOORE, SANBORN H, SANBORN L

NAYS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, FARRIN, GUERIN, HAMPER, HERBIG, LAWRENCE, LIBBY, LUCHINI, POULIOT, ROSEN, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **CARSON** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Minority **OUGHT TO NOT PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fund Maine's School-based Health Centers"

H.P. 301 L.D. 392

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156)**.

Signed:

Senators:
GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:
HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-157)**.

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

Reports **READ**.

On motion by Senator **GRATWICK** of Penobscot, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Expand Maine's School-based Health Centers"

H.P. 610 L.D. 836

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-158)**.

Signed:

Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

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

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

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-158)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-158) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify That Petitions for Certiorari to the Supreme Court of the United States Are Included within the Definition of Indigent Legal Services"

H.P. 418 L.D. 574

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-155)**.

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:

BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden

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-155)**.

Reports **READ**.

Senator **CARPENTER** of Aroostook moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 (#73)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **CARPENTER** of Aroostook to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-155) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Protect Jobs in the State by Requiring Advance Notice of Closure of Call Centers"

H.P. 164 L.D. 201

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-149)**.

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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-149)**.

Reports **READ**.

Senator **BELLOWS** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 (#74)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-149) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Allow Flexibility in Residential Rental Agreements" H.P. 358 L.D. 473

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

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:
SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-150)**.

Signed:

Senator:
GUERIN of Penobscot

Representatives:
AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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

Reports **READ**.

Senator **BELLOWS** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 (#75)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Prohibit the Imposition by Municipalities of General Restrictions on Rents and Rental Properties" H.P. 379 L.D. 522

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

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:
SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:
GUERIN of Penobscot

Representatives:
AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Reports **READ**.

Senator **BELLOWS** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 (#76)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Improve Labor Laws for Maine Workers"
H.P. 562 L.D. 757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-151)**.

Signed:

Senators:
BELLOWS of Kennebec
LAWRENCE of York

Representatives:
SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport

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

Signed:

Senator:
GUERIN of Penobscot

Representatives:
AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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-151)**.

Reports **READ**.

Senator **BELLOWS** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

On motion by Senator **TIMBERLAKE** 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 (#77)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-151) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR AND HOUSING** on Bill "An Act To Ensure Fair Employment Opportunity for Maine Citizens and Legal Residents by Requiring the Use of the Federal Immigration Verification System"

H.P. 800 L.D. 1077

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

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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

Reports **READ**.

Senator **BELLOWS** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence.

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

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, my company uses E-Verify and I think it is a great idea for us to mandate that in Maine. E-Verify is the only free, fast, on-line service of its kind that

electronically confirms an employee's information against millions of government records and provides results within as little as three to five seconds. There are already 750,000 registered employers with 1,400 more joining weekly. It is mandatory for all federal employees and contractors and 24 states have adopted similar mandates to require employers utilize E-Verify to varying degrees. Seven states have required all or most employers to use E-Verify, including Arizona, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, and Utah. Currently there are an estimated 10.7 million illegal immigrants in the United States and they account for nearly 5% of the labor force in America. In 2018 an estimated 10.2 million was paid out by employers and business owners in financial fees, forfeitures, restitution, and another 10.2 million in civil penalties for employing undocumented workers according to ICE. By having E-Verify mandated and utilized by Maine employers time and money wasted in our legal system would be put back into our state's economy. Please join me in voting against the pending motion.

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

Senator **BELLOWS:** Thank you, Mr. President. I rise in support of the pending motion and urge this Body to reject L.D. 1077, and I quote from the testimony of Matthew Marks, resident of Scarborough, representing Associated General Contractors of Maine. He was one of multiple business owners who spoke in front of our Committee. I quote: 'We believe this is unnecessary and will create a burden for small Maine businesses. There have been severe problems associated with E-Verify. First and foremost, in states that have already adopted 100% compliance they still have massive non-compliance with the mandate. While the E-Verify service is free, it has a massive federal expense and that doesn't include the new cost to Maine if implemented. E-Verify system has false positives. A recent study demonstrated that 54% of unauthorized workers were approved in the system. The system is not efficient at capturing fraudulent documents. If a person is flagged as not authorized and decides to contest the case the Department of Homeland Security it can take more than 8 days to resolve. If you were a business owner, it would be undoubtedly difficult to continue on a pathway to employment for an individual that includes training and other evaluation before placing a new team member in the field. It can also cause an undue burden to an individual who might be passed over while this process occurs. For simplicity, the amount of non-compliance we anticipate happening in Maine doesn't appear to outweigh the cost and negative impacts of a new regulatory process.' I'll just add some comments from Allyson Cavaretta of Ogunquit, representing the Meadowmere Resort, to the Committee. 'DHS claims that E-Verify is free to use, however there are some built-in costs to consider. First, E-Verify is an all or nothing program. In other words, employers may not use the program intermittently. Rather signing up for E-Verify represents an organizational shift that may require extra time, money, and effort to train and supervise staff. Depending on the size of the company, this shift may involve significant costs. Second, E-Verify is far from perfect. There have been many reports of E-Verify providing tentative or final non-conformation notices to employees who have proper work authorization, even to U.S. citizens.' So I'll close and just say that the cost of this huge, unwieldy federal system, coupled with the fact that it simply doesn't work, that you have over 50% non-compliance in states

even where its mandated, coupled with the danger of having people who are U.S. citizens or fully authorized to work told by the federal government that they cannot work, coupled with the discriminatory and civil rights implications, I urge you to vote Ought Not to Pass, to follow my light in pressing the green button and accepting the Majority Ought Not to Pass Report. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#78)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **BELLOWS** of Kennebec to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Facilitate Fair Ballot Representation for All Candidates"

H.P. 374 L.D. 517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-164)**.

Signed:

Representatives:
ACKLEY of Monmouth
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HICKMAN of Winthrop
McCREIGHT of Harpswell
STROM of Pittsfield

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

Signed:

Senators:
LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:
SCHNECK of Bangor
HUBBELL of Bar Harbor

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-164)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Use of Maine Clean Election Act Funds for Salaries"

H.P. 684 L.D. 929

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

Signed:

Senators:
LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:
SCHNECK of Bangor
ACKLEY of Monmouth
COOPER of Yarmouth
HANINGTON of Lincoln
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell
STROM of Pittsfield

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-165)**.

Signed:

Representatives:
ANDREWS of Paris
DOLLOFF of Rumford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require Referenda To Receive 60 Percent of the Vote To Become Law

H.P. 916 L.D. 1255

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

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
COOPER of Yarmouth
HICKMAN of Winthrop
HUBBELL of Bar Harbor
McCREIGHT of Harpswell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-172)**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris
DOLLOFF of Rumford
HANINGTON of Lincoln
STROM of Pittsfield

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

Reports **READ**.

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

Senate

Ought to Pass

Senator CLAXTON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Statutes Related to Establishing a Municipal Charter Commission"

S.P. 348 L.D. 1128

Reported that the same **Ought to Pass**.

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator CLAXTON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect Public Employees from Identity Theft"

S.P. 209 L.D. 696

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-77)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-77) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CLAXTON for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Filing Requirements for Proposed Rules"

S.P. 290 L.D. 1011

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-73)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-73) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CHIPMAN for the Committee on **TAXATION** on Bill "An Act To Expand Tax Increment Financing"
S.P. 342 L.D. 1122

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-75)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-75) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Law Enforcement and Corrections Officers by Creating the Crime of Aggravated Assault on an Officer"

S.P. 74 L.D. 262

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

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
RECKITT of South Portland
MORALES of South Portland
SHARPE of Durham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-74)**.

Signed:

Senator:

ROSEN of Hancock

Representatives:

COREY of Windham
COSTAIN of Plymouth
JOHANSEN of Monticello
PICKETT of Dixfield

Reports **READ**.

On motion by Senator **VITELLI** of Sagadahoc, **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 To Ensure That the Legislature Has the Information Necessary To Do the Work of the People of Maine"

S.P. 69 L.D. 257

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-76)**.

Signed:

Senators:

CLAXTON of Androscoggin
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
PEBWORTH of Blue Hill
RISEMAN of Harrison
VEROW of Brewer

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HEAD of Bethel
KINNEY of Knox
REED of Carmel
TUPELL of East Machias

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-76) **READ** and **ADOPTED**.

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

Sent down for concurrence.

ENACTORS

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

Emergency Measure

An Act To Allow for the Regulation of Transportation Network Companies at Airports by Certain Municipalities
H.P. 143 L.D. 180
(C "A" H-124)

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

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators 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, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Measure

An Act To Amend the Veterans' Homelessness Prevention Coordination Program
H.P. 147 L.D. 184
(C "A" H-117)

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

Emergency Measure

An Act To Authorize Funding for Transitional Housing for Women Veterans and Their Families
H.P. 367 L.D. 510
(C "A" H-118)

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

Emergency Measure

An Act To Update Alcohol Taste-testing Requirements
H.P. 542 L.D. 737
(C "A" H-119)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senators 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, having been signed by the President, was presented by the Secretary to the Governor for approval.

Emergency Resolve

Resolve, To Temporarily Remove Nighttime Restrictions on Lobster Fishing in a Certain Area in the Bay of Fundy
H.P. 446 L.D. 618
(C "A" H-115)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 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 approval.

Acts

An Act To Make Post-conviction Possession of Animals by Certain Persons a Criminal Offense
H.P. 61 L.D. 64
(C "A" H-105)

An Act Regarding Forfeiture of Assets of Persons Convicted of Aggravated Sex Trafficking Offenses, Sex Trafficking Offenses, Aggravated Criminal Forced Labor Offenses and Criminal Forced Labor Offenses
H.P. 249 L.D. 324
(C "A" H-106)

An Act To Amend the Laws Governing Dangerous Dogs and Nuisance Dogs To Allow for Flexibility in Protection Dog Training
H.P. 258 L.D. 333

An Act To Redefine Geographic Association for Multiple-employer Welfare Arrangements
S.P. 109 L.D. 368
(C "A" S-49)

An Act To Support Justice for Victims of Sexual Assault by Increasing the Time Sexual Assault Forensic Examination Kits Must Be Stored
H.P. 305 L.D. 396
(C "A" H-113)

An Act To Direct Electric Utilities To Provide Comparative Usage Data on Customer Billing Statements
H.P. 425 L.D. 581
(C "A" H-108)

An Act To Amend the Laws Governing Funding for Landfill Closure Costs

S.P. 190 L.D. 603
(C "A" S-55)

An Act To Set Maine Dental Provider Licensing Fees

H.P. 509 L.D. 688
(C "A" H-112)

An Act To Create a Seat for a Representative of the Wabanaki Tribal Governments on the Board of Trustees of the Maine Criminal Justice Academy

H.P. 540 L.D. 735
(C "A" H-111)

An Act To Improve the Definition of "Strangulation" in the Aggravated Assault Laws

S.P. 223 L.D. 779
(C "A" S-47)

An Act To Establish Minimum Service Standards for Electric Utilities

H.P. 608 L.D. 834
(C "A" H-109)

An Act Regarding the Sale of Cats and Dogs with Health Problems

S.P. 309 L.D. 1049
(C "A" S-52)

An Act To Authorize the Establishment of an Apprentice License for the Maine Scallop Fishery

H.P. 782 L.D. 1059
(C "A" H-114)

An Act To Amend the Laws Governing Critical Incident Stress Management Teams

S.P. 324 L.D. 1092
(C "A" S-54)

An Act To Clarify the Contents of the Complete Agency Record in the Appeal of an Agency's Failure or Refusal To Act

S.P. 332 L.D. 1100
(C "A" S-50)

An Act Regarding the Costs Incurred by Municipalities in the Administration of Aquaculture Lease and License Applications

H.P. 837 L.D. 1148
(C "A" H-123)

An Act To Adopt the Uniform Interstate Depositions and Discovery Act

H.P. 876 L.D. 1212

An Act To Protect the Health and Safety of Maine State Park Visitors and Staff

H.P. 907 L.D. 1246

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

An Act Regarding the Maine Criminal Code

H.P. 45 L.D. 44
(C "A" H-104)

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

An Act To Appropriate Funds to the Department of Agriculture, Conservation and Forestry To Maintain Snowmobile Trails

S.P. 124 L.D. 446
(C "A" S-53)

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

Resolve

Resolve, To Establish a Pilot Project To Evaluate and Address the Transportation Needs of Maine's Veterans

H.P. 134 L.D. 171
(C "A" H-116)

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

Off Record Remarks

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

RECESSED until the sound of the bell.

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/30/19) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements"

H.P. 586 L.D. 798

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-120)** (8 members)

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

Tabled - April 30, 2019 by Senator **MILLETT** of Cumberland

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**.)

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

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

Senator **FOLEY:** Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Last December we gathered in this Chamber, took our oath of office, and elected you, Mr. President, as the President of the Maine Senate. In your acceptance address to us you said that we all come from different parts of the state, with various backgrounds, and our own unique life experiences that guide our decisions and our votes. On that same day, Mr. President, my daughter would have celebrated her 32nd birthday. My wife and I were parents of a 2 month old daughter who died 32 years ago just 36 hours after receiving her first set of vaccinations, three separate shots, including the DPT shot. There is not a person in this Chamber or in these halls who will ever convince us that those shots did not play a significant and vital role in our daughter's untimely and unwarranted death. After her death her doctor secured the remaining quantities of vaccine he had for the possibility of testing the serum for potential imperfections. Enquires to the State Medical Examiner's Office and the State and Federal CDCs regarding the testing of the serum were rebuffed as unnecessary and potentially problematic for the vaccine regiment being implemented throughout the country. We were told on several occasions that no good would ever come of pursuing the testing we were asking for and it was time for us to move on. We were left with the saddest diagnosis, no known cause of death. Sudden infant death syndrome. My wife and I were not seeking vengeance or retribution in our inquiries. We were simply seeking the truth as to why our daughter died. Twenty-seven other infants died that same year as my daughter here in the state of Maine. A recent decision this past summer by the Vaccination Injury Court of the United States in *Boatman vs. HHS* a judge ruled, and I

quote, 'In this case I have concluded, after review of the evidence, that it is more likely than not that the vaccines played a substantial causal role in J.B.'s death, without the effect of which he would not have died.' Did you even realize, Mr. President, that the federal government has established a Vaccine Injury Court? If vaccines are 100% safe why has the federal government exempted all manufacturers of any liability and why has the Vaccine Injury Court paid out over \$4 billion in damages? J.B. was originally diagnosed as a SIDS death. Fortunately, my wife and I had two other children after our daughter's death. Both are similarly healthy. Neither of them had the vaccinations so early in their lives and neither had the DPT shot, just the DT. We did not start vaccinations until after 6 months and never multiple injections at one time. As a result, my wife and I have used the philosophical exemption requiring our children to not be vaccinated under the same protocol. We were frightened and scared of losing another child, a pain we could not have endured again. We were not and are not anti-vaxxers as the media would like to portray us. We were very diligent parents. Our doctors understood our concerns and respected our philosophical feelings and emotional stress. We never put our children or anyone else's children in danger by exercising our rights as parents. Every school they attended from Pre-K all the way to college equally respected those rights and never questioned our decisions. This bill would have prohibited my children from attending any Maine schools because of the lack of one shot. This bill will also prevent many students from attending Maine schools. Many foreign students from Europe, Japan, Asia, the Middle East, and beyond are not currently exposed to the same vaccination regiment required in this bill. In fact, many countries prohibit vaccinations for religious reasons, yet we welcome millions of foreign students and visitors into this country and into our state every year. Are we now going to require vaccination checkpoints at our borders or just at the doorsteps of our schools and daycares? I do not wish the death of a child on any parent. That pain is still with me today. I only ask that you understand the wrenching decisions that my wife and I had to make as a result of our daughter's untimely death. They were not easy decisions and were not made without a great deal of contemplation and consultation with our medical providers, as it should be. I ask any member of this Chamber or anyone listening to this debate today who has lost a child or had one badly injured: what would you do to prevent that from happening again? The answer, Mr. President, is anything. Anything I could possibly do. Mr. President, unless you believe that healthy babies simply die for no reason, I ask you to respect and understand the difficult decisions that parents who have had tragic vaccination reactions like our have faced. We live with that pain every day. Ladies and gentlemen of the Senate, I ask you to oppose the pending motion. There must be a better way for us to protect all of Maine's children other than by segregating a portion of that population as this bill proposes. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, as many of you know, the Education and Cultural Affairs Committee heard approximately 13 hours of emotional, thoughtful, and enlightening testimony in regard to this bill. As a lawmaker, as a parent, as a mother, I understand how personal this issue is for so many Maine families. We heard in Committee over and over again concerns from families about

vaccines. We also heard from those that are urging us to take action. I'm going to quote from some of the testimony that we heard. 'Due to effective vaccination programs in the United States we rarely see the terrible complications of infections like Polio, where children were put in iron lungs as their bodies were gradually paralyzed. Instead we forget that a choice not to vaccinate places a significant risk, and poses a significant risk, to our youngest children, our grandparents, and children attending school with illnesses, such as cancer, who cannot be vaccinated and are immune-compromised.' Some complications from measles: we're all very well aware of the measles outbreaks that are happening across our country, there are 78 more new cases just this week. They include acute neurological complications like Encephalitis, which is acute swelling of the brain that can lead to seizures. Chronic complications like deafness, epilepsy, and intellectual disabilities. Bacterial Meningitis: acute complications are seizures, stroke, brain abscesses, sepsis, coma, death. We are in receipt of pages of references to good science. The American Journal of Medical Genetics, the New England Journal of Medicine, Molecular Psychiatry, Pediatrics, Journal of the American Medical Association, the Lancet. Pages, the lists, goes on and on. I'm going to read to you from an E.R. nurse. 'I invite you to step into the shoes of an E.R. nurse for one minute, if you will, and imagine being in a brightly lit room, a mother on a stretcher holding her 3 year old. His tiny frame tired from chemo. She doesn't even notice the diarrhea spelling onto her legs. You are in nurse mode, frantically trying to get IV access. As the needles enter his frail body he doesn't even flinch. As anyone in healthcare knows, nothing says 'I'm sick' like a child who doesn't cry or fight when you're starting an IV. He reminds you of a child on TV commercial trying to raise money for children in Africa. This is rotavirus in a child with no immune system. Or perhaps you are caring for a 6 week old who coughs so hard that she turns blue as corpse, loses consciousness, and stops breathing. As her parents scream and beg, you try not to think about your own baby at home because this is not about you. As her heartrate quickly drops and you prepare to assist her breathing and start CPR, she gasps and the room sighs a collective sigh of relief. But then it happens again and again and again until you lose count and transfer her to the PICU, mostly likely to get intubated. This is pertussis in an infant too young to receive the vaccine.' My colleagues and I on the Education Committee worked hard to take into consideration the advice of experts, as well as the very real concerns of parents on all sides of this issue. We amended the bill in a way we feel keeps our children healthy in school while allowing parents some breathing room to get caught up with required immunizations. In addition, we amended it to allow physicians to authorize exemptions within the full scope of their licensure. There are no longer prescribed reasons for giving those exemptions if this bill were to pass. It's important to us to make sure State guidelines are both up to date and crystal clear about what immunizations are required for children to attend public school and for the Maine CDC to report biannually on efficacy and safety of immunizations. We continue to encourage families to work closely with their doctors and encourage doctors to communicate openly with their patients and make sure parents have all the information they need. At the end of the day this bill is about making sure our public schools are safe, healthy environments for our young people to learn and grow. 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, listening to Senator Millett, I want to congratulate her and her Committee for their commitment to staying through the entire period with the great dedication to the people who were coming, who were there for long hours, and I want to acknowledge that from that testimony we looked through and about 60% were against this bill for a lot of reasons, which spoke to the fact that so many came out but also how strongly they felt they needed their voice to be heard in this message. I found out right away that there are some who didn't even believe that there were two sides, or didn't need to believe that there were, and tried to shout me down and say there weren't two sides, that there was their side and that was it and that's all they needed to say and it'd be over. So a lot of things I picked up along the years, 20 years now, of looking at this. A few years ago, when this bill came up and I had to look more in depth at it and really dig into the science that people are trying to bring and say that the problems didn't exist. At that point I did. This time I spent one whole Saturday, from when I woke up until I went to bed, looking at the links they sent me, the letters that they gave me. I'll tell you, I have reviewed everything from all the people, Mr. President, and I'll try to keep looking at you, that has come my way and dig in deeply. Sometimes it was interesting that the links took me to places that they believed were reinforcing their view of the science and it showed something different. So there are a lot of misperceptions out there.

I'll kind of go along with the exemption that's been in place that allows a religious or philosophical and medical, although quite limited medical. We've been around 95% in this herd immunity theory. Herd immunity is an interesting theory. It's also a part of where there are disagreements. But the drug company schedule said at 95% you would have herd immunity and when we reached it they said to have 100%. That's an industry that next year will make about \$60 billion off of the vaccines. So this is an interesting schedule but, in any case, we are about there. Of the remaining 5%, these are not people who aren't vaccinated. They are people who have noticed that their genetic markers and realized that because of that there may be adverse reactions to vaccines or they're folks who were adhering to the schedule with the first round and found quite a bad first reaction, sometimes the worst being paying the ultimate price for their children. So a lot of that remaining 5% are people that are just vaccinating on a different schedule and with the medical exemption in place before it would not allow that schedule. Some doctors say that they'll give it along those lines if they do patient-centered care. I know some of our members here would practice no other way. I know their integrity and their compassion and that's the only way they would practice. Now where that would translate into an exemption, I don't know. I know doctors who practice that way and they won't give an exemption because they fear being targeted for giving those exemptions when they know that's the way to go with certain children. I think any doctor would err on the side caution when they're unsure. They can have a great indicator that this will cause an adverse reaction, than they would definitely expand the schedule. If they don't know, but they suspect, they would do it. Does that make them a target of the folks that say there is no deviation from the rules as they are laid down and, in fact, the previous adverse reaction to a vaccine is not a reason to give a medical exemption for the next round? So,

knowing that, it's a tough place to put doctors, so I also commend the Committee on expanding the medical exemption to do patient-centered care, to expand it to nurse practitioners and PAs. That's all good. The only problem, and that's been raised in the other Body during their debate, is that there are groups of people in this country who have had medical experimentation on them because they were seen as less-than. California expanded the medical exemption and then, when doctors started to use the expanded exemption, those doctors were targeted. So they're not without concerns around that issue. So it plays into why some people are suspect about it being brought down to just one area that they can get that exemption. Although I believe that the doctors who want to have patient-centered care will breathe a sigh of relief that at least it's possible that within the scope of their practice they can do that. That's just one piece of it.

So if we only have that and then doctors start to back off, we're starting to say that if you want your kids to go to school they're going to have to be vaccinated. Well, it's about 9,000 children that aren't vaccinated and they're not going to rush to get this done so they can go to school. I've had many contacts about people who are going to leave the state because there are plenty of places you can go and they'll honor your philosophical or your religious exemption and they still have that old model of a medical exemption as well. When we talk about it, I just want to make sure, I know it's hard to believe that it could affect some of these things. It makes accepting some of the assurances all the harder when all daycares. This is what will be impacted. This is where you would have to adhere to the schedule that's laid down. All daycares; home-based or center-based pre-school programs; all K-12 public, private, and religious schools; on-line schools; charter schools; all children in DHHS custody; all post-secondary schools, including public colleges and universities; private colleges and universities; community colleges; trade schools; on-line degree programs; graduate students; nursing students; all healthcare employees; home health agencies; hospital networks; intermediate care facilities; licensed nursing facilities; multi-level healthcare facilities; residential care facilities; and everywhere new vaccine mandates are added.

So with the adult compliance to the vaccination schedule at less than 20%, there's no way we'll ever achieve herd immunity. We're not going to be forcing all adults into a 100% compliance rate. So, approximately 150 million adults in the country are not adequately protected, according to the schedule that's been laid down. A lot of parents are agonizing over this decision because they're not against vaccinating, many of them. So they have to make this choice; is my child going to be injured more by the vaccine or by the lack of it? That's not something anybody takes easily. The coercion for it to go to school takes it into a new area.

We, as Democrats, are proud to say we support choice. Now we don't? My body, you choose what goes into it whether you like it or not. So we're not going to throw all these people out and then say: 'Okay, you can't go to school but when my kids come home you're all going to play together. You can still go to the store. You can still do all these things. You're still around adults with less than a 20% vaccination rate according to that schedule.' We're still all intermingling. We still haven't stopped this group, but we have vilified it. We've shut them out. We're going to start creating a new minority. These kids, because these are kids, remember, to start with at the lower grades and they're not going to understand why they were thrown out of school. They're not going to understand why they're suddenly made into this group that's bad and what's going on. But I can play with my neighbors

still. They will not be able to understand and I don't think their parents can tell them because they're not going to understand this either. It's something we've been moving away from, from making groups. I believe the prayer was about that this morning. So, some of the studies are based on epidemiology. It can only draw correlations, not causation. So, we have to move away from thinking that some of these studies really mean anything.

So, back to the vaccines and the term Congress uses for them as unavoidably unsafe. When Congress is looking at what makes a vaccine unavoidably unsafe they're recognizing that there are a percentage of adverse reactions that are going to happen, but it's unavoidable because it's on a schedule that creates an unavoidable situation. That unavoidable situation could be remedied by recognizing that individuals are all different, that their immunology is all different, and vaccinating on schedule that works for them, if you believe in that, and remembering that people have a right to their religious beliefs and some of them will not vaccinate. That's not a big percentage because that's where we are right now. That's why we have such a high compliance rate with even that schedule that doesn't work for everyone. So, the vaccine adverse event reporting system, it's optional. Drug manufacturers were given liability from the problems that their vaccines cause. When they're not given liability they're not good corporate citizens. I remember Thalidomide. You can talk about before vaccines were widely used. Just think about Thalidomide babies. They are still in our midst. Let's think about the over-prescribing of antibiotics. They tell doctors: 'Oh no, this will do that.' Doctors know better. Then the public is used to coming in and getting something. So, they end up getting antibiotics for things that antibiotics won't work on. Everybody knows it. It's on the cover of magazines. Overuse of antibiotics, we're going to make them ineffective. Guess what we've done. Opioid epidemic, I know we've heard of that one. We don't have to reach back far for that. Sackler family. Oh, no, it's not addictive. If it's not working give them more. It's not addictive. Everybody's going. These people, they're falling into the cycle. They can't afford the opioid that's being prescribed anymore so now they're into the heroin, fentanyl loop to deal with the addiction that they've come up with. That was the drug companies. The Sackler's answer: come up with a drug to treat people with addiction problems so we can make money on the problem we caused. Great corporate citizens, the folks that bring you vaccines. The Vaccine Adverse Reaction Board has given out over \$4 billion since its inception. Even though vaccine manufacturers are not liable they have to pay into a fund to pay for vaccine injured children. Four billion dollars.

Then we get on to some of the vaccines that they put out. The best rate of the pertussis vaccine is 70%. So when we have these pertussis outbreaks, or we have a measles outbreak, it's the unvaccinated kids that are causing it. Well, then we look, after the hype dies down a little bit, and, low and behold, someone who was vaccinated against it got it and brought it into a group of vaccinated kids and they got it. In a certain percentage, that's predictable based on the rate. It's not usually the unvaccinated kids that are doing this. They may be a small part of the result but they aren't the ones bringing it. That data gets out but it's slow, because that's not where we are right now. It's supporting the idea that it's so much better to vaccinate because of all the problems that could come, ignoring the problems that are coming, both short term and long term and even death.

So, I thank all the folks that have brought that to us so that no one could stand in this Chamber. I see my colleagues have been

out in the halls talking to folks who say this vaccination's a miracle and it's part of the evolution of our health. We've learned about diet and vitamins and things that were not talked about. We don't give in easily to bad ideas in science. We do talk to all of the people who come with their children and who take a day off from both work and not being able to leave very often from their house because they have a vaccine injured child that requires so much care that they don't get a break in their life ever again. That's sad. That's really sad. But I always admire, I think everyone in this room, everyone in those halls, has the best interests of our children at heart. This bill will not help them have the tools they need. Please vote this bill Ought Not to Pass. Please vote against the motion as it stands right now and give people the tools they need to keep their children safe. That's what's really important. Let's protect all our children in every way we can. Thank you, Mr. President.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I was much like other young mothers when I took our first child in for a doctor's appointment and shots. I truly gave it little thought at all. Children get shots, cry, and go happily home. That was my mindset. My views of vaccines changed that day when my son, Gabriel, had a seizure after the DPT shot was administered. Although we did continue to have vaccines, we were selective and had the vaccines well spaced for Gabriel and his subsequent four brothers. We followed our pediatrician's advice and had no further pertussis vaccines. Vaccines are biological products manufactured by for-profit pharmaceutical corporations. Like other pharmaceutical products, vaccines carry a risk of injury or death which can be greater for some people than others and often doctors cannot predict who will be harmed. One size fits all vaccine policies and laws which force you to risk your child's health without your voluntary informed consent and with the threat of punishment for declining a vaccine violates human rights. It is important to protect civil liberties, including the freedom to exercise voluntary informed consent to medical risk taking. Without the legal right to protect autonomy and bodily integrity, without the legal right to freedom of thought, speech and conscience and religious belief, we are no longer free. Please preserve our current exemptions and allow parents discretion in vaccinating schedules by voting against the pending motion.

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

Senator **L. SANBORN:** Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, I rise to speak strongly in favor of the pending motion. L.D. 798 is a bill to protect our children from preventable childhood illnesses that can be life threatening with safe and effective immunizations. L.D. 798 is not sponsored by pharmaceutical companies and is not about pharmaceutical companies generating more and more vaccines for profit. This bill was sponsored by a young father from the other Body wanting to protect his toddler son and other children. L.D. 798 is not about forcing parents to do something against their will or taking away choice. It is about how the choices we make have consequences for ourselves and for others. L.D. 798 is certainly not about shaming young children and making them

feel less worthy than others. L.D. 798 is about keeping families healthy. As a family doctor whose practice was weighted toward delivering babies and caring for young families, I had the privilege of discussing the risks and benefits of immunizations with many young parents. If parents were hesitant because of something they had heard or about a reaction their child or a sibling or another family had experienced it was my job to listen carefully, understand their concerns, show them compassion, and give them an explanation based on science, based on my education and training, and based on my past experience, why I believed that each particular immunization we discussed, taking into account each particular child's family history, past history, and present health, should or should not be given the vaccine in question. This was done at every single well child visit. Primary care physicians, advanced practice nurses, and PAs, that is those who practice pediatrics and family medicine, are there first and foremost to prevent illness or injury whenever possible. Public health specialists and primary care providers are truly alarmed by the growing vaccine hesitancy we are witnessing and feel compelled to push back against ever spreading myths and misinformation. Vaccine hesitancy is not occurring just in Maine, not just in the U.S., but is a movement across the world. Those who experience medicine in third world countries that do not have universal immunization programs continue to witness deaths and disabilities from illnesses most of in the states have never seen.

I share with you this email I received from a neighbor and friend, Sam Broaddus, M.D. Sam writes: 'I read today's article in the Portland Press Herald about ending non-medical exemptions for childhood vaccinations in Maine. I couldn't let this opportunity pass without sending you a few comments and my full hearted support of such a bill. As you probably know, I spent considerable time over the past 35 years volunteering my medical services in challenging places like Haiti, Southeast Asia, and Africa where childhood vaccinations were not universal. Sadly, I have personally seen too many newborns and children die of tetanus, measles, chickenpox, and pertussis. One of the most trying surgical experiences of my career was having a 7 year old boy with diphtheria die while another surgeon and I attempted to perform a tracheotomy on him for epiglottitis. I have also seen a 12 year old with polio in rural Thailand on the Laotian border. He presented with paraplegia from the waist down. The story of how Haiti eliminated maternal and neonatal tetanus is a remarkable story of the importance of herd immunity and wholesale vaccinations. Vaccinations work. Period. Full stop. I have seen it up close and personal. As a society, we have become way too complacent about the scourge of deadly and preventable childhood diseases and the importance of immunizations. This is a serious public health issue. Please consider this my full support of such legislation here in Maine.'

L.D. 798 is an attempt in Maine to prevent a pending disaster. No one claims to have all the answers. No one claims the research should stop. We will always look for safer, more effective immunizations, knowing that, just like smallpox, we can eliminate certain infections altogether. But it takes a community caring about not just ourselves but about our neighbors to make this happen. We are truly all in this together. It is time to eliminate non-medical exemptions for school entry and continue to exempt those who cannot be safely immunized for the health and wellbeing of all. Thank you. I appreciate your support for this timely, pro-active, common sense legislation.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I wish to talk about the importance of listening. It's probably the major thing I've learned. Going to medical school, on the very first day, the Dean stood up there and talked to us and said, 'You must learn to listen. That's going to be more important than any of the major sciences you learn here.' Behind him there was a whole row of Nobel Laurates and very impressive professors. He said, 'Learn to listen.' I think, as a physician, I have taken that to heart and I have certainly listened and I have learned in this particular discussion we've had. I have learned that vaccines have risks and, most assuredly, these are very, very real risks. I also, however, am very aware of the dangers of the diseases that they are used to treat. In my third year of medical school, pediatric rotation, on the wards seeing a young kid die from encephalitis. I decided not to be a pediatrician. I could not be a pediatrician after seeing that, a preventable death. I've seen others which were preventable. Very sad. I worked for a while in Iran and saw a young guy die of diphtheria. People should not die of diphtheria. I was initially hesitant about this bill but I think that the way it has evolved is very good. When I testified for this initially before the Committee I went through the list of 28 different exemptions that I, as a physician, could do. They were very obscure kinds of things that, as an immunologist, I had seen some but I had not seen many of them. Very obscure. This is now wide open. It's simply up to the 'professional judgment', professional judgment of your provider, and there are a wide variety of providers. Professional judgment, that means we are no longer confined in that way. I think the amendment has made an enormous difference and I think that virtually all of the questions I've heard here could have been answered by a provider who listens. I strongly urge you to vote in favor. Thank you.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I rise to explain, I guess, why it's been so difficult for me to arrive at a decision on this bill and I want to be really clear with the members of the public and with my constituents that I am not opposed to vaccines. I'm vaccinated myself. I would urge folks that are able to get vaccines to have vaccines and I have no opposition to vaccines. My concern with the bill has to do with the language in the bill, in particular, with the amendment that was put on it in the Committee. First of all, with the removal of the philosophical and religious exemptions but then broadens, as Senator Gratwick just explained it pretty clearly, it wide open. I think what we're going to see is, obviously, no more religious and philosophical exemptions but I think we'll see a real spike in medical exemptions. I don't think, at the end of the day, we're going to see any measurable increase in vaccinations because of how much we are broadening and opening up that medical exemption. That's one concern. The second concern, which is, I guess, the most important concern for me, is the implementation date. I've heard from a lot of constituents who are really concerned about a public health crisis; how they want something done right now. I had one constituent contact me that said she'd worried about the upcoming tourist season and what are we going to do this year if there's an outbreak in Maine. I don't think the

members of the public understand that this bill will do nothing this year and will do nothing for next year. It pushes out implementation to September of 2021, two and a half years from now. That's a real concern for me because, you know, if we're trying to address a real public health crisis that we feel we could have on our hands this does not address it in that way, with such an implementation date that's pushed out so far. So those are my two concerns. I'm hoping that, and I'm not sure how I'm going to vote on this bill at this point, but I'm hoping that, as the bill goes back and forth between the House and Senate, that it can be improved and it can be made better so it can be more acceptable to the number of constituents I've interacted with who would like to see it made better. Once I point out these things to them they did not know and they want it to be stronger. Thank you.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise and, like my good colleague from Cumberland, this, for me, is one of the most challenging votes we have yet taken. I have met with literally dozens of people for and against this bill here in the halls of the State House, in livingrooms, and in the office of a local healthcare practitioner. I have heard the stories of vaccine injured children and I completely agree that their traumas are real. For some children in some populations vaccines can cause injury or death and the lack of recourse or redress for those children and their families is breathtaking and I hope this Body will take action to increase the supports and resources for those children and families. At the same time I've heard from constituents for whom this is not a choice. They are immunocompromised and, for them, herd immunity is necessary to their health and to their survival. The recent news that immunization rates in Maine have fallen below the herd immunity level of 95% has been shattering. I've heard since Maine Public reported on this from literally dozens of parents expressing concern that about half of our kindergarten classes in our state fall below the herd immunity threshold. I remember vividly a conversation with a grandfather in tears about the potential consequences for his granddaughter, a survivor of childhood cancer who cannot choose to vaccinate. I've heard from individuals who had polio as children, for whom the consequences were earthshattering and have been life-long. Another constituent, who has one son who could not be vaccinated from pertussis, implored me to consider him. When he was an infant she lived in terror of him contracting pertussis because in infants it is deadly. 'How can we allow polio, smallpox, whooping cough, or measles?' she asked. So this bill is difficult precisely because there are valid arguments on all sides. This is an ethical dilemma. How do we balance personal choice and individual liberty versus the public good and equal protection under the law? There are multiple aspects of the Committee amendment, which is a compromise, as my good colleague from Cumberland has pointed out, that have given me greater comfort in my choice today. Students with IEPs with religious or philosophical exemptions are grandfathered so that those children with IEPs will not be kicked out of school. For me, the delay in implementation until 2021 is important because I met with high school students who said, 'Let me finish my senior year. Let me go on and graduate. Don't kick me out of school in high school at this moment in time.' For me, that is a comfort. I will say that I was also grateful to see that the bill explicitly prohibits

the Department of Health and Human Services from narrowing the scope of the medical exemption and eliminates the rules that were so narrowly constructed that some medical professionals, and I believe this to be true, were not giving exemptions that would have been appropriate. Now, under this bill, medical professionals are given the full authority within their scope of practice to give any exemption that they see fit. Alternative schedules for vaccinations are now permitted under this amendment, and I think that is hugely important because one of the things that I heard over and over again were that parents should have the autonomy to choose the schedule or to work with their physician or their nurse practitioner or physician's assistant to choose a schedule that might work better for their children, that many of the children who are counted as unvaccinated, in fact, have chosen a different schedule. So that piece of the amendment was important to me. Lastly, another piece of the amendment that was very important to me was the piece of the amendment that allows nurse practitioners and physician's assistants to give the exemption. I'd like to see that further broadened in the future, but I think this is an important step. So I know that these compromises will not change the minds of my constituents who are opposed to L.D. 798 and as I speak I have a photo on my desk of a family of kids who are not vaccinated. This is their first day of school. I cast this vote recognizing that these parents fear that they may have to pull their children from our local school. But at the same time I cannot look away from the eyes of the parents whose children are immunocompromised, who've asked, 'What about us? What about the need to protect us?' I quote from one constituent. 'Should I have to question the health of my child while she's at school, where she is supposed to be safe? Should I have to pay for her to go to a school that is safer? Why am I at the doctor's office, crying with the doctor because I fear the safety of my child in a world of modern medicine that is able to eradicate potentially deadly diseases? Why? Please, for the safety of our town, our state, our country, please help push for this law.' Because for them, as long as herd immunity is below 95%, they cannot go to school safely, for them I will vote in favor of this compromise, while imperfect, a step forward. I'll be voting Ought to Pass. Thank you.

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 as a proud Rotarian. This past week was World Immunization Week, very timely, which signals a renewed effort to prevent the estimated 2 to 3 million deaths occurring worldwide from a lack of access to vaccines. Two to three million people are dying from vaccine preventable diseases. Closing this immunization gap is literally a matter of life and death. Rotary has been committed to eradicate polio for decades, and even before I was born. Our donations to Rotary International and its foundation has led to a direct reduction in the number of polio cases by 99% to fewer than 400 cases in 2014 and now there are only three countries in which polio transmission has never been stopped. Rotary, in conjunction with the World Health Organization, Unicef, and the U.S. Centers of Disease, Control, and Prevention, and their millions of volunteers and health workers have immunized children in hard to reach communities and established global monitoring structures. Now I cite this background and information because in determining a path forward to address our own issues within our state and

across the country I looked to this positive example of what is possible. It's very easy, I think, in our society to get complacent. My generation, in particular, grew up without having to see the horror of these preventable diseases. It's really easy to have an out of sight, out of mind philosophy. Continued prevention is critical to maintaining our way of life and continues to save lives, particularly our most vulnerable and our next generation.

That being said, the bill before us is not fully complete and I would like to highlight just a few issues of the text of the bill that needs to be fixed in subsequent legislation. In particular, naturopathic doctors are not included in this new expanded list of healthcare professionals that are able to provide a medical exemption. Now I want to make note, I very much appreciate the Committee hearing the concerns of countless families over the difficulties of obtaining a medical exemption, which has caused a number of them to obtain a philosophical exemption. In amending the bill in the committee process to expand this list to give out a medical exemption, but this omission is a glaring mistake and will have unintended consequences. Under this amended version of the bill licensed physicians, nurse practitioners, and physician's assistants would all be able to both administer vaccines and ensure, through their professional judgment, assess whether to provide a medical exemption. This will ensure, if there is a demonstrated medical issue or concerns over particular ingredients, a medical professional can ensure the safety of a child based on science, data, and expertise without restrictive and prescriptive rules previously set into statute, allowing and respecting a doctor-patient relationship as it should be. Now the problem is a whole set of individuals who currently administer vaccines are purposely being excluded from this bill. Naturopathic doctors. Now a few facts: naturopathic doctors are licensed through the State of Maine. It's currently within their scope of practice within their State license, just like their fellow healthcare providers and professionals. So let me get this straight. They are legally and ethically allowed to provide medical care, to administer vaccines, licensed through the State, but not trusted with providing a medical exemption. You do realize this does open up naturopathic doctors to possible lawsuits. Under medical ethics, they are responsible for documenting anything that occurs with a patient, but they are then deemed helpless to help because state law won't allow them. I with the Committee would have addressed this particular issue. Often time naturopathic doctors are the only option for a select few patients. Naturopathic care should be treated no differently under law. Last session we took bold steps to ensure nondiscriminatory policies from health insurance companies when it comes to naturopathic care. Let's not continue the unfair and completely baseless stigma attached to naturopathic care.

Now I know this isn't the biggest issue we're facing in the larger scheme of things and, while it shouldn't necessarily hold up the bill from passage, it does illustrate how this conversation must continue beyond this one proposal of this one idea from just one legislator. I have very much appreciated my conversations with folks wanting to vote on end to increase vaccination rates and on the other from folks concerned about their unique situation with their children. I am extremely disappointed in the level of negative discourse throughout this debate. Questioning the contents and text of a bill should not immediately be labeled into a category where societal judgment is deafening. Last time I checked, we should be able to think critically for ourselves without being bullied into silence. As a legislator, I have to do my due diligence and my homework, and that includes going line-by-line

through each bill, reading and comprehending to determine if the proposal before us the best possible solution at this particular time and has it been thoroughly flushed out. We should be open to hearing feedback, suggestions, and concerns. That's what makes our country different than others, because we are free to express our thoughts. It makes us stronger. No one should be demonizing individuals for simply having a unique set of circumstances. It's called having mutual respect for your fellow human beings. In the same vein, it is also clear that we, as a society, are failing to properly educate our population around the importance and lifesaving nature of vaccinations. Through misinformation campaigns, online or otherwise, people have been misled to vaccine hesitancy, government distrust, and pharmaceutical skepticism. No one bill is going to address those root issues and this bill surely doesn't. I believe a strong public education campaign should have been part of this bill, but I do think it's still possible to achieve. Even if this bill passes, full implementation would not be for another 2 1/2 years. What are we going to be doing about the issue in the interim? Why not tackle some of these root issues by raising awareness, providing facts, data, and clear rationales why vaccinating our youth is critical to supporting a public health infrastructure that saves lives and prevents disease.

Now I will be supporting the bill before us because this is the proposal that is before us and the only bill that is before us to address the issue of lowering vaccination rates to prevent potential outbreaks and increase herd immunity. Protecting the public should be the top responsibility of government. If we can't manage that simple act than what are we doing here, Mr. President? But moving forward, beyond this one proposal and in the immediate, we should still tackle a public education campaign, bring stakeholders together to determine other potential solutions and best practices from other states, and close a very glaring loophole to ensure patients of naturopathic care aren't unduly discriminated against from obtaining a medical exemption. So to recap, as a member of an organization that is trying our very best to eradicate preventable disease around the globe, I will be supporting the bill, but more work is needed and further clarifications are needed to address the realities of what is actually happening in our communities. I commit myself, Mr. President, to be part of that solution. Thank you for your time and everyone's patience and understanding and, in particular, respect on this critically important topic and debate.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, in words of a former colleague, I rise to speak briefly. The issue was brought up about these letters that we are getting from all around saying that we would be on a path to allowing something horrible, towards hurting our children. What we've had with the present exemptions, religious, philosophical, and medical, as narrow as it is, is a steady increase to about 95%, sometimes 94. I'm not sure where we are or if we can quantify it. We're not talking about we're at 50 and going backwards. We're not talking about some horror that's around the corner. We're also calling that 95% or 94% those who adhere to the schedule that is very inflexible. So you have just talked about the new medical exemption that will take anyone who gets it out of the schedule that is how the percentage of vaccinated folks is quantified. So immediately, when people are using the new

medical exemption, that was well thought out and should be a part of all three pieces of that tripod, our exemption rate will allow that percentage of vaccinated to be considered less than or the same number even if more people are vaccinated. We're saying that this vaccination rate will keep these children healthy on a better schedule. We're also saying that that will allow them to go to school and be part of the population, even though in the rest of the country's eyes, because they use that other measure for percentage, these are unvaccinated children. Well, they're not. They've received immunity from breastfeeding from their mother. They received it from getting certain vaccines, whether as multiples or individually. Their immune systems are strong because they build their health in many ways. So the numbers are going to be skewed by what we're doing, but we're always, and with this exemption in place, for years worked our way up to this formally wonderful number of 95%, plus or minus a percentage. What number doesn't have a plus or minus percent? So that's where we are. We're in a good place and we allow all our people to have a good choice for how to protect their children and we should continue to allow that. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to just take a moment and think about this. I heard a very strong argument at the very beginning of this from our Senator who experienced tragedy. I feel that we have to look at we're looking at trusting what the professional judgment is of doctors, which they do a tremendous job. But many of us have probably experienced at one time or another misdiagnosis or maybe there was a mistake made, and those things do happen. In fact, I can remember going to a school and rescue came because of using a flu virus vaccine where a teacher's tongue swelled up and had a serious reaction and couldn't breathe. She was taken off and then over the intercom they said does anybody else want a flu vaccine. Everybody says nope. I'm not going. Another situation happened where, just recently, we had a shingles vaccine, which was a dead virus before, and then they changed over to a live virus, and then there was a serious reaction. They had to take it off the shelves. So mistakes do happen and we don't hear about those figures of how it has affected our people. So here we are forcing everybody to have the vaccine when these mistakes do happen and we're talking about people's choices. I think we've done a tremendous job in the past and I think that we're really reaching to force somebody to do something when we don't really have to. I think it was touched up about education and I think that doctors do a great job. In fact, we heard from one of our Senators, that is a doctor, about educating and his first class about listening. That's what we should be doing, listening to our doctors when we have a baby or when we have a child and what they recommend, and to make our choices wise choices. So why should we put this burden onto everyone and mandate it? I don't understand that and I think I just wanted to take the time and bring that forward and thank you, Mr. President, for listening.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#79)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MIRAMANT, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MILLETT** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-120) **READ**.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-66) to Committee Amendment "A" (H-120) **READ**.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, as I alluded to during our discussion, there are folks who have strong religious beliefs regarding this, regarding what is injected into their children, into themselves. We don't have a religious litmus test in this country. Our acceptance of religious ideas is broad and it allows the individual to decide what those beliefs are, whether in concert with their broader religion or not. I've had contacts from folks regarding this and I know it will be said that there wasn't a lot of mention of that. There were a couple of things that folks were told to stay with when they testified about this bill and it was about the choice and the adverse reaction. So religion wasn't brought up a lot because it was assumed that that was going to be protected throughout the process. Now that we're at this posture, where the religious exemption has been removed, we need to be talking about that. We need to not take away an area where people are used to having that latitude to make peace with what they are dealing with their religious beliefs, of their understanding of God. If we start looking at each belief and how that relationship to God is made in that religion, we would all say, 'Well this one does it this way. This does it this way.' The one thing that's for sure, if you have a strong religious belief this country has accepted that and we need to continue to allow that acceptance in all areas, especially where there's no proof that this is causing harm to our state. So don't let our state be one of only three, right now, that is denying religious exemptions. They're not finding that to be the tenants of our country, of our constitution, and of the exercise of religious freedom in a country that stands for freedom to exercise beliefs. Thank you very much, Mr. President.

Senator **LIBBY** of Androscoggin moved to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-66) to Committee Amendment "A" (H-120).

On motion by Senator **TIMBERLAKE** 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 Cumberland, Senator Millett.

Senator **MILLETT:** Thank you, Mr. President. I rise in support of the pending motion. We need to be very clear that the bill that was before the Committee removed both the philosophical and religious exemptions. There was no doubt or question about it. People knew what was in front of them, what was being proposed. There was no confusion. One thousand, six hundred and fifty-eight pieces of testimony. Thirteen hours of public testimony. From that, two pieces of testimony addressing the religious exemption. I want to say this again.

THE PRESIDENT: Senator Millett.

Senator **MILLETT:** That's not in order. I apologize.

THE PRESIDENT: Your testimony is not out of order but using props is out of order.

Senator **MILLETT:** I apologize. Okay, two pieces of testimony out of 1,658 testimonies presented to the Education Committee, out of 13 hours of testimony, two brought up the issue of religion. We also received testimony from the Christian Civic League. 'Christian Civic League of Maine is not against vaccinations.' Testimony from the Roman Catholic Diocese of Portland, advocates for enacting and enforcing laws that create safe communities and promote the common good. The Committee was in receipt of no testimony in opposition to this legislation from any religious leader, church. Vermont recently moved to religious exemptions. They went from 0.9% to 3.7% using the exemption of religion in one year. Now Vermont is considering legislation to remove that religious exemption as a result. I will conclude by saying with all of this that we received in the Education Committee it is clear to me that this amendment that is now being indefinitely postponed is a Trojan Horse. It's just another way for those seeking to use non-medical reasons for not having vaccinations and they will use this religious exemption. This is happening across the country. There are websites on the internet providing advice to those who want to get exemptions through the religious exemption. One website explains, 'How to get a religious exemption like a boss.' Coaching people on the use of convincing religious rhetoric. The author warns not to delve into their actual objections, those unrelated to religious beliefs, 'Any time you find yourself talking about anything other than your religious beliefs, start over. No talking about the effects of toxins. You're argument needs to be religion-based.' Please, I hope you will support the motion in front of us.

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

Senator **MIRAMANT**: Thank you, Mr. President. I have tried to stay, men and women of the Senate, away from impugning anyone. I want to keep with that. There will always be, in all of our actions, some bad actors who try to use something that's in place for those who really practice something. Someone will try to take advantage of that. We find that in Health and Human Services, where we're always trying to help people in need and then there's someone who will take advantage of that practice of helping. So you can always point to an example of where something is being used improperly, but that's not what we're talking about here. We have separate groups. The only other thing, because the prop was used, it turns out that our website is not completely accurate for what's going on. Folks brought their testimony and it was put into the record by the clerks and they used either email or the new system to put it in electronically. So, in most cases, if you open the testimony for the event, for the bill, you'll see that, while there are 1,600 pieces, each person's testimony is duplicated in its entry into our system. Of that whatever number it turns out to be 60% were against this bill. That's how they were speaking. They were saying, 'Don't pass this bill. We need our religious exemption. We need our philosophical exemption. We need a better medical exemption but we hate to have you take these others that are important away to get the better medical exemption because that's just like kicking two legs out from under the tripod.' So they focused on that, 60% of the people who came to testify of 800 pieces of testimony, approximately. Thank you, Mr. President.

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

Senator **TIMBERLAKE**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to say a couple of words. The Christian Civic League of Maine in their testimony stated, 'We're not against vaccination.' I, personally, am not against vaccination. It's easy to document that they have helped humanity. They are against this legislation in part because the ambiguity and the broadness of the language. 'We are certainly against this legislation as clearly it seeks to remove religious rights and sincerely held philosophical rights of the people of Maine. These are the rights that did not come from the State of Maine and the State of Maine has no right to take them away. To take even one of these rights would be a far overreach by the State but to seek both in one bill is incredible.' That's in the Christian Civic League's testimony. I would also like to go on to state that Carroll Conley called me on Friday night after the vote and was very strong with me about where they stood and what they stood for and what the religious beliefs were. They are against this. I called my pastor, Pastor Christner. I called Pastor Jones from the Lisbon Baptist Church and the Calvary Baptist Church. Both of them said they could live with the religious exemption because it gave them the right to have the conversation with their parishioners and it gave people the right. We have to keep this here. This is people's rights. We're telling people what they've got to inject in their bodies and what's not. I can't even believe we're having the conversation to begin with. So please follow my light for this vote. I can't believe we're here.

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

Senator **H. SANBORN**: Thank you, Mr. President. I just wanted to read a couple of excerpts from a New York Times article that appeared this weekend. The headline was Religious Objections to the Measles Vaccine? 'Get the shots, faith leader say.' Vaccination is endorsed by top Jewish and Islamic scholars, by the Vatican. Religious authorities have meticulously studied how vaccines are made and what is in them and have still ruled that they do not violate Jewish, Islamic, or Catholic law. Mormons, Episcopalians, Lutherans, and most other Christian denominations endorse vaccines, require them in their own schools, and distribute them at their missionary hospitals. Among Buddhists, the Dalai Lama has personally given polio vaccines to children to further the world polio eradication drive. Mr. President, respectfully I would say that what we're talking about right now is not whether there are, in fact, religions or religious people in the state of Maine who need to claim a religious exemption in order to adhere to their faith and to their belief in a Higher Power. Instead we heard, over and over, the parents are worried. They're scared. They know that their child might have genetic markers that make them particularly vulnerable, or that they may have had an adverse reaction at the first shot, or that, really sadly, one of their siblings may have had an adverse reaction. Those parents seek medical advice as to what to do: whether they should adhere to the schedule, whether they should seek an exemption all together from a particular vaccine in order to keep their children safe. That is an appropriate conversation for a provider to have with a family about what the medical science says as it relates to a particular family, particular individual immunology, genetic markers, adverse reactions. As one of my colleagues said, a one size fits all approach is not required and should not be required. That is about the medical exemption and this bill, the amendment that we just adopted previously, expands the medical exemption to allow for our health practitioners to exercise their professional judgment in consulting with their patients. That is what the solution is here. To reintroduce the religious exemption, as this amendment would seek to do, is simply to move the solution to the wrong box. Right now people check a philosophical exemption box. When that goes away they will need to talk to their providers and they will need to ensure that there's good medical reasons for exemptions for that vaccine, and we'll leave that to the discretion of our medical providers in their professional judgment. I urge you to vote in favor of the current motion to Indefinitely Postpone.

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

Senator **KEIM**: Thank you, Mr. President. I wasn't intending to speak on this bill but I do find that some of the comments are insulting to the people of Maine, insinuating that they will now lie about their religious beliefs. I think if we do not include this exemption Maine is a complete outlier in all of the United States and that it is important that we always respect people's religious beliefs in every matter and that we don't decide that, because we think one is more important than the other, we choose to take away religious exemptions. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Indefinite Postponement of Senate Amendment "A" (S-66) to Committee Amendment "A" (H-120). Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#80)

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, GRATWICK, LAWRENCE, LIBBY, MILLETT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DILL, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, LUCHINI, MIRAMANT, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **LIBBY** of Androscoggin to **INDEFINITELY POSTPONE** Senate Amendment "A" (S-66) to Committee Amendment "A" (H-120) **FAILED**.

On motion by Senator **MIRAMANT** of Knox, Senate Amendment "A" (S-66) to Committee Amendment "A" (H-120) **ADOPTED**.

Committee Amendment "A" (H-120) as Amended by Senate Amendment "A" (S-66) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120) AS AMENDED BY SENATE AMENDMENT "A" (S-66)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **LIBBY** of Androscoggin, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, May 7, 2019 at 10:00 in the morning.