

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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
Tuesday
June 11, 2019

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

Prayer by Pastor Tom Dubois, Western Mountain Baptist Church in New Portland.

PASTOR DUBOIS: Let's pray. God in Heaven, You have entrusted this illustrious Body of women and men with the governance of this great state. Father, it can sometimes be a heavy burden as literally issues of life and death are debated. So I pray that You would give each one here courage. I pray that You would give each one a strength of character. I pray that You would give each one patience and perseverance to do what's right. We know the days can be long and we know that consensus will rarely be reached, so I ask for these Senators this morning that You would help them to treat one another with respect and with kindness. I pray for Your presence here, that as issues are debated each one would consider what the common good truly is. Open eyes and open ears to Your truth. I pray that Your wisdom would be bestowed on each heart and mind. I pray that You would fill each one here with Your compassion, Your grace, and Your mercy. You have gathered this group together, representing talents and skills that are wide and varied, a sure sign of Your creativity. May we trust in those skills and those talents as the issues are debated. May the desire be for each Senator to work selflessly for the benefit of their fellow men and women and this great state. May this Body, at Your leading, display a high standard of character as they conduct their business. Lord, may each one here be a good listener to their constituents and to each other and may each Senator here demonstrate the selflessness that was demonstrated by Christ Jesus, Your son, giving full and freely of himself, not for his own gain but for the benefit of all mankind, and it is in his name I pray. Amen.

Pledge of Allegiance led by Senator Russell J. Black of Franklin County.

Reading of the Journal of Monday, June 10, 2019.

Doctor of the day, Janis Petzel, M.D. of Islesboro.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act Regarding the Collection of the Sales and Use Tax by Marketplace Facilitators"

H.P. 1064 L.D. 1452

In Senate, June 7, 2019, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)** in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508) AS AMENDED BY HOUSE AMENDMENT "A" (H-521)** in non-concurrence

On motion by Senator **LIBBY** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

Non-Concurrent Matter

An Act Regarding Utility Reorganizations (EMERGENCY)

S.P. 495 L.D. 1560

(C "A" S-192)

In Senate, June 7, 2019, **FAILED ENACTMENT** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED**.

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas" (EMERGENCY)

H.P. 16 L.D. 15

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-463)** (7 members)

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

In Senate, June 7, 2019, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands" S.P. 411 L.D. 1323

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-222)** (11 members)

Minority - **Ought Not to Pass** (1 member)

In Senate, June 7, 2019, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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

On motion by Senator **DOW** of Lincoln, 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 Washington, Senator Moore.

Senator **MOORE:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you again today asking you to vote yes on an Insist motion. On Friday I shared with you Attorney Gordon Smith's opinion letter regarding the fiscal consequences of L.D. 1323. Today I would like to share several comments from numerous e-mails and phone calls I have received, pleading with me to vote against this bill. A couple from Gouldsboro and Milbridge, 'Any expanded public use of private property is a taking and taking private property without compensation is against Maine's Constitution. For hundreds of years, Maine upland owners have owned to the high tide line, in fee simple and absolute, and owned to the low tide line but subject to the rights of the public to go fish, hunt fowl, and navigate. This law has been upheld time and time again by the courts of Maine. Fee simple ownership is one of the most important rights that we have as Maine citizens. If private property is compensated or impacted by the government there must be just reimbursement to the property owners. Even the

realtors have commented, who are committed to private property rights and the protection and preservation of the constitutional right of every individual to acquire, occupy, use, and dispose of real property.' One of the last comments I heard this morning was, 'It is imperative that we protect the rockweed that is left. It provides critical habitat to many species and should not be exploited for non-essential items, especially those manufactured in Canada.' These are residents of Dennysville and have been there since 1985 and are especially concerned with the illegal rockweed harvesting in all of Cobscook Bay. Their comment was that they hope that we will do the right thing and continue to do what is necessary to protect these natural resources that belong to all of us and not allow them to be exploited by a few to manufacture non-essential products. Again, I ask you to vote yes on the insist motion.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to point out two or three points. One is, as you've heard, the ruling that's been out there, the court ruling, is based on Massachusetts Colonial ordinance of 1647 and in reviewing those in our committee the committee felt that the court's ruling was really asking for some new legislation that they could look at and really see if the ordinance from 1647 was where we should be still doing, or still going. The ruling also kind of based the fact that when we talked about rockweed that rockweed was a plant and, you know, it's not really a plant. It's a brown algae. It has a hold-fast. It has no roots. It takes its nutrients from the water. Also in the ruling it actually said that you could go and harvest clams, mussels, bloodworms, etcetera. The only three things, as was pointed out earlier, that the ordinance allowed fishing, fowling, and navigation. None of those marine organisms are actually fish or fowl either. So if you're looking at marine organisms, this should, as well, be lumped in there. I'd also point out that the State of Maine does control the resources of the sea adjoining the coastline and the Department of Marine Resources allows licenses and actually, you know, puts limits on what can be and cannot be harvested. So I would just point out that I think also in this bill that they did talk about recreational uses on the intertidal zone, many of which were allowed, and this actually came from the Attorney General, trying to spell those out so that there was less question as to what some of those uses may be. Finally, I would say that, you know, L.D. 1323 actually affirms that all the shellfish conservation ordinances are already in place. So I really think that what this bill does, it just gives the Supreme Court, the Maine Supreme Court, a new vehicle to look at some of their previous decisions. So I ask you to vote against the motion. Thank you.

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

Senator **DOW:** Thank you, Mr. President. Ladies and gentlemen of the Chamber, it's been described, this bill's been described as a takings bill. Well, I would disagree with that. First of all, the property owners were not asking to take the land at all. It doesn't challenge their claim to ownership to it. That's a different case, it would be resolved by the Supreme Court. One I hear they are anxious to take up. But that's neither here nor there for this bill. But it does not challenge the upland owner's claim to the title of

the land. Secondly, even that ownership is qualified. They do not have exclusive use of this land. Clammers are allowed to come in. Mussel harvesters. Wormers. This bill is asking to expand on some of those uses and the Legislature is the Body that has the right to determine this expansion. I look at it as if, my father when he sold cottage property around the lake, those people owned the cottage property but they must have a highway or road to get to it. Even though I owned the road, I do not have the right to stop them from coming in to their property. Third, a large majority of coastal states have, some of them have, even bigger allowances of what they can do in this intertidal zone and the property values in those states have not decreased. They haven't decreased in this state because we worm, clam, or whatever we do in the intertidal zone. Contrary to some statements, the present Attorney General is in favor of this bill and they added to the bill some of the public rights that are in it and they're confident it could defend the bill if it's challenged as a takings bill. So, finally, this bill frees us from some of the rigidities of this 370 year old Massachusetts ordinance of fishing, fowling, and navigation definitions that have come down and, further, the final thing I want to say is about the use of the resources. It's a very sustainable, renewable resource. Up to half of the resource is destroyed each two years, every two years, through winter winds and tide action. It grows back. The industries that would harvest rockweed only take up to 2%, not 50%. So it's a very renewable resource. It's a very fairly large industry here in Maine. So I would ask members of the Senate to please reconsider your vote from the other day. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just have to understand this is plant life. It's not fish or worms or clams. This is stuck to the rocks and it grows from the rocks and it would kind of contradict what we worked on the fiddlehead situation a few years back. The big question is: whatever happened to the gentleman's way of just asking to use the property for those reasons, to harvest, and if they said no then you just go somewhere else or you lease it or you buy it, the property, and then you can do that. So this is just saying I'm going to do it anyway. I just don't feel good about that and so I could not conscientiously vote for this. I believe that we should be using the gentleman way of doing things and doing it right. So this is plant life and it is part of the soil, it is part of the ecological way of life, and so I don't believe that we should be able to just up and take it away. 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 believe the traditional public rights to harvest the crop of the Maine ocean should not be stopped by wealthy oceanfront property owners. I would hazard to say I am probably the only one in this Chamber who has ever been on a boat that was harvesting seaweed and I want to make it clear to anyone who thinks this is a property rights question. The harvesting is done from a boat. You are not walking on the beach of that person. This is part of the ocean of Maine. They are raking from a boat, not walking on somebody's property. I believe that those are traditional uses of harvesting the sea, of

clammering and lobstering and all of those things that are done from boats. This is just another crop and another way for people to support themselves with the resources that are available in the state of Maine's oceans.

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. This is a complex bill with multiple interwoven issues that have created a unique and diverse coalition of opponents, including the Maine Association of Realtors, the Natural Resources Council of Maine, and Maine Coast Heritage Trust, to name a few. The bill is designed to overturn a law court opinion. I think it's important to remember how that case came about. It was because a Canadian company was arguable over harvesting rockweed in front of the property of the Ross brothers and refused to stop despite requests to the contrary. Why is rockweed so important? I quote from scientists in, and this is a published academic paper, by Robin Seeley, 'Brown macro algae, such as kelp and rockweed, are foundational species that form under water forests and, thus, supports a diverse vertebrate, invertebrate and algal community, including important commercial species, and deliver organic matter to coastal ecosystems.' The abstract goes on to say, 'The measure of sustainability used by the rockweed industry, maximum sustainable yield, accounts for neither the rockweed's role as habitat for more than 150 species, including species of commercial or conservation significance, nor its role in coastal ecosystems.' I think it's important to recognize that rockweed plays a unique and significant ecological role on our coast. If we do allow this bill to pass we may do irreparable harm. If you conduct fir tipping in our state, and Downeast, as my family has done, you ask permission. We're not talking about the rockweed harvesting that my family and others have done for fertilizer for their gardens. We're talking about large-scale commercial harvesting, the yield of which has exploded in recent years. We're talking about the potential negative impact of a boom industry which could cause permanent and irreversible harm to marine ecosystems. So I encourage you not to overturn the law court, to support the pending motion to Insist on our prior vote, and to support the broad coalition of proponents and to, hopefully, perhaps come back following session with a more thoughtful approach. Thank you.

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

Senator **MOORE:** Thank you, Mr. President, for allowing me to speak a second time. I appreciate that. I have just one last story that I wanted to share from a constituent out of Addison. 'I own 1,200 feet of waterfront in Addison and I support gainful enterprises on our coasts. Where I draw the line is to make sure that gainful employment is done in a way that does not unduly harm the environment and doesn't harm homeowners. I live here all year round. Two years ago, when the seaweed harvesting was high, one thing happened that I don't hear discussed as much. There is a lot of seaweed that gets removed from the rocks but does not get sucked into their vacuum boats. I had almost two feet of seaweed right on our rocky beach, such that it ruined views of it for a year. This stuff is insanely stinky and so loose it can swallow a boot.' I can confess to that too. 'When the

seaweed first rolls in you can see so much life in it, even tiny little lobsters. Think of the loss of aquatic life. It took winter ice to finally pull it out. I don't really like any seaweed harvesting but understand it is part of the balance. I do know they have no right to ruin my Maine experience for putting in canoes or just walking on the shore. L.D. 1323 would give them the ability to do that again. Please know there is a lot of open coastline here in Wohoa Bay where I live. I just don't want them coming right in front of my house and sending cut seaweed on my shore. When they were here two years ago, I could talk comfortably to them from the shore and see the dimples on their cheeks. They are way inside the low tide mark at that point. Thankfully, this year their machinery is not as loud, another huge annoyance, and they so far have stayed away from right in front of my house.' Again, I encourage you to vote for the motion at hand. Thank you.

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

THE PRESIDENT: The pending question before the Senate is to Insist. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#254)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARSON, CLAXTON, CYRWAY, DAVIS, DIAMOND, FARRIN, FOLEY, GRATWICK, HAMPER, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME

NAYS: Senators: CHENETTE, CHIPMAN, DESCHAMBAULT, DILL, DOW, GUERIN, KEIM, PRESIDENT JACKSON

EXCUSED: Senators: CARPENTER

26 Senators having voted in the affirmative and 8 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LIBBY** of Androscoggin to **INSIST PREVAILED**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Limit the Amount of Money That May Be Retained on Construction Contracts" H.P. 636 L.D. 862

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

Minority - **Ought to Pass** (3 members)

In Senate, June 10, 2019, on motion by Senator **HERBIG** of Waldo, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, hat Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

Joint Resolution

The following Joint Resolution:

H.P. 1311

**JOINT RESOLUTION
RECOGNIZING JUNE 2019 AS ELDER ABUSE
AWARENESS MONTH**

WHEREAS, throughout the United States, 10,000 people a day are turning 65 years of age; and

WHEREAS, one in 10 Americans 60 years of age and older experiences abuse each year; and

WHEREAS, at least \$2,900,000,000 is taken from older adults each year due to financial abuse and exploitation; and

WHEREAS, abuse, neglect and exploitation of older adults in the United States are often unidentified and unreported because of an inability to report or a fear of reporting; and

WHEREAS, older adults who are abused are 3 times more likely to die earlier than older adults of the same age who are not abused; and

WHEREAS, Maine's seniors are valued members of society, and it is our collective responsibility to ensure that they live safe lives; and

WHEREAS, seniors should be treated with respect and dignity to enable them to continue to serve as leaders, mentors, volunteers and active members of society; and

WHEREAS, combating abuse and empowering the elderly will help improve the quality of life and independence of all seniors across the State; and

WHEREAS, we are all responsible for building safer communities for Maine's seniors by reporting elder abuse and neglect when we suspect it; and

WHEREAS, the welfare of seniors is in the best interest of all citizens and adds to the well-being of all our communities; 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, take this opportunity to recognize June 2019 as Elder Abuse Awareness Month and the importance of raising awareness of elder abuse and the promotion of better understanding of the cultural, social, economic and demographic issues that may contribute to the growing incidence of elder abuse.

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

READ and **ADOPTED**, in concurrence.

COMMUNICATIONS

The Following Communication: S.C. 579

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

June 10, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of The Honorable Joshua A. Tardy of Newport, for appointment to the Maine Commission on Indigent Legal Services.

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

YEAS	Senators	3	Carpenter, M. of Aroostook, Bellows, S. of Kennebec, Keim, L. of Oxford
	Representatives	8	Bailey, D. of Saco, Babbidge, C. of Kennebunk, Cardone, B. of Bangor, Curtis, P. of Madison, Evangelos, J. of Friendship, Harnett, T. of Gardiner, Reckitt, L. of South Portland, Talbot Ross, R. of Portland
NAYS		0	
ABSENT		2	Rep. DeVeau, J. of Caribou, Rep. Haggan, D. of Hampden

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of The Honorable Joshua A. Tardy of Newport, for appointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/Michael E. Carpenter
Senate Chair

S/Donna Bailey
House Chair

READ and **ORDERED PLACED ON FILE**.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#255)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: CARPENTER, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of the Honorable **Joshua A. Tardy** of Newport for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 580

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

June 10, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Michael Carey of Lewiston, for appointment to the Maine Commission on Indigent Legal Services.

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

YEAS	Senators	3	Carpenter, M. of Aroostook, Bellows, S. of Kennebec, Keim, L. of Oxford
	Representatives	8	Bailey, D. of Saco, Babbidge, C. of Kennebunk, Cardone, B. of Bangor, Curtis, P. of Madison, Evangelos, J. of Friendship, Harnett, T. of Gardiner, Reckitt, L. of South Portland, Talbot Ross, R. of Portland
NAYS		0	
ABSENT		2	Rep. DeVeau, J. of Caribou, Rep. Haggan, D. of Hampden

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Michael Carey of Lewiston, for appointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/Michael E. Carpenter
Senate Chair

S/Donna Bailey
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#256)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: CARPENTER, TIMBERLAKE

No Senator having voted in the affirmative and 33 Senators having voted in the negative, with 2 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Michael Carey** of Lewiston for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 581

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

June 10, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Robert C. LeBrasseur of Sabattus, for appointment to the Maine Commission on Indigent Legal Services.

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

YEAS Senators 3 Carpenter, M. of Aroostook, Bellows, S. of Kennebec, Keim, L. of Oxford

Representatives 8 Bailey, D. of Saco, Babbidge, C. of Kennebunk, Cardone, B. of Bangor, Curtis, P. of Madison, Evangelos, J. of Friendship, Harnett, T. of Gardiner, Reckitt, L. of South Portland, Talbot Ross, R. of Portland

NAYS 0

ABSENT 2 Rep. DeVeau, J. of Caribou, Rep. Haggan, D. of Hampden

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Robert C. LeBrasseur of Sabattus, for appointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/Michael E. Carpenter
Senate Chair

S/Donna Bailey
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#257)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: CARPENTER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Robert C. LeBrasseur** of Sabattus for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 582

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

June 10, 2019

The Honorable Troy Dale Jackson
President of the Senate of Maine
129th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Judiciary has had under consideration the nomination of Sarah A. Churchill of Windham, for appointment to the Maine Commission on Indigent Legal Services.

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

YEAS Senators 3 Carpenter, M. of Aroostook, Bellows, S. of Kennebec, Keim, L. of Oxford

Representatives 8 Bailey, D. of Saco, Babbidge, C. of Kennebunk, Cardone, B. of Bangor, Curtis, P. of Madison, Evangelos, J. of Friendship, Harnett, T. of Gardiner, Reckitt, L. of South Portland, Talbot Ross, R. of Portland

NAYS 0

ABSENT 2 Rep. DeVeau, J. of Caribou, Rep. Haggan, D. of Hampden

Eleven members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Sarah A. Churchill of Windham, for appointment to the Maine Commission on Indigent Legal Services be confirmed.

Signed,

S/Michael E. Carpenter
Senate Chair

S/Donna Bailey
House Chair

READ and ORDERED PLACED ON FILE.

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

In accordance with 3 M.R.S.A., Chapter 6, Section 158, and with Joint Rule 506 of the 129th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#258)

YEAS: Senators: None

NAYS: Senators: BELLOWS, BLACK, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

EXCUSED: Senators: CARPENTER

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Sarah A. Churchill** of Windham for appointment to the Maine Commission on Indigent Legal Services was **CONFIRMED**.

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

The Following Communication: S.C. 576

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

June 10, 2019

Honorable Darek M. Grant
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Grant,

Pursuant to my authority under Title 29-A MRSA, Chapter 11, §1402-B, I am pleased to appoint Matt Boger of Concord, MA to seat five on the Organ Donation Advisory Council effective immediately.

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 578

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

June 10, 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 Scott Landry of Farmington to the Joint Standing Committee on Health Coverage, Insurance and Financial Services and I have reappointed Representative Heidi Brooks of Lewiston to the Joint Standing Committee on Health Coverage, Insurance and Financial Services, effective immediately.

Please do not hesitate to contact me should you have any questions.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Expand and Clarify the Prohibition of Hazing at Elementary Schools, Secondary Schools and Postsecondary Institutions"

H.P. 1254 L.D. 1765

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-529)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-529)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-529) **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 Amend the Charter of the Boothbay Harbor Sewer District"

H.P. 1247 L.D. 1752

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-528)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-528)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-528) **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 **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Amend the Barbering and Cosmetology Licensing Laws"

H.P. 1255 L.D. 1768

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-533)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-533)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-533) **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 Amend the Laws Governing Veterans' Services"

H.P. 1286 L.D. 1806

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-532)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-532)**.

Report **READ**.

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF THE REPORT**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Regarding Criminal Procedure with Respect to Allowable Defenses"

H.P. 1175 L.D. 1632

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

Signed:

Senators:

DESCHAMBAULT of York
CARPENTER of Aroostook
ROSEN of Hancock

Representatives:

WARREN of Hallowell
BEEBE-CENTER of Rockland
COOPER of Yarmouth
COREY of Windham
COSTAIN of Plymouth
MORALES of South Portland
PICKETT of Dixfield
RECKITT of South Portland
SHARPE of Durham

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

Signed:

Representative:
JOHANSEN of Monticello

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

Reports **READ**.

Senator **DESCHAMBAULT** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence.

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

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. Mr. President, I would ask that people look at the title, An Act Regarding Criminal Procedure with Respect to Allowable Defenses. This bill prohibits the use of a defense that is referred to as the gay and trans panic defense. To explain a little further, this basically, what the basis of this bill is that a person is not justified in using force against another based solely on the discovery or knowledge about or potential disclosure of the victim's actually or perceived gender, gender identity, gender expression, or sexual orientation. I ask that you vote green. 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 (#259)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **DESCHAMBAULT** of York to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **PREVAILED**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve "An Act To Establish Computer Science Courses and Content in Kindergarten to Grade 12 Schools" H.P. 1003 L.D. 1382

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-522)**.

Signed:

Senators:
MILLETT of Cumberland
CARSON of Cumberland

Representatives:
KORNFELD 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 To Pass as Amended by Committee Amendment "B" (H-523)**.

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 BY COMMITTEE AMENDMENT "A" (H-522)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)**.

Reports **READ**.

On motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-522)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-522) **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-522)**, in concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve "An Act To Save Lives by Establishing a Homeless Opioid Users Service Engagement Program within the Department of Health and Human Services"
H.P. 965 L.D. 1337

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-429)**.

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-429)**.

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-429) **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 **TRANSPORTATION** on Bill "An Act To Increase Railroad Freight Safety"
H.P. 521 L.D. 716

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

Signed:

Senators:

- DIAMOND of Cumberland
- FARRIN of Somerset

Representatives:

- McLEAN of Gorham
- AUSTIN of Skowhegan
- CEBRA of Naples
- MARTIN of Greene
- PERKINS of Oakland
- SHEATS of Auburn
- WHITE of Washburn

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

Signed:

Senator:

- CHIPMAN of Cumberland

Representatives:

- BRYANT of Windham
- COLLINGS of Portland
- WHITE of Waterville

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

Reports **READ**.

On motion by Senator **DIAMOND** of Cumberland, 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 Specify the Qualifications of Electors
H.P. 149 L.D. 186

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

Signed:

Senator:
LUCHINI of Hancock

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-531)**.

Signed:

Senators:
CYRWAY of Kennebec
HERBIG of Waldo

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 Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Resolution **READ ONCE**.

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

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

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Ensure That Voting Rights Belong Only to Citizens in Municipal or Other Local Elections
H.P. 993 L.D. 1372

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

Signed:

Senator:
LUCHINI of Hancock

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-530)**.

Signed:

Senators:
CYRWAY of Kennebec
HERBIG of Waldo

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 Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-530) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

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

Senator H. SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Laws Governing Personal Vehicle Rental Coverage"

S.P. 606 L.D. 1793

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-255)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-255) **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 **ENERGY, UTILITIES AND TECHNOLOGY** on Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy
S.P. 284 L.D. 994

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-245)**.

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
FOSTER of Dexter
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay
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 "B" (S-246)**.

Signed:

Representative:

HANLEY of Pittston

Reports **READ**.

On motion by Senator **LAWRENCE** of York, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-245)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-245) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Allow the Prohibition of Weapons at Public Proceedings and Voting Places"
S.P. 450 L.D. 1470

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

Signed:

Senators:

CLAXTON of Androscoggin
DAVIS of Piscataquis
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BRYANT of Windham
EVANGELOS of Friendship
HEAD of Bethel
KINNEY of Knox
TUELL of East Machias
VEROW of Brewer

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-249)**.

Signed:

Representatives:

PEBORTH of Blue Hill
RISEMAN of Harrison

Reports **READ**.

Senator **CLAXTON** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I rise to speak briefly because I introduced this bill to very specifically build on Maine's tradition of local control. I think it's important that we give our municipal and school board elected officials the permission, this bill would do nothing other than give permission for local elected boards and committees to decide, at the local level in their own process, accountable to their own voters, whether to ban weapons from public meetings. Because I served at the local level, I understand that local authorities do not have the wherewithal to do this and that we put a lot of faith in local decision makers, locally elected people, and I think that this

decision belongs at that level as well. Secondly, aside from the policy issue, I can tell you when I was a town councilor I had to have police escorts to and from meetings for six months because of the threatening behavior of a constituent and, because I was a public official holding a meeting in a public building and because of this state law, my fellow councilors and I had no recourse but to spend local resources on having an armed police officer in the chamber for all of these meetings, which the town still does. If the town had the authority to say they didn't want weapons in town meetings that would be a local ordinance, there would be public hearings at the local level, there would be local accountability to local voters on this issue. I wish that opportunity had been available to me and my fellow councilors ten years ago and I hope that you will consider supporting, or opposing the current motion for those reasons. Thank you, Mr. President.

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

Senator **H. SANBORN:** Thank you, Mr. President. I rise just briefly to remind all of us in this Chamber that this morning we had the safety of passing through a metal detector and ensuring that there aren't any weapons in this building, but we do not afford our municipal elected official the ability to opt for that same level of safety and security in their own hometowns. We should rectify that today by voting down this current pending motion.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#260)

YEAS: Senators: BLACK, CARPENTER, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, GRATWICK, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION "Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District"

S.P. 67 L.D. 255

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-247)**.

Signed:

Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

ANDREWS of Paris
DOLLOFF of Rumford
HANINGTON of Lincoln
HICKMAN of Winthrop
HUBBELL of Bar Harbor
STROM of Pittsfield

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

Signed:

Representatives:

SCHNECK of Bangor
ACKLEY of Monmouth
COOPER of Yarmouth
McCREIGHT of Harpswell

Reports **READ**.

Senator **LUCHINI** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **FARRIN** of Somerset, 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 (#261)

YEAS: Senators: BLACK, CARPENTER, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, LAWRENCE, LUCHINI, MOORE, POULIOT, ROSEN, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT JACKSON

NAYS: Senators: BELLOWS, BREEN, CARSON,
CHENETTE, CHIPMAN, GRATWICK, LIBBY,
MILLETT, MIRAMANT, SANBORN H, SANBORN L

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **LUCHINI** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Resolution **READ ONCE**.

Committee Amendment "A" (S-247) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Laws Governing Taste Testing and Retail Sales of Liquor at Farmers' Markets"
S.P. 240 L.D. 805

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-248)**.

Signed:

Senators:
LUCHINI of Hancock
HERBIG of Waldo

Representatives:
SCHNECK of Bangor
ACKLEY of Monmouth
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
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 Not To Pass**.

Signed:

Senator:
CYRWAY of Kennebec

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-248) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

The President took a seat on the Floor.

The Senate was called to order by President Pro Tem **NATHAN L. LIBBY** of Androscoggin County.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Today Assigned matter:

An Act Regarding Utility Reorganizations (EMERGENCY)
S.P. 495 L.D. 1560
(C "A" S-192)

Tabled - June 11, 2019 by Senator **LIBBY** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, June 7, 2019, **FAILED ENACTMENT** in **NON-CONCURRENCE**.)

(In House, that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENACTED**.)

On motion by Senator **VITELLI** of Sagadahoc, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator H. SANBORN for the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Further Expand Drug Price Transparency" S.P. 350 L.D. 1162

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-252)**.

Report **READ**.

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

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

Senator **VITELLI:** Thank you, Mr. President Pro Tem. Mr. President, I rise today to speak in strong support of my bill, L.D. 1162, An Act to Further Expand Drug Price Transparency. I know that we've all heard from our friends and family and neighbors the same thing over and over again. Medication, especially lifesaving medication, is too expensive. People are foregoing other necessities in order to afford their medications and sometimes foregoing medications in order to pay for other necessities. Last year I sponsored a bill to improve prescription drug price transparency that became law. As a result of that, the Maine Health Data Organization released a report in December detailing the 25 most frequently prescribed drugs in Maine, the costliest drugs, and drugs that had the biggest price increase year over year. This report is a powerful tool that lets Mainers and officials know what pharmaceutical companies are charging patients. But we have more work to do. I used to work with a young woman who was born with Type 2 Diabetes. She depends on insulin, a treatment that has been around since the 1920s, to survive. In spite of its long history, the cost of insulin continues to rise at a pace far greater than inflation. This caused regular worry for her about whether she would be able to afford her medicine. We're told that the free market works to ensure that products decrease in price the longer they've been readily available on the market. But if that is true why does the cost of insulin keep increasing, nearly doubling between 2012 and 2016? The people of Maine are frustrated, not only because they're having trouble affording the medication they need, they are frustrated because they can't tell why that medication costs so much and they're suspicious that corporations are gaining undue profits while everyday Mainers are barely making ends meet and cutting corners when it comes to their health. L.D. 1162 would expand on the law passed last year, using the data collected in the Maine Health Data Organization's report. Drug companies that oversaw the biggest price hikes will have to explain why costs went up so much. Was it because of an increase in manufacturing costs? Did the price of ingredients go up? Did the company choose to spend more money on advertising? Other states, as well as the federal government, are already moving towards this level of transparency. Consumers deserve to know the truth about the medications they and their families and friends rely on. The Maine Health Data Organization is a trusted, non-partisan group that serves as a repository for critical data. We need to take advantage of that existing structure to help Mainers who are desperately in need of relief. L.D. 1162 helps us see the bigger picture of why medications cost what they do. The web of all the

players involved in drug pricing, who sells to whom, who pays whom, what discounts may apply, is all incredibly confusing. This L.D. 1162 is an important piece of bi-partisan legislation carefully crafted to be consistent with similar efforts in states across the country. Mainers deserve transparency and honesty, especially when it comes to the cost of lifesaving medication. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Androscoggin, Senator Claxton.

Senator **CLAXTON:** Thank you, Mr. President. Men and women of the Senate, I rise in support of L.D. 1162, An Act to Further Expand Drug Price Transparency. Before becoming a member of this Body, I spent decades caring for children and families in Auburn and surrounding communities as a family physician. During that time I saw the price of prescription medication climb higher and higher, making it more difficult for my patients to afford their everyday medicine. At the same time, I watched pharmaceutical companies, and the intermediaries involved in the prescription drug market place, continue to rake in outrageous profits. As a physician I took an oath to provide the best possible care for my patients. This care ranges from regular check-ups and preventative care to sick visits and overall making sure that my patients could access the medicine they needed to get well. The high cost of prescription drugs stood in the way of my ability to do my job and provide critical care. This was and is incredibly frustrating. I spent hours, literally, a week with my head in the prescription drug closet trying to cobble together medicines so Mom and Dad or John or Mary could get through the next week or month with the prescriptions they needed. I know there's no magic wand when it comes to reducing drug and healthcare costs, but I do know that Mainers deserve action on drug prices now. They deserve to be able to go to work, play with their kids or grandkids, and live their lives. For many Mainers affordable medications is essential to living healthy, productive lives. They should not have to choose between heating the house and taking their medicines. That's why, as both a Legislator and a health professional, I wholeheartedly support L.D. 1162 and other bills that seek to lower drug costs for Mainers. L.D. 1162, in particular, seeks to shine a light on the industry practices that contribute to costs and to better inform the public and policy makers. It's impossible to fix a broken system when there is little transparency about how it operates. The measures provided for in this bill will give Legislators the information needed to make better prescription drug policy for Maine people. I urge all of your support for this. Thank you, Mr. President Pro Tem.

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

Senator **L. SANBORN:** Thank you, Mr. President. Mr. President, men and women of the Senate, I, too, rise in support of the pending motion. In considering this issue, I am guided by the experiences of my patients. After 25 years of practicing family medicine, I have known many who struggle to afford the prescriptions that they needed. Too many face the impossible choice of whether to pay for their medicine, put food on their table, or heat their house. Too many saw their health deteriorate as a result. As prescription drug prices continue to rise this problem has only gotten worse. Today one in ten Americans does not take their medications as prescribed in order to pay for

other life necessities such as food or housing. This is simply unacceptable and we must do better. The bill before us today is one piece of a comprehensive legislative plan to address the exorbitant costs of prescriptions in Maine that will help lawmakers and the public better understand the complicated manner in which drug prices are determined, negotiated, and discounted and how that impacts Mainers struggling to afford their life supporting medications. This bill will enable us to help patients like those that I cared for and hold drug companies and intermediaries accountable and I hope you will join me in supporting it. Thank you.

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

Senator **FOLEY:** Thank you, Mr. President. I rise in full support of this pending motion. The Health Coverage, Insurance and Financial Services Committee worked diligently on this bill. I was pleased to be a co-sponsor of the bill. It is a bi-partisan bill and we worked very hard to come to consensus on a bill that will start to turn the tide, hopefully, on the cost of prescription drugs. We have seen over the last 10 years that the cost of prescription drugs has risen from 10% to 20% of the cost of healthcare. That is an unacceptable thing to happen for our citizens and this bill will start us down the path. There will be three other bills coming, also bi-partisan work that the Committee worked hard on, to try to get to the root of the problem. I urge my colleagues to support this bill. It gets us going in the right direction. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you, Mr. President and ladies and gentlemen of the Senate. I, too, very much support this bill. It's the product of a great deal of hard work. Our medical system, as people are all aware, is now failing us. It's too expensive. It's syphoning off money that could be much better used for education, for housing, for businesses to be more competitive. We are never going to solve the crisis in our healthcare without knowing actual costs, real costs. This is a very good first step. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of the Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#262)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM LIBBY

NAYS: Senators: None

35 Senator having voted in the affirmative and no Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-252)** Report **ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-252) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Increase Access to Low-cost Prescription Drugs" S.P. 392 L.D. 1272

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-250).**

Signed:

Senators:
SANBORN, H. of Cumberland
FOLEY of York
GRATWICK of Penobscot

Representatives:
TEPLER of Topsham
BLIER of Buxton
BRENNAN of Portland
FOLEY of Biddeford
MASTRACCIO of Sanford
MELARAGNO of Auburn
PRESCOTT of Waterboro

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

Signed:

Representatives:
MORRIS of Turner
SWALLOW of Houlton

Reports **READ.**

Senator **H. SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **BELLOWS:** Thank you, Mr. President. I rise in support of the pending motion. This is an incredibly important bill to allow and direct the Department of Health and Human Services to set up a model by which we allow the importation of prescription drugs from Canada here into our state. There is absolutely no reason that Mainers should be paying more than our Canadian neighbors for prescription drugs and I want to recount the consequences of this. I met a constituent when I was in my community and she was in tears as she told me this story. One of her family members almost died. She went into anaphylaxis shock due to an allergic reaction. She was at home. Her small child called 9-1-1. My constituent shared with me that it took three EpiPens to bring her back. I hadn't heard of this. But what was striking to me was this woman, this mother, unable to afford to have an epinephrine autoinjector on hand and the trauma of that child calling 9-1-1. You see, in 2009 the cost of an EpiPen, a package of two EpiPens, was \$100, but then it skyrocketed to \$600. You can now get it for cheaper with a coupon but it still leaves patients who are prescribed this with huge out-of-pocket costs. The cost in Canada is still \$100. The cost in the U.K. \$38. This is the case over and over again when we look at differentials in prescription drugs. The National Academy of State Health Policy reported the following discrepancies between the U.S. and Canadian pricing for medications. Lyrica costs \$6.04 in the United States and 63¢ in Canada. That's ten times the cost here in our country. Xarelto \$12.44 here, compared to Canada's \$2.11 price. Eliquis \$6.21 here, compared to \$1.60 north of the border. Drugs in Canada are generally 30% cheaper than the same ones sold here in the United States. We know these drugs are safe. There is absolutely no reason that Mainers should be paying these high prices. Skyrocketing prescription drug prices, make no mistake, are endangering lives like the life of my constituent. They are forcing our seniors to make difficult choices between food and medicine and skyrocketing prescription drug prices are a key cost driver in our hugely costly health insurance system. We need to fix this now. I commend the bi-partisan work of the Committee in moving this package forward. I urge you to vote Ought to Pass.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I think this is a good bill. I just have a question to the President Pro Tem. On countries like Canada, when they do a group, as a country they do their shopping and they get discounted. How do we, how does this bill work into that factor? That's the question I ask.

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Cyrway, has posed a question through the Chair to

whoever would like to answer. The Chair recognizes the Senator from Androscoggin, Senator Claxton.

Senator **CLAXTON:** Thank you. Senator Cyrway, about 40% of the medicines that come into this country come through Canada and the FDA inspects a number of drug manufacturing sites in Canada, which gives us significant reassurance that these are legitimate, monitored, reliable medications. So there is a process with the FDA, crosses the border to assess the processing of those medications in manufacturing in Canada. Does that answer your question through the Chair? Does that answer his question?

THE PRESIDENT PRO TEM: For the new members, very good. The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Thank you, Mr. President Pro Tem. I rise in support of the pending motion. As a lifelong resident of Northern Maine, I know the people in my community. Many of us hail from Canada. Just a generation or two back. I've heard people's stories as a State Senator about the ridiculously high cost of prescription drugs that most of us face. People shouldn't have to choose between filling their prescriptions and their oil tank or paying the rent or affording childcare. Unfortunately for some people that's a real choice that they have to make. Prescription drug costs in the United States and in Maine are out of control and we've known that for some time. Driven by, in most cases, corporate greed. Instead of waiting for Washington to do something about it, here at the State House we have an opportunity to really make a difference. Several of my colleagues have been working on legislation to make sure that Maine people are no longer being gouged as badly by the drug companies. The bill package that we have in front of us today works to solve some of those issues. The first step is for Maine to pay the lowest price for prescription drugs as possible. Our Senate President has developed an innovated way to make sure that Maine gets low cost prescription drugs by importing them from our neighbors to the north who, I would point out, according to the United Nations are among the healthiest people in the world and some of the friendliest too you, I might add. The way I see it is the same quality drugs are available in Canada for a lower price. Why shouldn't Maine people have access to that? It makes no sense. According to the National Academy of State Health Policy, the average price of drugs in Canada is 30% less than the same drug sold in the United States. This is the case even with Canada's oversight of the pharmaceutical industry. It meets the same high standards as the United States. Because the pharmaceutical industries are regulated, here we should be able to develop a special relationship with Canada so Mainers can pay the same price Canadians pay for their medicine. We're dealing with a problem that effects Maine people every day. In some ways we are trying to change the healthcare system as we know it by providing more fairly priced prescription drugs. Please join me in supporting this pioneering piece of legislation which will transform our healthcare system here in Maine as we know it to the betterment for all Maine people. Thank you.

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

Senator **JACKSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I wanted to rise and talk a little bit about one of the questions posed. Maybe get into a little bit more why something like this is in front of us. It's been laid out, you know, what a tremendous burden this is on the people of Maine and the people of the United States. You know, I've been here for a number of years now and a lot of things have come and gone, a lot of things have been debated and argued about. Today, for me, this probably brings forward one of the prime reasons, first reasons, that I actually ran for the Legislature. I live right on the St. John River, the bank of the St. John River, and the St. John River, for a big part of my district, is the boundary between Maine and New Brunswick. It really is, you know, striking. Many places along that river, in the summertime you could walk across it. If you had a good arm you could throw a rock across it. But there's such a divide there. Such a gulf between the people on one side of that river and the people on the other side of the river and I constantly am struck by the fact that when you stand there on the bank and look over into places like Claire and St. Leonard, the people on that side of that river don't have the problems that we have in terms of prescription drugs or even healthcare coverage. It's really hard to understand how it could be. Just something as simple as the St. John River that makes that divide between the people that have good healthcare, have cheap prescription drugs, and the people that are on the other side of the river that don't. That is really what struck me way back when. You know, whenever this crisis started happening people were actually getting busloads of people to go into Canada to get their prescriptions. They all felt like they were breaking the law by doing it but they knew that was the only way that they could actually get their prescriptions at an affordable price. More and more people were organizing those trips and more and more doctors were getting so that they could prescribe prescriptions on both sides of the border to where, now, almost every doctor I know up there has that ability now. But it still makes people feel like they're doing something wrong just stepping across the border into New Brunswick to get the prescription drugs. We've heard consistently throughout these last 15 or 16 years that there's something wrong with the drugs that are in Canada. There's something wrong, that they're not safe. But we know, over time, is that one day the drugs are made in a factory and they go to Canada and the next day they're made in the very same factory and they go to the United States. The next day they go to Great Britain. The next day they go to the United Kingdom. They're all made pretty much in the same places. All we're talking about now is big pharma with their greed that is making it so that the people in the United States can't get the same prescription drugs for the same price. That is just unconscionable. What we've had for far too long is the breakdown in Washington of people not willing to stand up and fight for their constituents, to now where we're seeing more and more states that are doing things like this because they realize that if we don't take it state by state it's never going to happen. You know, the FDA that's in charge of regulating these drugs has already said that they have a written rule, not a written rule, that if you're a Tier 1 country you have as good, if not safer, drugs as the United States. Those Tier 1 countries, there's only four of them, are Great Britain, Australia, New Zealand, and Canada. Now the FDA that's in charge of regulating prescription drugs are telling us that these four countries have as good, if not better, safety standards as the United States. Now that ought to tell us that if we set up a program, which this bill does, to allow our

government to work with the Canadian government, either New Brunswick, Quebec, or Ontario, or wherever, to set up a process where we're getting those prescriptions directly from the Canadian government than that should work for us. We know that we can do something like this and, in fact, it's being done in other states. So, you know, if we want to actually do something to fight for our constituents today, to give them the same prescription drugs that we know are coming from Canada at a much cheaper price, this is the solution. You know, there's no sense in standing around and saying, 'Well, we have to wait until Washington does something,' because we know right now that it's not going to happen. There's too much money involved in this industry for D.C. to actually do the right thing. So let's do it here in Maine. Let's make sure that more people, more states, actually do the right thing and push this issue so maybe one day we could say that Washington will actually do it. But if we don't take this on ourselves we're going to continue to have to look constituents in the face and tell them that there's nothing that we can do. Well, ladies and gentlemen, today there's something that we can do.

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

Senator **MILLETT**: Thank you, Mr. President Pro Tem. Ladies and gentlemen, I just rise briefly because I, too, have had those conversations with countless citizens in my district. They're just as palpable in my memory today as they were years ago. I remember one elderly couple in particular who shared with me that they were making their own medical decisions. They were deciding what doses to take and what not to take because they couldn't afford all of the medications that had been prescribed to them. The husband decided to have one prescription filled but not another and the wife was cutting her dosage in half with a knife to make it last longer. How is this right? How is this possible in our country today? We have families, thousands of families, with go-fund-me pages, go-fund-me pages to afford keeping their families healthy. That defies understanding. We have good people facing bankruptcy, not because of any irresponsible decision or action that they took but just simply because, again, they're trying to stay healthy. So I am very grateful for the work of the Committee that put this bill in front of us and I plan to support it. Thank you, Mr. President Pro Tem.

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

Senator **GRATWICK**: Thank you very much, Mr. President Pro Tem. Just two points. One, people should know that roughly 60% of the medicines we use here in the United States are either manufactured abroad or have major components that are manufactured abroad. The second is that when I started out in medicine EpiPens did not exist. You would get a vial of epinephrine which, at current cost, is \$5 and that actually has two doses in it. It would be \$2.50 a cost. The actual cost of the epinephrine in that vial is between 35¢ to 45¢. In other words, we've had a modest amount of inflation over time, going from 35¢ or 40¢ for the ingredients to \$5 for the vial, so there's plenty of room for profit in there, to \$300 or \$600 for this new pen. Back then it used to be that people learned how to draw it up in a syringe and do it perfectly adequately. This is unconscionable what the pharmaceutical industry has now done. Thank you, Mr. President Pro Tem.

THE PRESIDENT PRO TEM: 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 (#263)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM LIBBY

NAYS: Senators: None

35 Senator having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **H. SANBORN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-250) **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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Establish the Maine Prescription Drug Affordability Board" S.P. 461 L.D. 1499

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-251)**.

Signed:

Senators:
SANBORN, H. of Cumberland
FOLEY of York
GRATWICK of Penobscot

Representatives:
TEPLER of Topsham
BLIER of Buxton
BRENNAN of Portland
FOLEY of Biddeford
MASTRACCIO of Sanford

MELARAGNO of Auburn
PRESCOTT of Waterboro

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

Signed:

Representatives:
MORRIS of Turner
SWALLOW of Houlton

Reports **READ**.

Senator **H. SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **BREEN:** Thank you, Mr. President. Mr. President, I rise to support the pending motion. Many of us in this Body hear from our constituents that the price of prescription medication is too high and forces low income people, often elderly, to make extremely difficult choices. Recently the AARP sponsored a series of forums where we Legislators heard from our senior constituents about their struggles with drug prices and updated them on what the Legislature planned to do about it. After hearing from them, I was very pleased to be able to tell them that there is bold action in the pipeline to address this problem in a meaningful way. L.D. 1499 is a critical part of this plan. It will create the Maine Prescription Drug Affordability Board to use prescription drug spending data to establish reasonable spending targets for exactly the drugs that are driving up the cost of health insurance. This is a common sense measure, recognizing that prescription medication is not just another product on the market and shouldn't be treated like one. As many of you know, in my own family we've had very direct experience with this. When my husband was diagnosed with leukemia in 2005 we were faced with the choices of pursuing a stem cell transplant, chemotherapy, and a great deal of uncertainty. Fortunately, a new medication had just come out and he was able to get on that medication, go into remission, and continue to work normally, function normally, and help raise our two young children. When he started that medication in 2005 the medication cost \$25,000 per year. I'm happy to say that he was able to go off the medication a couple of years ago but by the time he did the cost of that medication was \$140,000 a year. We were incredibly lucky in that we were insured and could manage this cost. Many people are not in the same situation. L.D. 1499 is one component of a comprehensive plan to help Mainers balance the cost of these drugs and allow them and us to live lives free of the enormous stress that comes with having to make impossible choices. I understand the liabilities and costs involved with developing and researching new drugs but clearly something is out of balance when an industry creates products that become indispensable and then keeps them out of reach by attaching exorbitant prices to them. I urge you to vote for this bill, help all

Mainers like my family and yours afford the drugs that we need. Thank you, Mr. President.

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

Senator **H. SANBORN:** Thank you, Mr. President. I rise just briefly to say that when I knocked on doors and spoke with my constituents over the last couple of years I heard over and over again that the federal government needs to begin negotiating on behalf of all of Americans to lower prescription drug prices through the Medicare program. The federal government hasn't done that and so what L.D. 1499 allows us to do is to pool the collective buying power of the citizens of Maine who obtain their insurance through public payments. So people who work for the State government and for our local municipalities, pooling that buying power together and then negotiating for a lower cost prescription drug benefit for all of those Mainers. This is a first step in trying to end the enormous transfer of wealth that is currently occurring, taking wealth from our Maine businesses, from our Maine taxpayers, from Maine citizens, and transferring it to the investors on Wall Street in large pharmaceutical companies. Please follow my light in voting in favor of L.D. 1499.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#264)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM LIBBY

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **H. SANBORN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-251) **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 **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Consumers from Unfair Practices Related to Pharmacy Benefits Management"

S.P. 466 L.D. 1504

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-253)**.

Signed:

Senators:

SANBORN, H. of Cumberland
FOLEY of York
GRATWICK of Penobscot

Representatives:

TEPLER of Topsham
BLIER of Buxton
BRENNAN of Portland
FOLEY of Biddeford
MASTRACCIO of Sanford
MELARAGNO of Auburn
PRESCOTT of Waterboro
SWALLOW of Houlton

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-254)**.

Signed:

Representative:

MORRIS of Turner

Reports **READ**.

Senator **H. SANBORN** of Cumberland moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)** Report.

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

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

Senator **H. SANBORN:** Thank you, Mr. President. Mr. President, I rise today to speak in strong support of the pending motion. This bill, the final in the package that we're addressing today, came as a direct result of our work on the Special Task Force on Healthcare Coverage for All of Maine that was convened in the 128th Legislature. The Task Force was charged with identifying ways to ensure Mainers had access to coverage, access to and coverage for affordable, quality healthcare. All Task Force members unanimously identified the rapidly growing prescription drug prices in Maine as an enormous problem that we needed to

fix. By the end of our work on the Task Force we had identified several different State-level levers that we could pull on to lower prescription drug prices. You've seen us pull on three of those so far today and regulating pharmacy benefit managers is the last in that set. Pharmacy benefit managers, or PBMs, are middlemen companies that began in the 1990s as processors of prescription drug claims for health insurance providers but over the years they have grown into something much larger. Their role in managing prescription drug formularies and negotiating pharmacy contracts and manufacturer rebates have become their primary business. More and more evidence has emerged that PBMs, that operate within a closely guarded cloak of secrecy, may be working more to pad their own investor's pockets than to drive down costs for consumers. PBMs negotiate rebates from pharmaceutical manufacturers. The amount of the rebates they receive is often a closely held secret, even from the insurance companies they are supposed to be working for. PBMs generally keep a portion of this rebate as a part of their compensation. Without knowing what the total rebates are it's hard to know how much compensation PBMs are actually receiving. Additionally, this rebate game serves to keep list prices artificially high. If a manufacturer knows the PBMs will demand huge rebates they will set list prices high so that they can appear to be offering bigger discounts and PBMs have an interest in keeping list prices high to ensure that the rebates, of which they can retain a portion, remain as high as possible. So L.D. 1504 seeks to realign the economic incentives and give insurance companies the leverage that they need to ensure that PBMs are working on behalf of Mainers rather than on behalf of Wall Street investors.

Think of it this way, PBMs are kind of like a buyer's broker in a real estate transaction. The buyer's broker is getting a percentage of the price of the house as their compensation. So they might be incentivized to have that price be a bigger number but you hire them with the expectation that they will work hard on your behalf to get you the best deal possible on the house you want to buy. Both in contract and in law, they owe you a fiduciary duty to do so because they are acting as your agent. L.D. 1504 imposes a similar duty on PBMs. Maine law previously provided that PBMs had a fiduciary duty to payers but the Legislature repealed that law in 2011.

Currently, PBMs are required to register to conduct business in Maine, but otherwise they often operate behind a curtain, manipulating the prices of drugs to their own benefit. L.D. 1504 is about making PBMs more transparent in their contracting and ensuring that they work on behalf of Mainers to get Mainers better access to affordable drugs rather than lining the pockets of their own investors. The bill would require PBMs to offer drugs to consumers at the cash price if the cash price of the drug is lower than the consumer's co-pay. It would require PBMs to pass 100% of manufacturer rebates along directly to consumers or to the insurance carrier to lower insurance premiums. It would also require full disclosure of the practice of so-called spread pricing in which PBMs pay pharmacies less for a drug than the cost that they charge to insurance companies for that same drug. Finally, it would require that the money that PBMs do make are appropriately treated as administrative overhead costs for administering the insurance plan rather than pretending that they are the cost of the drugs themselves.

At its core, L.D. 1504 is about transparency and fairness. This legislation has already won bi-partisan support in committee and I hope that you will all follow my light and vote in support of the bill.

Off Record Remarks

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

Senator **CARSON:** Thank you, Mr. President Pro Tem. Men and women of the Senate, I rise to speak briefly in support of the pending motion. Last year I was honored to serve on the Task Force to ensure that Mainers have affordable, quality healthcare. This Task Force has been referred to by the Senator from Cumberland, Senator Sanborn, and others. What is particularly gratifying is to be here today, in the Senate, having seen the work of the Task Force come to such positive results, such real benefits for the people of Maine. Noted already is the fact that we found prescription drug pricing to be incredibly complex and largely hidden from the public eye, so we recommended legislation, and I quote from the report, 'to address the transparency, accountability, and oversight role of pharmacy benefit managers,' and L.D. 1504 is that. The Senator from Cumberland, Senator Heather Sanborn, has already described the complicated, and oftentimes opaque, role of the pharmacy benefit managers and, specifically, righting the problems with that is where L.D. 1504 will be so valuable to us and to our constituents. This bill will help ensure that PBMs act in the best interest of their clients, our constituents, and pass on all negotiated benefits, reducing the cost of prescriptions and saving money for Maine citizens. I join with others who are urging you to support, with enthusiasm, L.D. 1504. Thank you, Mr. President Pro Tem.

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

Senator **FOLEY:** Thank you, Mr. President. I just wanted to rise briefly to thank my Senate Chair of our Committee who has worked tirelessly on this bill, both in the Task Force that started last summer and also throughout this entire session. Her work has been tireless. I was pleased to be able to work with her on this. I wholeheartedly support it and I urge my colleagues to support it as well. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended by Committee Amendment "A" (S-253) Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#265)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM LIBBY

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator H. **SANBORN** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-253) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-253)**.

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by President Pro Tem Libby.

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

ORDERS

Joint Order

On motion by Senator **CLAXTON** of Androscoggin, the following Joint Order:

S.P. 624

ORDERED, the House concurring, that Bill, "An Act To Increase the Number of Franklin County Commissioners," H.P. 695, L.D. 940, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Ordered sent down forthwith for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator CARPENTER for the Committee on **JUDICIARY** on Bill "An Act To Require Residential Mortgage Loan Servicers To Act in Good Faith in Dealings with Homeowners" S.P. 415 L.D. 1327

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-258)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-258) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator GRATWICK for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Rural Health Care" S.P. 418 L.D. 1350

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-259)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-259) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/19) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Net Neutrality and Internet Policy"

H.P. 986 L.D. 1364

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-301)** (9 members)

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

Tabled - May 29, 2019 by Senator **LAWRENCE** of York

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-301) AS AMENDED BY HOUSE AMENDMENT "A" (H-342)** thereto.)

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

Bill **READ ONCE**.

Committee Amendment "A" (H-301) **READ**.

On motion by Senator **LAWRENCE** of York, Senate Amendment "C" (S-257) to Committee Amendment "A" (H-301) **READ** and **ADOPTED**.

Committee Amendment "A"(H-301) as Amended by Senate Amendment "C" (S-257) 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-301) AS AMENDED BY SENATE AMENDMENT "C" (S-257)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/30/19) matter:

JOINT RESOLUTION - Memorializing the President of the United States and the United States Congress to Allow the Importation of Affordable and Safe Prescription Drugs

H.P. 1184

Tabled - May 30, 2019 by Senator **LIBBY** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, May 21, 2019, on motion by Senator **LIBBY** of Androscoggin, Joint Resolution **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.)

(In House, **READ** and **ADOPTED AS AMENDED BY HOUSE AMENDMENT "A" (H-364)** in **NON-CONCURRENCE**.)

Senator **VITELLI** of Sagadahoc moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **H. SANBORN:** Thank you, Mr. President. I rise just briefly to explain how this Joint Resolution fits into the work that we have done today on a unanimous basis. What this Resolution does is to say that while Maine will pull on every lever available to us as a state that will not be enough and we need the help of our federal government to help drive down the cost of prescription drugs. This is a Resolution asking for our federal government to step up and allow that to happen. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Recede and Concur. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#266)

YEAS: Senators: BELLOWS, BLACK, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GRATWICK, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LAWRENCE, LUCHINI, MILLETT, MIRAMANT, MOORE, POULIOT, ROSEN, SANBORN H, SANBORN L, TIMBERLAKE, VITELLI, WOODSOME, PRESIDENT PRO TEM LIBBY

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senators having voted in the negative, the motion by Senator **VITELLI** of Sagadahoc to **RECEDE** and **CONCUR PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (6/10/19) matter:

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms"
H.P. 288 L.D. 379

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass** (4 members)

Tabled - June 10, 2019 by Senator **LIBBY** of Androscoggin

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

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** Thank you, Mr. President Pro Tem. I move the Senate accept the Majority, Ought Not to Pass, Report and I wish to speak to my motion.

THE PRESIDENT PRO TEM: The motion is already pending. It's acceptance of the Ought Not to Pass Report but the Senator from York, Senator Deschambault, may proceed.

Senator **DESCHAMBAULT:** Thank you. Ladies and gentlemen, the title of this bill obviously appears reasonable and enforceable. So why did the Majority of Criminal Justice and Public Safety, 12 members, vote Ought Not to Pass? A few of the reasons was the language of the bill and its enforceability. Also the bill that was recently passed by this Body addresses this issue. Already in our statutes we have laws that are titled 'Endangering the Welfare of a Child' and 'Reckless Conduct of a Firearm', among many others. This bill creates a Class E crime. The Criminal Justice Committee really spends a lot of time not creating new crimes, especially if they're already in the statutes and can be applied and have been applied. A Class E crime, for your information, has a jail of six months or a fine of \$500. What I was trying to say is you don't see many of these. The bill creates a Class E of Unlawful Storage of a Firearm which, in itself, for myself working in the business, is not much of a deterrent. A person is guilty of Unlawful Storage of a Firearm if the person stores, or leaves on the premises under the person's control, a loaded firearm or knows, or reasonably should know, that a child is likely to gain access to the loaded firearm without the permission of the child's parent or guardian. I want to tell you that at the Criminal Justice Committee CLAC, our Criminal Law Advisory Commission, submitted a bill titled 'An Act Regarding the Maine Criminal Code,' and that's where they look at the code and they strengthen a lot of the bills. In April of this year the Committee passed that bill, not passed the bill, I should say agreed with it, and what it does is it amends the current crime of Endangering the Welfare of a Child and made it a new crime, a Class E crime for the reckless violation of the duty to care or protection that results in the death or serious bodily injury of a child. It also amends the crime of

Endangering the Welfare of a Child to cover recklessly violating a duty of care or protection. I wish that you would follow my light and it would be green. Thank you.

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

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

Senator **MILLETT:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Would I prefer that there would be a different class of crime? Absolutely. After serving in this august Body for a number of Legislatures, I am all too aware of how change happens in this State House, often more slowly than not. This certainly, this bill certainly would be a step in the right direction and I would welcome those in future Legislatures to continue to work on what is really a child access to firearms issue. Yes, there is an endangerment of a child Class C crime but nowhere is there ever in any of our statutes an issue of safe storage and there is nothing that does anything to educate or help change the behavior of our adults. The American Academy of Pediatrics recommends that if parents decide to keep firearms in their home all guns should be locked, unloaded, and separate from ammunition. Yet, astoundingly, three out of ten adults in households with children report taking this advice. Three out of ten. According to a study released two weeks ago from the JMA Pediatrics the guns used in teen suicides comes from the youth's home approximately nine out of ten times. Weapons fired accidentally by children come from the home of the victim or the victim's relative or friend in nine out of ten unintentional firearm deaths. Ladies and gentlemen, we know this bill makes sense. After all, we don't let children buy guns. We know that unless they are trained in gun safety, or under the supervision of an adult at a firing range, that children should not have unfettered access to guns, especially loaded guns. Twenty-seven states, including New Hampshire, Texas, Massachusetts, and Rhode Island, have taken action to prevent these types of tragedies by passing child access prevention measures. This bill before you has been modeled after a law enacted in 2001 in New Hampshire. I certainly hope that you all will join me in opposing this motion before us.

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

Senator **H. SANBORN:** Thank you, Mr. President. I rise just very briefly to say that after every tragedy that takes the lives of young people in our country we talk about how our thoughts and our prayers are with those who have been victims of gun violence. Thoughts and prayers are not enough. We were sent here to make policy that will protect our kids. This is a child access prevention law. Those types of laws, as my good friend just said, are on the books in such crazy places as Texas, Virginia, Florida, Kentucky, Oklahoma, Utah. I urge us, in this Body, to make a stand and to say that we will protect our kids at the most basic level by ensuring that they don't accidentally pick up a loaded gun that is stored out in the open at their home and shoot themselves or someone else so that we can stop talking about our thoughts and prayers and instead start talking about the ways in which we

have kept our kids safe. Please follow my light and vote red on the current motion.

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

Senator **CARSON:** Thank you, Mr. President Pro Tem. I rise in opposition to the pending motion, recognizing two things. One, it isn't often that standing and speaking on the Floor of the Senate actually changes votes but I hope today the voices of those of us who are speaking in opposition to this motion will have some effect. I also would like to offer that one of the most important tasks that we have as elected representatives of the people of Maine, if not the most important task, is to protect the lives and safeguard the health of our young, our vulnerable, our children. I would like to read two paragraphs from the lead sponsor's testimony, Representative Doudera of Camden, and ask you to listen carefully. She wrote in presenting this bill, 'Tragedies such as the death last August of an 8 year old Oakland boy who fatally shot himself while handling his father's shotgun in the family home while his mother and siblings were downstairs or the death in 2017 of a 5 year old girl from Belfast who took her father's loaded handgun out of a backpack and shot herself. These horrific accidents affect us all and, as many other states have recognized, they can be prevented by the safe storage of firearms.' Firearms are the second leading cause of death, the second leading cause of death, in children in the United States after motor vehicle crashes. In the decade ending 2016, more children died from gun injuries than of cancer. More kids dying from gunshot wounds than from cancer. Many of these deaths are the result of intentional gun violence, horrible I might add, but the heartbreaking truth is that some of them are preventable, such as the two that I referenced a moment ago, because they are accidents that happened to children in their own homes. Ladies and gentlemen of the Senate, it is no imposition, no imposition, on Second Amendment rights to ask that guns be stored safely, that they be locked in a lockbox, or that they have trigger safes, trigger locks, on them. It is no imposition on any of us or on any of our constituents to ask that children be kept safe from the scourge of deadly gun violence. I ask you, please, oppose the pending motion and let's enact a law that will help protect our children. Thank you.

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

Senator **CARPENTER:** Thank you, Mr. President. Men and women of the Senate, I'd like to think that I've devoted the last 15 years of my life to protecting children perhaps as passionately as anybody in the Chamber and I voted Ought Not to Pass on this bill. I thought you might like to hear why. Senator Carson just talked about the two tragedies that the sponsor spoke of. The only way this law would become effective would be after the fact, after those two tragedies, after those two children died. Then the State would come in and punish somebody who's already been punished beyond measure. So I thought about that a lot. We have no right to go into anybody's home and check them to see if they're complying with the law. You can't come into my home and do that sort of thing without a search warrant. So those are all issues and I became convinced, while I don't disagree with the statistics that have been cited here from the American Council of Pediatrics, I don't think this law would prevent those kinds of

tragedies. We would punish people after the fact, when we found out about it after the fact. Another issue, which is a small issue for me because I don't mind challenging precedent and I certainly don't mind challenging the federal government, is the Supreme Court in the famous Heller decision that's been mentioned on the Floor did find that a law requiring that a firearm be disabled was unconstitutional. So I don't know whether that's the same as this safe storage, locked, all that. The law under consideration in Heller was a D.C., District of Columbia, law which required that a gun be made inoperable and I'm not sure whether that's the same as this. But regardless, there is that concern out there. But more than that, I worry that we're trying to do something here that will make us feel good but wouldn't prevent the death or the harm to any child. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate, I just wanted to say a couple of things. Like all of you, we all care about our children in the state of Maine. We want to make sure they're protected. No one disagrees with that. I don't know about statistics that we've been hearing but I'm confident that Maine gun owners are very responsible and I think Maine responsible gun owners do secure and consider the children in their homes. I think it's something that we sometimes forget about and we forget that responsible gun owners, we kind of take them for granted but they're there, and most, as I say, most of the gun owners in Maine are that. Very responsible. They care about their kids. They care about all kids like we do. So I just wanted to maybe shed a little light on that aspect because often times Maine gun owners, and gun owners in general, get a bad rap and I think we're blessed in Maine to have the kind of responsible people that we have. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President Pro Tem. Men and women of the Senate, I thought the same thing as my colleague about the responsible gun owners but I sat through the hearings on this bill and I heard a couple of people, who feel that they're responsible gun owners, say that if their gun is not right where they are then it will not help them; that if it doesn't have bullets in it, it will not help them; that if it has a lock on it, it will not help them. Therefore, their responsibility is that they keep it loaded and locked and right near their bed or right near their kitchen, the places that they're at most, ready to go and that that's their responsibility. We have a lot more cases where kids get ahold of guns. My father could not hide his gun from me. I loved playing with it. I found it wherever he put it. I found his reloading gun powder and learned to make the most wonderful array of fireworks and explosives. It was a great time. His frustration was that he'd go to reload his shells and he'd have no gunpowder to do it with. So we had to work something out eventually. You cannot keep anything in the house from the kids. They just have lots of time. I had lots of time. I found stuff. It was fun. We would shoot 22s in the basement into the pillows. I got in trouble for ruining the pillows. I mean there's no end to what used to happen. I think some of that's been curtailed but children being killed by guns that they find in the home that are unlocked, that

has not been curtailed. One thing that can do it, that's part of this bill, is a gun lock. So when I heard what a responsible gun owner was saying about that responsibility, that this loaded gun was right near them and had no lock on it, that's when I thought this is not a good situation we have and we need to push this bill and we need to protect our children all the more. Thank you, folks.

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

Senator **CARPENTER:** Mr. President, pose a question through the Chair to my good friend from Knox County. Do you think that this law is going to change the behavior of the people who described accurately as testifying at the public hearing? I would suggest it's not. Thank you.

THE PRESIDENT PRO TEM: The Senator from Aroostook, Senator Carpenter, has posed a question through the Chair to whomever may care to answer, including the Senator from Knox, Senator Miramant. The Chair recognizes the Senator from Cumberland, Senator H. Sanborn.

Senator **H. SANBORN:** Thank you for letting me rise a second time. I rise just briefly to suggest that sometimes a Class C crime can be put on the books in order to change the way that we deal culturally with a certain issue that's hurting our kids and so in the 1960s my parents described crawling around the backseat of the car. Today we wouldn't be able to fathom the notion that kids would be allowed to crawl around in the backseat of a car, unbuckled, and unsecured in a childseat. We just wouldn't imagine it. It would be unconscionable. But there was a huge debate in the Maine Legislature when seatbelts were required and there was a lot of discussion about whether that would change anyone's behavior, whether it was enforceable, whether it should be enforceable. Yet, today I would guess that no one in this Chamber drove here without their seatbelt on, I would certainly hope not, and that their children are safely buckled in every time they're in a moving vehicle. We can change the way that people think about things through the policies that our government enacts and that is what this bill is about. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. President Pro Tem. In response, maybe a certain individual not but, as my colleague who just answered pointed out, it's a cultural change and after a period of time where we wake up to these mass murders all around or just an individual child getting a hold of a gun here in our state. We need to change that culture. We need to say responsible gun owners, a hunting culture, we accept that but we don't accept carelessness with guns, a careless attitude about them, or callousness towards our children's safety by the idea that something else is more important than that and not giving them a chance.

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

Senator **MILLETT:** Thank you, Mr. President Pro Tem. Forty-seven percent of youth suicides in Maine are with a firearm. That's relevant. Forty-seven percent of youth suicides in Maine

are with a firearm. We can take one small step today in reducing access to a dangerous weapon at a time when a youth is feeling hopeless; when perhaps, as we now know through brain science, the brains have not fully developed and don't have, perhaps, the best coping mechanisms, then this measure would have done its job. Thank you.

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

Senator **CHENETTE:** Thank you, Mr. President Pro Tem. I rise as a former member of the Criminal Justice and Public Safety Committee. It was suggested earlier on the Floor that we shouldn't have laws if it's just going to punish individuals after the fact. Having served on the Committee, I would throw out that many or most of our public safety laws do, in fact, punish individuals after the fact. Why have that speeding limit sign if we're just going to not have a law on the books? If somebody breaks the speed limit they are punished accordingly and, theoretically, are going to change their behavior or at least encourage other folks to change their behavior. We have a law on the books that you're not supposed to commit murder, Mr. President Pro Tem, and guess what, there are actually steps that are taken in court proceedings to punish individuals for doing so. So our public safety laws are there for a reason. They are there to protect individuals and that's what this can actually do. Thank you, Mr. President.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Deschambault.

Senator **DESCHAMBAULT:** I'd just like to respond to my fellow Senator from York. Yes, it is after the fact. This would only be a Class E for the same behavior we already have a Class C crime. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#267)

YEAS: Senators: BELLOWS, BLACK, CARPENTER, CLAXTON, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, JACKSON, KEIM, LUCHINI, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

NAYS: Senators: BREEN, CARSON, CHENETTE, CHIPMAN, GRATWICK, LAWRENCE, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT PRO TEM LIBBY

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **LIBBY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

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

ENACTORS

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

Emergency Resolve

Resolve, To Provide Sustainable Funding for Assisted Living Facilities

S.P. 623 L.D. 1839

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

Mandate

An Act To Address Dangerous Behavior in the Classroom
S.P. 425 L.D. 1370
(C "A" S-237)

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

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 27 Members of the Senate, with 7 Senators having voted in the negative, and 27 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tem, was presented by the Secretary to the Governor for approval.

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

ENACTORS

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

Acts

An Act To Feed Maine's Residents by Allowing Dairy Dealers and Producers in the State To Donate Fresh Milk to Food Banks in the State

H.P. 216 L.D. 292
(C "A" H-516)

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Clarify Certain Standards for the Efficiency Maine Trust's Triennial Plan"

H.P. 1251 L.D. 1757

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-539)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-539)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-539) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide for the Merger of Hospital Administrative District No. 4 into MRH Corp., a Maine Nonprofit, Nonstock Private Corporation" (EMERGENCY)

H.P. 1220 L.D. 1708

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-537)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-537)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-537) **READ** and **ADOPTED**, in concurrence.

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

An Act To Collect Data Regarding How Payment Is Made for Collection of Signatures for Direct Initiatives and People's Veto Referendums

S.P. 164 L.D. 499
(C "A" S-232)

An Act To Establish the Permanent Commission on the Status of Racial, Indigenous and Maine Tribal Populations

H.P. 582 L.D. 777
(C "A" H-493)

An Act Regarding Recording of Witness Interviews

H.P. 589 L.D. 801

An Act To Provide the Same Retirement Benefits for State Employees Working as Emergency Communications Specialists as Are Provided to Law Enforcement Officers

H.P. 607 L.D. 833
(C "A" H-496)

An Act To Establish a Green New Deal for Maine

H.P. 924 L.D. 1282
(H "A" H-460 to C "A" H-413)

An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines

H.P. 985 L.D. 1363
(C "A" H-437; H "A" H-504)

An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines

H.P. 1004 L.D. 1383
(C "A" H-435)

An Act To Amend the Laws Governing the Collective Bargaining Rights of Employees of School Management and Leadership Centers

H.P. 1025 L.D. 1412
(C "A" H-494)

An Act To Create an Automatic Voter Registration System

H.P. 1070 L.D. 1463
(C "A" H-458)

An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment

H.P. 1071 L.D. 1464
(C "A" H-477)

An Act Concerning Nondisclosure Agreements in Employment

H.P. 1112 L.D. 1529
(C "A" H-448)

An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence

H.P. 1200 L.D. 1676
(C "A" H-512)

An Act To Amend the Maine Emergency Medical Services Act of 1982 and Related Provisions

S.P. 573 L.D. 1724
(C "A" S-234)

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

An Act Regarding Kindergarten Readiness for Children Who Are Deaf and Hard of Hearing

S.P. 204 L.D. 642
(C "A" S-243)

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

An Act To Attract and Retain Firefighters

S.P. 293 L.D. 1014
(C "A" S-242)

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

An Act To Require Education about African-American History and the History of Genocide

S.P. 310 L.D. 1050
(H "B" H-520 to C "A" S-147)

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

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General

H.P. 872 L.D. 1208
(C "A" H-498)

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

An Act To Expand the Value of the Homestead Exemption to \$25,000 and State Reimbursement to 70 Percent of Lost Property Tax Revenue

H.P. 895 L.D. 1234
(C "A" H-482)

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

An Act To Amend the General Assistance Laws Governing Reimbursement

H.P. 1018 L.D. 1403
(C "A" H-514)

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

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

S.P. 472 L.D. 1523
(C "A" S-240)

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

An Act To Improve and Modernize Home-based Care

H.P. 1191 L.D. 1655
(C "A" H-524)

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

An Act To Exempt Purchases by Pet Food Pantries from Sales Tax

S.P. 567 L.D. 1718
(C "A" S-241)

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

An Act Authorizing the Issuance on Request of Acquired Brain Injury Identification Cards

H.P. 50 L.D. 49
(C "A" H-519)

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

An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles

H.P. 871 L.D. 1207
(C "A" H-497)

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

Resolves

Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

H.P. 937 L.D. 1294

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

Resolve, To Establish the Work Group To Study the Use of Body Cameras by Law Enforcement Officers

S.P. 198 L.D. 636
(C "A" S-236)

On motion by Senator **VITELLI** of Sagadahoc, placed on the **SPECIAL STUDY TABLE** pending **FINAL PASSAGE**, in concurrence.

Resolve, Requiring the Department of Health and Human Services To Examine Options for Upper Payment Limit Adjustments for MaineCare Services

H.P. 1309 L.D. 1838

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

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

COMMUNICATIONS

The Following Communication: S.C. 583

STATE OF MAINE ONE HUNDRED AND TWENTY-NINTH LEGISLATURE COMMITTEE ON LABOR AND HOUSING

June 7, 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 Labor and Housing has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1211 An Act To Protect Farm Workers by Allowing Them To Organize for the Purpose of Collective Bargaining

This is notification of the Committee's action.

Sincerely,

S/Sen. Shenna Bellows
Senate Chair

S/Rep. Mike A. Sylvester
House Chair

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

The Following Communication: S.C. 584

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

June 6, 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 Labor and Housing has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 1339 An Act To Recalculate Retirement Benefits for Certain State Employees Adversely Affected by Merit Pay Freezes

This is notification of the Committee's action.

Sincerely,

S/Sen. Shenna Bellows
Senate Chair

S/Rep. Mike A. Sylvester
House Chair

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Abuse and Isolation of Older and Dependent Adults"

H.P. 910 L.D. 1249

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-546)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-546)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-546) **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 Authorize the Commissioner of Corrections To Designate Additional Employees of the Department of Corrections To Collect Biological Samples"

H.P. 1202 L.D. 1678

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-547)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-547)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-547) **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 Regarding Medical Marijuana"

H.P. 1236 L.D. 1738

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-545)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-545)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-545) **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 **JUDICIARY** on Bill "An Act To Ensure That Defendants in Foreclosure Proceedings Receive Proper Notification"

H.P. 671 L.D. 907

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-543)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-543)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-543) **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 **JUDICIARY** on Bill "An Act To Enhance the Long-term Stability of Certain At-risk Youth" (EMERGENCY)

H.P. 1155 L.D. 1596

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-544)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-544)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-544) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

On motion by Senator **JACKSON** of Aroostook, **ADJOURNED** until Wednesday, June 12, 2019 at 10:00 in the morning.