

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

In Senate Chamber
Tuesday
April 17, 2018

Senate called to order by President Pro Tempore Brian D.
Langley of Hancock County.

Prayer by Reverend Dr. Richard Allen Hyde, First Congregational
Church of Gray.

REVEREND HYDE: Let us pray. Almighty and everlasting God,
called or uncalled, You are always with us. You created us in
Your image and brought us to this wondrous new world, to the
great State of Maine. Whether we or our ancestors walked,
sailed, rode, drove, or flew, we are here to serve You, the Lord
and giver of life. May we, today, speak clearly, listen
empathically, and act wisely. With a good conscience our only
sure reward, with history the final judge of our deeds, let us lead
this land and state we love asking Your blessing and Your help,
knowing that here on earth Your work must truly be our own.
Amen.

Pledge of Allegiance led by Senator Troy D. Jackson of
Aroostook County.

Reading of the Journal of Friday, April 13, 2018.

Doctor of the day, Noah Nesin, M.D., of Glenburn.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **CRIMINAL
JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the
Practice of Female Genital Mutilation of a Minor"
S.P. 732 L.D. 1904
(S "A" S-454)

Report "A" - **Ought to Pass** (8 members)

Report "B" - **Ought Not to Pass** (3 members)

Report "C" - **Ought to Pass as Amended by Committee
Amendment "A" (S-446)** (2 members)

In Senate, April 11, 2018, Report "A" **OUGHT TO PASS READ
and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS
AMENDED BY SENATE AMENDMENT "A" (S-454)**.

Comes from the House, Report "C" **OUGHT TO PASS AS
AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT
"A" (S-446) AS AMENDED BY HOUSE AMENDMENT "C" (H-
755)** thereto **AND SENATE AMENDMENT "A" (S-454)** in **NON-
CONCURRENCE**.

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

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

WHEREAS, the Legislature has learned with deep regret of the
death of:

Curtis R. Prime, of Augusta. In 1975, Mr. Prime purchased the
family dairy farm and was a dairy farmer for the next 21 years.
He was a past president of the Maine and New England Brown
Swiss Associations and served as a director of the National
Brown Swiss Association. He was the chair of the 1980 National
Brown Swiss Convention and twice served as the chair of the
National Brown Swiss Sale. He was a past president of the
Maine Livestock Exhibitors Association and a vice-president of
the Northeast Livestock Expo. He also was a member of the
Windsor Fair since 1968, where he was a trustee for 19 years and
the livestock superintendent since 1985. In 2006, he was chosen
as a member of the Agricultural Hall of Fame and, in 2011,
received the Maine Distinguished Dairy Cattle Breeder Award.
Mr. Prime will be long remembered and sadly missed by his wife
of 50 years, Linda, and by his family and friends;
SLS 840

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: BRADSTREET of Vassalboro,
DOORE of Augusta, POULIOT of Augusta.

The Joint Resolution was **READ**.

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

Senator **KATZ:** Thank you, Mr. President and men and women of
the Senate. If you grew up in Augusta chances are you knew the
Prime family. They were the face of farming here in Augusta.
Everybody knew his parents, Ralph and Rosa, and if you were
involved in Republican politics you really knew Rosa because she
volunteered at all levels throughout her life, and they raised three
great children: Ralph, Evan, and Rebecca. When I think about
Curtis I think of hard work. For Curtis it was a way of life. That
family dairy farm and that herd of Brown Swiss cattle were just an
institution in this town for the better part of, I guess, probably a
century. He and his wife of 50 years, Linda, raised their own

family here: Dana, Carol, and Jen, and have 12 grandchildren. I think that every kid in Augusta, whether you were in 4-H or not, made your way to the Prime farm and were shown what it was like to - how a real dairy farm worked. That life was hardly a 9 to 5 job but Curtis, as you've heard, gave back to the community in his farming in such a big way. All those offices you just heard about, past President of this, Director of that, Vice President of the Northeast Livestock Expo, but I think one of his true loves was the Windsor Fair. As you've heard, he was a member since 1968 and a trustee for 19 years and also the livestock superintendent for decades at the Windsor Fair. Nothing was more important to Curtis, Mr. President, than his family, but I think his fair family came in second place for sure. In 2006, Curtis was actually named to the Agricultural Hall of Fame and received many other awards. Mr. President, we're honored to be joined by many members of the Prime family here today and when I go home tonight, whatever hour that may be, I'm going to drink a beer and I'm going to raise my beer and say, 'Here's to Curtis Prime, a working man,' because that's what he was. It was an honor to know him. Thank you, Mr. President.

The Joint Resolution was **ADOPTED**.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize the family and friends of Curtis Prime. If they would stand and accept the condolences of the Maine State Senate.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Kennebec, Senator Katz. The Chair is in error. The Chair would continue to recognize the Senator from Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. The Chair was not in error and I don't know what it is about today but there are a couple of people who are here that I felt would be - that the Senate should really want to meet. I apologize. These are coming - all this is coming on the same day. But I think most of us know Gary Crocker and Gary brought to my attention the presence in our community of a very special person and I know that Senator Bellows has been involved in this woman's life as well. Let me just tell you a little bit, if I can, about this extraordinary woman from Thailand, Nattamon and her last name is Dumont now. Nattamon was born in 1971. Her mother died at a very early age. She was raised by relatives. Was one of only a couple of kids in her family to ever go to high school and one of two, I think, to go onto college. While she - after graduation she attended a dentistry university in Thailand. Worked there for many years and the schedule she worked, I think, should be reminiscent of about what her real work ethic was. A typical work week for a hygienist there was 12 hours a day Tuesday through Friday and 10 hours a day on Saturday and Sunday. Of course she did get Monday off. Natt decided she wanted to spread her wings a little bit and learn how to speak English and in 2010 she went through the visa process to come to the United States to visit, and actually that was following the fact that she'd met a fellow named Tom Dumont. Tom had been over in - visiting Thailand. I'm not quite sure how they met, but Nattamon came to the United States for the summer and went on a great tour of the

country, ended up here in Maine to meet Tom's family. In 2011, she applied for a fiancé visa, went through that entire process, and was finally able to stay here. She found, by the way, for those of us who are interested, the Maine Board of Dental Practice very helpful in helping translate her dentistry skill in Thailand into a certificate in Maine. Natt has gone on to do other things. She holds three jobs at this point: working at Black-Eyed Susan's in a greenhouse, working at the spa at the Senator Inn, and also - I think many of you have been up to the Sweet Chili restaurant up at the airport, she works up there. A real - I think a real inspiration for us. Just the kind of person who has the American Dream, that we should be proud to have in the State of Maine. So she's now married to Tom, and the best part is that on Wednesday, April 11th, Natt became a U.S. citizen. So it's an honor to welcome her and some of her friends here today and I hope that at some point you get a chance to say hello. Thank you, Mr. President.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Protect Privacy of Online Customer Personal Information"
 S.P. 566 L.D. 1610
 (C "A" S-453)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-453)** (7 members)

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

In Senate, April 12, 2018, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-453) IN NON-CONCURRENCE**.

Senator **WOODSOME** of York moved the Senate **INSIST**.

Senator **LIBBY** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **BELLOWS:** Thank you, Mr. President. I have - I rise in support of the pending motion and I encourage - many of you may have read the Kennebec Journal opinion editorial this weekend saying because Congress has not acted we must. We have a unique opportunity in a very narrow way to protect the privacy of every internet user in this state. As a reminder, what this bill does is it says that any internet service provider that takes public taxpayer dollars must comply with privacy of their users and must not sell or share their data without permission. In the

other Body the Ought to Pass was a bi-partisan motion, bringing people together from all sides. I hope we will follow their light and we will move - that you will vote green on the pending motion.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of the pending motion. Just to clarify, while I certainly respect that information that we may present on social media is our information, this does nothing to effect the large social media platforms. This only affects the ISPs that would be receiving ConnectME money or doing business with the State. So it is somewhat inaccurate to say we're going to protect the information of all Mainers. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President Pro Tem. Members of the Senate, I get some e-mails about this bill and I just wanted to correct a couple of things that some folks were believing was happening. One of them was that there are already protections, federally, for this. There were until the most recent bill went into effect. There were protections that made people pretty comfortable with the system that we had in place. Unfortunately, the system was changed. I'm not sure at what level the work began on that because it seemed like it was working and that the ISPs were supporting it and I just wanted to clear that up. Thank you.

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

Senator **BRAKEY:** I'll just speak very quickly. Thank you, Mr. President. In opposition to the motion. Again, you know, we had a lot of this discussion the other day, but 70% of anything people do while browsing the internet anyways through encrypted websites where ISPs don't have access to what you're doing on those websites because of the encryption. So your ISPs don't have access to your e-mails. They don't have access to what you're looking at on various websites because those websites are encrypted. I'm concerned that this legislation would result in a - in just costly compliance that could make it more difficult for people to do business here in Maine and I think that would be a very unfortunate and sad unintended consequence.

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

Senator **BELLOWS:** I apologize for rising a second time, but I do want the record to reflect that internet service providers do, in fact, have access to the contents of your e-mails and to your web browser search. I'll quote Fletcher Kittridge of GWI, who owns, he's the CEO of an internet service provider that is in support of this motion. "Your ISP can look at your traffic and discover the most intimate details of your life and selling that information will ultimately be more valuable than selling the internet connection, which is something Libertarians and Civil Libertarians ought to worry about, especially as the government and hackers will ultimately have access to it. When you allow user information to

be up for sale for the highest bidder there is no control and while it is correct some people may encrypt their traffic, they may be able to find ways to do that." In my district, my constituents expect that their e-mails are private. They don't even know that ISPs now have the ability to sell or share this information. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen, I do want to correct my fore-statement. Earlier I had indicated support for this motion. I was looking at my calendar, not the board. So I do not support the pending motion.

THE PRESIDENT PRO TEMPORE: A roll call has been ordered. The pending question before the Senate is if you are in favor of Recede and Concur you will be voting yes. If you are opposed to the motion you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#628)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **LIBBY** of Androscoggin to **RECEDE** and **CONCUR FAILED**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Promote Prescription Drug Price Transparency" S.P. 484 L.D. 1406 (C "B" S-452)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-451)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-452)** (6 members)

In Senate, April 12, 2018, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-452)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-451)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Joint Resolution

Joint Resolution in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Jeffrey Cole, of Kennebunk. The longtime president of the Cole Harrison Agency, in Kennebunk, Mr. Cole had joined the family firm in 1980, becoming the fifth generation to work for the firm. Active in his community, Mr. Cole was a member and served as a trustee of South Congregational Church, in Kennebunkport; was a longtime member of both the Kennebunkport Volunteer Fire Department and Kennebunk Fire Rescue; served as a Regional School Unit 21 board member; served on the board of the Kennebunk Free Library; was a longtime member of the Arundel Yacht Club and the Kennebunk Fire Society; volunteered in many youth programs as his children grew up in Kennebunk; and served on the board of directors for the Brick Store Museum and Youth Education In Sports Foundation. Mr. Cole and his wife, Kim, founded the Kennebunk Beach Triathlon Club. Mr. Cole enjoyed training for marathons and triathlons, as well as hunting and fishing. Mr. Cole will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

HLS 1149

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

The Joint Resolution was **READ**.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from York, Senator Collins.

Senator **COLLINS:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I just want to touch briefly on the life and times of Jeff Cole. He was one of those individuals that makes up the fabric of a community. Always involved. Staying on top of the issues that affected his hometown. Always and always was a spoken advocate for - an outspoken advocate for education. He believed in community based youth programs. Started them, was involved in them all the time, volunteering

hundreds and hundreds of hours of his personal time to making Kennebunk a better community and a community that it is today. My regrets are that he just left us way too young. Complications of cancer and other issues affected his health and, unfortunately, left us too soon. Thank you, ladies and gentlemen.

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

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

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I, again, thank you for your forbearance this morning. I just want to read something to you, if I could. 'You are allowed to dispute and debate, but the one thing we must not do, we must not spread hate. This speaking out can be beautiful but it also can be destructive. So I ask you, not as a member of any political party nor as a supporter or fighter for any controversial issue but as a fellow American, a fellow human being, please have respect for one another. Do not get so wrapped up in what you are fighting against that you become just as wrong or violent as what you think you are opposing because, truly, we all have the same enemies. They are not Trump supporters or Hillary supporters. They are not Liberals or Conservatives. They aren't defined by these polarized ideas, race, gender, sexual orientation, religious beliefs, or anything else in between. They are hate. They are disrespect.' Before you go thanking me for my eloquence, Mr. President, I want to tell you that those words were written by a 16 year old high school student whose name is Allison Rickert. It's part of a longer Facebook post that she wrote, a copy of which is on everybody's desk this morning. Allison's mother was on Facebook and got engaged in saying something about President Trump. I won't tell you whether it was in favor of President Trump or in opposition to President Trump, but she stated her honest beliefs and got a lot of hateful responses and her daughter, her 16 year old daughter, felt compelled to write this and post it. I just thought it was so eloquent and I'm not reading the whole thing, obviously, but I think we will all do well to read it and we asked Allison and her Mom and her aunt and her sister to come here today. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Allison Rickert and members of her family: her mother, her sister, and her aunt. If they would all please rise and accept the greetings of the Maine Senate.

Joint Resolutions in Memoriam:

WHEREAS, the Legislature has learned with deep regret of the death of:

Susan Mitchell, of Sidney. Ms. Mitchell was born in Waterville and graduated from Waterville High School and received a degree in paralegal studies from Beal College. Her wide and varied career began with working for the law firm of Doyle & Nelson, after which she became a lobbyist, an active participant in the state and national political process and a veteran campaign worker, including supporting Terry Sanford's campaign for President. Ms. Mitchell also served as political director for MSEA-SEIU Local 1989, and for the past several years she was external affairs coordinator for Maine Maritime Academy. She was a well-known figure at the Maine State House. Ms. Mitchell will be long remembered and sadly missed by her family, friends and all those whose lives she touched;

SLS 715

Sponsored by Senator KATZ of Kennebec.
 Cosponsored by Senators: BELLOWES of Kennebec, BRAKEY of Androscoggin, BREEN of Cumberland, CARPENTER of Aroostook, CARSON of Cumberland, CHENETTE of York, CHIPMAN of Cumberland, COLLINS of York, CUSHING of Penobscot, CYRWAY of Kennebec, DAVIS of Piscataquis, DESCHAMBAULT of York, DIAMOND of Cumberland, DILL of Penobscot, DION of Cumberland, DOW of Lincoln, GRATWICK of Penobscot, HAMPER of Oxford, HILL of York, JACKSON of Aroostook, KEIM of Oxford, LANGLEY of Hancock, LIBBY of Androscoggin, MAKER of Washington, MASON of Androscoggin, MILLETT of Cumberland, MIRAMANT of Knox, ROSEN of Hancock, SAVIELLO of Franklin, President THIBODEAU of Waldo, VITELLI of Sagadahoc, VOLK of Cumberland, WHITTEMORE of Somerset, WOODSOME of York,
 Representatives: ACKLEY of Monmouth, ALLEY of Beals, AUSTIN of Skowhegan, AUSTIN of Gray, BABBIDGE of Kennebunk, BAILEY of Saco, BATES of Westbrook, BATTLE of South Portland, BEAR of the Houlton Band of Maliseet Indians, BEEBE-CENTER of Rockland, BERRY of Bowdoinham, BICKFORD of Auburn, BLACK of Wilton, BLUME of York, BRADSTREET of Vassalboro, BROOKS of Lewiston, BRYANT of Windham, CAMPBELL of Orrington, CARDONE of Bangor, CASÁS of Rockport, CEBRA of Naples, CHACE of Durham, CHAPMAN of Brooksville, COLLINGS of Portland, COOPER of Yarmouth, COREY of Windham, CRAIG of Brewer, DANA of the Passamaquoddy Tribe, DAUGHTRY of Brunswick, DeCHANT of Bath, DENNO of Cumberland, DEVIN of Newcastle, DILLINGHAM of Oxford, DOORE of Augusta, DUCHESNE of Hudson, DUNPHY of Old Town, ESPLING of New Gloucester, FARNSWORTH of Portland, FARRIN of Norridgewock, FAY of Raymond, FECTEAU of Biddeford, FOLEY of Wells, FREDETTE of Newport, FREY of Bangor, FULLER of Lewiston, GATTINE of Westbrook, GERRISH of Lebanon, Speaker GIDEON of Freeport, GILLWAY of Searsport, GINZLER of Bridgton, GOLDEN of Lewiston, GRANT of Gardiner, GRIGNON of Athens, GROHMAN of Biddeford, GUERIN of Glenburn, HAGGAN of Hampden, HAMANN of South Portland, HANDY of Lewiston, HANINGTON of Lincoln, HANLEY of Pittston, HARLOW of Portland, HARRINGTON of Sanford, HARVELL of Farmington, HAWKE of Boothbay Harbor, HEAD of Bethel, HERBIG of Belfast, HERRICK of Paris, HICKMAN of Winthrop, HIGGINS of Dover-Foxcroft, HILLIARD of Belgrade, HOGAN of Old Orchard Beach, HUBBELL of Bar Harbor, HYMANSON of York, JOHANSEN of Monticello, JORGENSEN of Portland, KINNEY of Limington, KINNEY of Knox, KORNFIELD of Bangor, KUMIEGA of Deer Isle, LAWRENCE of Eliot, LOCKMAN of Amherst, LONGSTAFF of

Waterville, LUCHINI of Ellsworth, LYFORD of Eddington, MADIGAN of Waterville, MADIGAN of Rumford, MALABY of Hancock, MAREAN of Hollis, MARTIN of Eagle Lake, MARTIN of Sinclair, MASON of Lisbon, MASON of Lisbon, MASTRACCIO of Sanford, McCREA of Fort Fairfield, McCREIGHT of Harpswell, McELWEE of Caribou, McLEAN of Gorham, MELARAGNO of Auburn, MONAGHAN of Cape Elizabeth, MOONEN of Portland, NADEAU of Winslow, O'CONNOR of Berwick, O'NEIL of Saco, ORDWAY of Standish, PARKER of South Berwick, PARRY of Arundel, PERKINS of Oakland, PERRY of Calais, PICCHIOTTI of Fairfield, PICKETT of Dixfield, PIERCE of Dresden, PIERCE of Falmouth, POULIOT of Augusta, PRESCOTT of Waterboro, RECKITT of South Portland, REED of Carmel, RILEY of Jay, RYKERSON of Kittery, SAMPSON of Alfred, SANBORN of Portland, SANDERSON of Chelsea, SCHNECK of Bangor, SEAVEY of Kennebunkport, SHEATS of Auburn, SHERMAN of Hodgdon, SIMMONS of Waldoboro, SIROCKI of Scarborough, SKOLFIELD of Weld, SPEAR of South Thomaston, STANLEY of Medway, STEARNS of Guilford, STETKIS of Canaan, STEWART of Presque Isle, STROM of Pittsfield, SUTTON of Warren, SYLVESTER of Portland, TALBOT ROSS of Portland, TEPLER of Topsham, TERRY of Gorham, THERIAULT of China, TIMBERLAKE of Turner, TIPPING of Orono, TUCKER of Brunswick, TUELL of East Machias, TURNER of Burlington, VACHON of Scarborough, WADSWORTH of Hiram, WALLACE of Dexter, WARD of Dedham, WARREN of Hallowell, WHITE of Washburn, WINSOR of Norway, WOOD of Greene, ZEIGLER of Montville.

The Joint Resolution was **READ**.

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

Senator **KATZ:** Thank you, Mr. President and men and women of the Senate. I think it's great that there are so many members of the Mitchell family here with us this morning because this Legislature is in many ways, as many of us say, a big family and it extends not just to our colleagues in the Senate but to other people in this building. On February 8th we lost a member of that family and this place hasn't been the same since. Susan Mitchell was born in Waterville. Her father, John, was well-known - is well-known to all of us who cared about basketball. His nickname was 'Swisher'. It was that for a reason. He was maybe the best point guard ever in the state and went on to serve as Assistant Coach at Colby for four years. Swisher is - was Susan's Dad. Susan's long-time companion, Bob Asselin, is another member of this Legislative family, well-known to all of us, who worked security here for several years. You can now find him doing the same at the court house in Augusta. Susan worked for Doyle & Nelson as a lobbyist, active participation in State and local politics. Most of us knew her in her last job, as External Affairs Coordinator for the Maine Maritime Academy. Mostly I think we'll remember her not for what she did around here but how she did it. When you saw Susan coming, I almost had conflicted feelings when I saw Susan coming because I knew that I was going to get passionately lobbied about Maine Maritime Academy. But I also knew that I would be met with a warm smile and genuine friendship. I think Susan was one of those rare people who I always felt better after I talked to her and this place is certainly poorer for her absence. We all miss Susan Mitchell. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Senator Katz captured Susan Mitchell so well. I just wanted to add that when I first met Susan she was working at MSEA-SEIU where she was the Political Director for many years. Passionate, ardent advocate on behalf of State workers and so smart. Then, of course, when I entered this Body, she was Maine Maritime Academy's advocate and my uncle worked at Maine Maritime Academy, my cousin graduated from Maine Maritime Academy, and I have another family member who's there currently as a student, and Susan was so beloved at Maine Maritime Academy by the staff and executives there, so well-known, and such an effective voice. So my condolences to Bob, to Susan's family, and she will be long remembered and very much missed.

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

Senator **MILLETT:** Thank you, Mr. President. I had the pleasure of getting to know Susan Mitchell through her work as the Maine Maritime Academy lobbyist and there is a noticeable hole in the Education Committee without her. Sue lit up any room, any meeting, and any of our days when she was in our presence. Her upbeat and positive attitude was the perfect antidote to tough legislative days. Her dedication to her job and her professionalism was a model for us all and I miss our chats which always ended with us smiling and laughing. I miss her terribly. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, just wanted to rise and give my condolences. Sue Mitchell was someone that I knew originally as the lobbyist for the State Employees' Association. Her and her partner, who I found out from having a dinner with him one time was one of those highly paid representatives from New Hampshire, which I wouldn't have got to know if I hadn't have met Sue, but just a really, really great woman that legitimately liked to see you. I know that because the time that I wasn't in this Body when I'd seen her she had the very same reaction, wanted to hug you, wanted to say hi, see how you was doing, catch up and, like everyone else said, it's a tremendous loss for the family, a tremendous loss for the institution and, you know, will legitimately will miss seeing her in the halls here. You know, we don't have enough Sue Mitchell's in this state, in this world and, to Bob and the family, once again I'm really, really sorry for the loss.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, many of you know that my son is - has cerebral palsy. He's in a wheelchair and he's a very special boy and years ago I started fundraising for the Pine Tree Camps online so that he and his friends could go to camp in the summertime and right off the bat Susan Mitchell was the first donor the first time I started

raising money for the camp, and it was a big donation. I was blown away. Ever since that time she had always asked how Jude was doing. I don't know if we ever got a chance to introduce Sue to Jude, but she was so full of love and compassion and empathy, and that really stuck with me and meant a lot to my family. So I will definitely continue to miss Sue Mitchell. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Androscoggin, Senator Mason.

Senator **MASON:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, Susan Mitchell was just what everybody on the floor has said today. Just a kind, warm personality. Never really had an agenda except for that of Maine Maritime Academy. But always was just there to - just to give you a smile and in my case she always wanted to give me a hug and I wanted to share one story at my own, you know, deprecation, I guess. Susan Mitchell always loved to comment on however I was wearing my hair at a particular time over my legislative service, and I can't imagine why. But every time I got my hair cut or styled in a different way she'd have something to say about it and a few years ago she started calling me Elvis. I finally had to ask her why. She goes, 'Well, your hair looks just so good slicked back like that, I can't help but call you Elvis.' So that's how I will always remember her and she always put a smile on my face and last year when my Mom got elected to the House my Mom got to know Susan very well and they ended up always sitting right over there, right near the door, together waiting for me to get done with whatever I was doing just to say hello. She always kept my Mom company when she was in the Senate Chamber and I'll always be thankful for that. So I'd like to think that they are sitting together today, maybe waiting for me. So with that, my condolences and she will truly be missed around here.

The Joint Resolution was **ADOPTED.**

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair would like to recognize in the rear of the Chamber the family and friends of Susan Mitchell. Would they rise and accept the heartfelt condolences of this august Body.

Senate at Ease.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Rule

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Resolve, To Continue a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)
H.P. 1346 L.D. 1907

Reported that the same **Ought to Pass**, pursuant to Joint Rule 353.

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

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

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

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Access to Appropriate Residential Services for Individuals Being Discharged from Psychiatric Hospitalization"
H.P. 796 L.D. 1133

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-760)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-760)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-760) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts
H.P. 1337 L.D. 1899

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-761)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.

Report **READ**.

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

The Committee on **JUDICIARY** on Bill "An Act To Recodify and Revise the Maine Probate Code"

H.P. 91 L.D. 123

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-762)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-762)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-762) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enhance and Increase the Availability of Mental Health Providers in Maine" (EMERGENCY)

H.P. 1311 L.D. 1879

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-759)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-759)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-759) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Enhance the Operations of the Telecommunications Relay Services Advisory Council"
H.P. 1305 L.D. 1872

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-758)**.

Signed:

Senators:

WOODSOME of York
CUSHING of Penobscot
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Representative:

WADSWORTH of Hiram

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-758)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-758) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Implement the Recommendations of the Working Group To Improve the Provision of Indigent Legal Services Concerning the Membership of the Maine Commission on Indigent Legal Services" (EMERGENCY)

H.P. 1259 L.D. 1817

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-756)**.

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Representative:

CARDONE of Bangor

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-756)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-756) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Regarding Financial Orders Requested by the Attorney General"
H.P. 1308 L.D. 1876

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-763)**.

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

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-763)**.

Reports **READ**.

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

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

Senator **CARSON:** Thank you, Mr. President Pro Tem. I rise to speak in opposition to the pending motion. I simply would like members of this Body to know that I have a constituent, a highly qualified attorney, who actually went back to law school after other training, was in private practice in Brunswick for a while, and who was offered, some months ago, four or five months ago, a position with the Kennebec County District Attorney's Office. She's anxious to go to work. She's anxious to do that job with the Kennebec County District Attorney's Office. She is unable to move into that job because her Chief Executive has refused to sign off on the proper paperwork even though the Kennebec County District Attorney offered her the job and she accepted it. I don't think this is appropriate and I urge you, please, to reject the pending motion and let's get - let's put people to work without having unnecessary paperwork hold-ups. Thank you.

THE PRESIDENT PRO TEMPORE: Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#629)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, MAKER, MASON, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE LANGLEY

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-763) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enact the Maine Fair Chance Employment Act" H.P. 1079 L.D. 1566

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-705)**.

Signed:

Senators:

VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland
VACHON of Scarborough

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

Signed:

Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

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-705) AS AMENDED BY HOUSE AMENDMENT "A" (H-750)** thereto.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-705) **READ**.

House Amendment "A" (H-750) to Committee Amendment "A" (H-705) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-705) as Amended by House Amendment "A" (H-750) thereto **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-705) AS AMENDED BY HOUSE AMENDMENT "A" (H-750)** thereto, in concurrence.

Divided Report

Seven members of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy"
H.P. 640 L.D. 912

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-745)**.

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

Two members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-746)**.

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-747)**.

Signed:

Representatives:

AUSTIN of Gray
VACHON of Scarborough

Two members of the same Committee on the same subject reported in Report "D" that the same **Ought Not to Pass**.

Signed:

Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**.

Reports **READ**.

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

Senate

Ought to Pass As Amended

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Career and Technical Education Statutes"

S.P. 696 L.D. 1843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-466)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-466) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Respectful Language" (EMERGENCY)
S.P. 714 L.D. 1871

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-463)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-463) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Economic Competitiveness in Maine by Extending the End Date for Pine Tree Development Zone Benefits"
S.P. 611 L.D. 1654

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-472)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-472) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Recognize the 100th Anniversary of the American Legion on the Capitol Grounds
S.P. 731 L.D. 1901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-462)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-462) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

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

The Senate was called to order by the President.

ORDERS OF THE DAY

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

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Practice of Female Genital Mutilation of a Minor"
S.P. 732 L.D. 1904
(S "A" S-454)

Report **"A" - Ought to Pass** (8 members)

Report **"B" - Ought Not to Pass** (3 members)

Report **"C" - Ought to Pass as Amended by Committee Amendment "A" (S-446)** (2 members)

Tabled - April 17, 2018 by Senator **MASON** of Androscoggin
Pending - **FURTHER CONSIDERATION**

(In Senate, April 11, 2018, Report **"A" OUGHT TO PASS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-454)**.)

(In House, Report **"C" OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-446) AS AMENDED BY HOUSE AMENDMENT "C" (H-755)** thereto **AND SENATE AMENDMENT "A" (S-454) in NON-CONCURRENCE**.)

Senator **ROSEN** of Hancock moved the Senate **ADHERE**.

Senator **LIBBY** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **VITELLI**: Thank you, Mr. President. Men and women of the Senate, I rise in support of the motion to Recede and Concur. Female genital mutilation is a horrible act. We've had a bill before us now for the second year in a row to address this issue. I would say that the Committee and the House have worked diligently to come up with an approach that will work to deter this practice in Maine. If we are serious about getting a law in place to address female genital mutilation I urge you to support the Recede and Concur motion. Thank you.

THE PRESIDENT: The Chair would remind folks that it is not okay to reference the actions of another, of the other Body. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY**: Thank you, Mr. President. Ladies and gentlemen of the Senate, we did work hard in the Criminal Justice on this bill and we tried to come up with a good solution. We broke it all down and this amendment actually took two pieces away. One is defining mutilation and the other piece is taking the consent piece away, where if a parent consents to the act and allows that child to be taken outside of the state and mutilated that they are not held responsible. So this amendment does nothing. So I urge you to vote against this motion.

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

Senator **DIAMOND**: Thank you, Mr. President and ladies and gentlemen of the Senate. Let me say that this is - I oppose the motion to Recede and Concur, and let me say that this is a very difficult issue for people on both sides. It's very difficult. It's difficult for the Committee. It's difficult for people who testified. I fully respect both sides. The concerns, I think, are genuine and I think are sincere, but I happen to be on my own side and I really believe that we need to not agree to the Minority Report because, as you've heard, it has some things left out of it, in my opinion very important things. In 2004, when I was first appointed to the Criminal Justice and Public Safety Committee as a Senate Chair, I just got tossed into all sorts of things regarding child sexual abuse. I didn't plan on that. I didn't ask for that. That's just what goes with the job. I found, during that next eight years, that it was a very, very difficult learning curve if you're not used to seeing those kinds of things and learning about how children are abused, in many cases who were tortured, and the number, the quantity, of that abuse. During that time we certainly got involved. We rewrote the sex offender registration laws. We brought in the federal act, the Adam Walsh Act. We brought that in. Had a chance to work with the computer crime unit, seeing first hand on site arrests what was going on with these kids, online as victims and elsewhere. All of that exposure doesn't make me any smarter than you. It doesn't make me care more than you. It simply gave me an in-depth view of what was really going on out there, in this state and this country and this world, with this type of abuse. All types of abuse. FGM is, in my opinion, a perfect example of little girls being tortured and assaulted. There's no getting around it. I cannot get by that. That's my problem. It's my issue. I'm compelled to do everything I possibly can, vote every time I can. Someone mentioned to me a year ago that I've sponsored and co-sponsored over 50 bills dealing with this issue, the issue of child sexual assault and, for me, it's just too overwhelming for me not to stand and speak to you today about

this and share with you a little bit of why I support the Majority Report and not the Minority Report that's before us right now.

Mr. President and ladies and gentlemen of the Senate, this is not easy for you or for me or anyone else. But one thing I know is that if we do the right thing this session we can help maybe reduce or at least save even one child from going through this type of torture. So that's where I am and that's why I'm there and I appreciate the chance to explain that, Mr. President.

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

Senator **MILLETT**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I support the motion before us. It's time that we take action and it's time that we meet our colleagues in the other Chamber in doing that. The other motion would put us in non-concurrence and leave us with nothing accomplished. My hope had been that, in the Committee work, compromise could have been reached there. My understanding is that that was close to being at hand and then, at the very last minute, unable to be reached. We have an opportunity now, today, to do that and I think all of us have been in the Legislature long enough to understand that to do our jobs means compromise on many issues. I don't believe any of us condone this. I believe all of us care deeply about children and girls in the State of Maine and I encourage everyone to reflect on the fact that we have a chance today to put something into place in Maine while also being reassured that at the federal level this is being outlawed and that my understanding is that the current statute, Maine statute, also provides protection, that this motion would provide just a little bit more reassurance. Thank you, Mr. President.

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

Senator **BELLOWS**: Thank you, Mr. President. I rise in support of the pending motion and to clarify this motion does, in fact, do something extraordinarily important, and that it codifies into Maine law the federal law so that there is no doubt that any district attorney in this state could follow the very clearly implemented, tried and true, definitions under federal law. I think what's really important, as we try to seek common ground with the other Chamber through this Recede and Concur motion, is that it's important to listen to the communities who are directly affected by any piece of legislation, to the victims themselves, whenever we are contemplating victim's rights legislation. So as we all in this Chamber, I know, care deeply about our children, we all care deeply about immigrant children all across this state, and that's why I think it's so important to listen to those who, leaders, are working with women and girls in our state, in the immigrant communities, every single day, and so I quote from the testimony of Fatuma Hussein, mother of 8, 4 girls, 4 boys, with 2 daughters in college at ivy league schools. She's the Executive Director for Immigrant Resource Center of Maine. The mission of the Immigrant Resource Center of Maine is to support refuge and immigrant communities and they provide healthcare training and outreach. She testified before the Criminal Justice Committee and I quote what Fatuma said, 'I'm standing here today as a FGM survivor, a mother of 4 girls, and a service provider who has both the personal experience of this horrible act and the provider perspective in regards to what works based on outcomes, level of understanding directly linked to education and provider

awareness, connected to training provided.' She goes on to say, 'FGM is a horrific practice, however the approach presented previously by Representative Sirocki is not the right solution to the problem.' She said, 'Women and girls in Maine who have experienced FGM need culturally specific services and competence service delivery systems. FGM is sexual assault. FGM needs to be addressed by trained culturally specific providers in collaboration with our mainstream partners.' So by supporting this motion we can support the good work that is being done by FGM survivors in our state right now to ensure that all of the women and girls in our state are protected. We have something here where we can reach agreement with the other Body. We can pass into law codification of the federal statute with clear definitions rather than abandoning this approach and going back to an approach that was advanced by people who are hostile to the communities that are working on behalf of the health of our women and girls. Thank you.

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

Senator **MAKER:** Thank you, Mr. President. Ladies and gentlemen of the House, I stand in opposition of this motion. I, like Senator Diamond, have done several bills regarding child sexual abuse. This is abuse, plain and simple. It has nothing to do with anything else. Would we want our child to go through this, and I would say no, we do not. It has nothing to do with beliefs of a certain profession. It's about a cruel act that happens to a child that doesn't have the ability to speak for themselves. I don't know how we can stand here and do nothing. Federal law says this, we claim. Federal law says it's illegal for marijuana. But we're proceeding with it. We should have the same coverage in our state saying we will not accept this kind of practice. This is not right. This is for a child. Think about that. This is for a child and I believe the Committee came together by talking on both sides of the aisle and did the best job they could to do this. I hope that you will not support this recommendation. Thank you very much, Mr. President.

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

Senator **LIBBY:** Mr. President, thank you. I apologize for rising at this late moment but there seems to be some confusion on the motion before us. The motion before us creates a Class A crime for performing female genital mutilation. I've heard members say this does nothing and that just is not accurate, 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, it took the consent out on parents allowing this action to take place and it's a very important piece because if the act is done out-of-state they will not charge the parents in this state. So we needed that in there. Most of these acts are because of the parents allowing it. We had an individual come and testify that she was taken out in the woods with her hands tied, her legs tied, with four people at 7 years old and she almost passed out in our Committee testifying how traumatized she was and she's in her 30's now. Is this going to be tolerable when we go and say we're not going to cover everything that we

need to do to take and protect these children? I don't think so. I am a law enforcement officer by trade and I serve and protect everyone. I hope you do the same. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion to Recede and Concur. If you are in favor of that motion 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 (#630)

YEAS: Senators: BELLOWS, BREEN, CARSON, CHIPMAN, DESCHAMBAULT, DION, GRATWICK, HILL, LIBBY, MILLETT, MIRAMANT, VITELLI

NAYS: Senators: BRAKEY, CARPENTER, CHENETTE, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DOW, HAMPER, JACKSON, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **LIBBY** of Androscoggin to **RECEDE** and **CONCUR FAILED**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#631)

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

NAYS: Senators: BELLOWS, CARSON, DION, MILLETT, MIRAMANT

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ADHERE PREVAILED**.

Sent down for concurrence.

Out of order, the Senate considered the following:

ORDERS

Joint Resolution

On motion by Senator **LANGLEY** of Hancock (Cosponsored by Representative **CAMPBELL** of Orrington and Senators: **MASON** of Androscoggin, **VOLK** of Cumberland, Representatives: **DUCHESNE** of Hudson, **HARLOW** of Portland, **LUCHINI** of Ellsworth, **POULIOT** of Augusta, **SKOLFIELD** of Weld), the following Joint Resolution:

S.P. 737

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

**JOINT RESOLUTION
SUPPORTING THE NATIONAL PARK SYSTEM**

WHEREAS, America's National Park System is a living testament to our citizens' valor and our nation's hardships, our victories and our traditions as Americans and has been called "America's best idea"; and
WHEREAS, the National Park System preserves the diversity, culture and heritage of all Americans and serves as a living classroom for future generations; and
WHEREAS, the National Park Service celebrated its centennial in 2016 and currently manages more than 400 nationally significant sites and an invaluable collection of more than 75,000 natural and cultural assets that span 84,000,000 acres across all 50 states, the District of Columbia and several United States territories and insular areas; and
WHEREAS, the National Park Service's mission is to preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education and inspiration of this and future generations; and
WHEREAS, in 2016, the National Park System had more than 331,000,000 visits, more than 3,000,000 alone to Acadia National Park in Maine; and
WHEREAS, it is estimated that in 2016 park visitors spent more than \$18,400,000,000 at national park sites, including more than \$275,000,000 in Maine's communities adjacent to Acadia National Park; and
WHEREAS, the National Park Service has the obligation to preserve our nation's history, promote access to national parks for all citizens, stimulate revenue to sustain itself and nearby communities, educate the public about America's natural, cultural and historical resources and provide safe facilities and environs for the enjoyment of these resources; and
WHEREAS, in 2016, the National Park Service estimated a deferred maintenance backlog of nearly \$11,300,000,000, which includes repairs to aging historical structures, trails, sewers, drainage and thousands of miles of roads, bridges, tunnels and other vital infrastructure, more than \$70,000,000 of which is in Maine; and
WHEREAS, it is important that America's national parks be maintained to ensure our natural places and our history are preserved and documented for future generations and for the

adjacent communities that rely on the direct and indirect economic benefits generated by visits to national park sites; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to express our support for the creation of a reliable, predictable stream of resources to address deferred maintenance needs in America's National Park System, including Acadia National Park; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

READ and **ADOPTED**.

Sent down for concurrence.

ORDERS OF THE DAY

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

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Submit a State Plan Amendment Regarding Assets in Retirement and Education Accounts
 H.P. 1337 L.D. 1899

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-761)**

Tabled - April 17, 2018 by Senator **JACKSON** of Aroostook

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-761)**.)

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

Senator **BELLOWS**: Thank you, Mr. President. I rise in support of this pending motion and I'd just like to speak briefly. This legislation was brought at the request of a powerful individual. My constituent, Noel Levasseur, of Farmingdale was diagnosed with ALS in November. By December he had to leave his job as a mason because he could no longer work. He had no health insurance. But when he went to MaineCare to seek support they told him, a: his wife makes too much money at roughly \$30,000 a year, and b: because of a small retirement account that she had in her name he would not be eligible for any MaineCare services during this time of need with a terminal diagnosis of ALS. He met with the Governor and had a wonderful and long conversation and the Governor introduced this bill at his request to say that - to direct the DHHS to seek a waiver from the federal Medicaid program to say that any individual who experiences a catastrophic diagnosis like ALS could qualify for MaineCare and not have the retirement of a spouse be counted against that

benefit, which is so important given that, unfortunately, this will not help Noel at all but it will help future families and future individuals who receive this devastating diagnosis because Noel wants to ensure that his wife is taken care of after he's gone. He wants his family to be okay after he's gone. Nothing can make anything perfectly okay but this bill will help make a difference. So I want to commend Noel Levasseur for his courage and his bravery and meeting with the Governor and meeting with me and meeting with DHHS and yielding a unanimous report in the Committee and working so hard to help families that come after his to make a difference and make change. Thank you.

Report **ACCEPTED**, in concurrence.

Resolve **READ ONCE**.

Committee Amendment "A" (H-761) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Total Cost of Education and the State and Local Contributions to Education for Fiscal Year 2018-19 and To Provide That Employees of School Management and Leadership Centers Are Eligible To Participate in the Maine Public Employees Retirement System"
S.P. 712 L.D. 1869

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-468)**.

Signed:

Senator:
MILLETT of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-469)**.

Signed:

Senators:
LANGLEY of Hancock
MAKER of Washington

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

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469)** Report.

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

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the motion before us. The report that is being moved would result in a slight decrease in the mill rate but there is an option that we would be able to have if we defeated this motion that would reduce it even further and provide property tax relief to our districts. There is a sheet on all of our desks that help walk everybody through the proposals that are before us. This report increases the amount that is dedicated to a line item within Enhancing Student Performance and Opportunity above what the Department had asked. Another approach could be that money is saved from property taxes having to pay for it, lowering the mill rate, and providing the Department with funds, more funds, without having to ask for a separate appropriation to cover some shortfall in other areas of their budget. I hope you will join me in opposing this motion so that we can consider another report that presents a more fiscally responsible approach. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this bill that's in front of us, in its totality, is what's known as Section C language of the budget. So we're just going to give you a little bit of history of this. In Section C usually that is education funding. So in the majority of the bill are the allocations for this upcoming year for school systems. The item that we disagreed upon in the two reports is a \$5 million allocation for middle school CTE experiences. What the report that's in front you, that I moved, that was the Minority Report, took that \$5 million allocation for middle school CTE experiences which we voted in last session and reduced that allocation to \$500,000 because it's so important that we could reach down into our lower grades, in 6th through 8th grades, and we provide opportunities for students to be able to see what's out there in the world of work. As we all know, Mr. President, there is a workforce crisis in our state and having our young students be able to get those

experiences early on has proven, certainly, to be very beneficial. So \$500,000, we reduced that to. We took \$2.5 million in this report and put it back to the taxpayers' side to reduce the mill rate that our local citizens would have to contribute through their taxes. Then we put \$2 million into the line item inside of this for equipment - upgrading equipment in our CTE centers. We've had a lot of discussion in and around CTE and the need for upgraded equipment to be able to teach 21st Century work skills on equipment that's being used today. So, Mr. President and men and women of the Senate, we stayed within the confines, I think, of the intent of the majority of that funding at \$5 million, but we also realized, too, that reducing that mill rate was equally as important. So I would like you to follow this report because it does make sure that our students in our middle school grades have an opportunity to experience CTE programs. Thank you.

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

Senator **MILLETT:** Thank you, Mr. President. I thank you for giving me the opportunity to rise one more time. There is another piece of information that I would like to share and that is the Department did provide the Committee with information that, at the moment, it is not prepared to accept grant applications, nor has a process to review those applications for the Career and Technical Education Middle School Program. Certainly all of us in the Education Committee have supported this effort and have actually joined in a unanimous report to help put this in place. It's just the timing is not right and, therefore, there's no need to have an allocation for that program at the moment and I would also like to remind everyone that we had a sizable increase to the overall cost of education here in the State of Maine. I'm sure many of you have heard from your districts that it's going to be a real challenge to meet those costs and that property taxes are likely going to have to rise to cover that. So, in my view and others, it's really important to give as much relief, property tax relief, as possible to our districts. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended by Committee Amendment "B" Report. A roll call has been ordered. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#632)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469)** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-469) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-469)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Compensation by Large Transmission and Distribution Utilities" S.P. 628 L.D. 1729

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-467)**.

Signed:

Senator:
DION of Cumberland

Representatives:
BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

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

Signed:

Senators:
WOODSOME of York
CUSHING of Penobscot

Representatives:
HANLEY of Pittston
O'CONNOR of Berwick
WADSWORTH of Hiram

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding a Biomass-generated Energy Purchase and Sale Agreement and Payments to Contractors"

S.P. 644 L.D. 1745

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-464).**

Signed:

Senators:

WOODSOME of York
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland
WADSWORTH of Hiram

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

Signed:

Senator:

CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick

Reports **READ.**

Senator **WOODSOME** of York moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending report. Mr. President, I believe that when we dealt with this matter two years ago the agreement was that the funds from

this would - if any were left, the balance would be returned to the General Fund. The current motion before us does not do that. It creates a new program within Efficiency Maine. I think it sets a poor precedent for us here in fulfilling the commitments that are made. While I recognize that this is a noble effort, I think as a separate action it might have been suitable, but I will be voting in opposition to this and ask people to consider that and following my light. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#633)

YEAS:

Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME

NAYS:

Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DOW, HAMPER, KATZ, KEIM, MAKER, MASON, ROSEN, PRESIDENT THIBODEAU

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED.**

Bill READ ONCE.

Committee Amendment "A" (S-464) **READ** and **ADOPTED.**

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Improve Efficiency through Electric Rate Design and Advanced Technology"

S.P. 726 L.D. 1896

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

Signed:

Senator:
DION of Cumberland

Representatives:
BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-465)**.

Signed:

Senators:
WOODSOME of York
CUSHING of Penobscot

Representatives:
HANLEY of Pittston
O'CONNOR of Berwick
WADSWORTH of Hiram

Reports **READ**.

On motion by Senator **WOODSOME** of York, Bill and accompanying papers **COMMITTED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**.

Sent down for concurrence.

Divided Report

Seven members of the Committee on **TAXATION** on Bill "An Act To Encourage the Construction of Affordable Housing" S.P. 507 L.D. 1461

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-470)**.

Signed:

Senators:
DOW of Lincoln
CUSHING of Penobscot

Representatives:
BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
WARD of Dedham

Five members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-471)**.

Signed:

Representatives:
TIPPING of Orono
COOPER of Yarmouth
GRANT of Gardiner
TEPLER of Topsham
TERRY of Gorham

One member of the same Committee on the same subject reported in Report "C" that the same **Ought Not to Pass**.

Signed:

Senator:
CHENETTE of York

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470)**.

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 Chenette.

Senator **CHENETTE:** Thank you, Mr. President. Men and women of the Senate, I rise in strong opposition to the pending motion. I'd like to talk a little bit about what this does and what it doesn't. First, this bill was written for one particular developer. It totals about \$24 million a year for an entirely new credit. Even the proponents of this legislation even admitted to our Committee that for every \$1 of public investment we would only see about a 60¢ return on that investment. Now I'm no investor, Mr. President, but that doesn't sound like a good deal to me. Also MRS was very confused. Actually they articulated this legislation is extremely complicated to understand and, in fact, Mr. President, they had four pages of questions that the Majority Report refuses to address their concerns. In fact, we didn't even take it up as a matter of our Committee because we were such in a rush to pass this, to discover what's in it later. Well, that's not good public policy decision making, Mr. President, and if we really want to prioritize affordable housing then the Chief Executive should release the Affordable Senior Housing Bond.

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

Senator **CUSHING:** Mr. President, I try to be tolerant, but when we're talking about the motives of the Committee or the Chief Executive on another issue, Mr. President, I asked you to rule whether or not that was appropriate.

THE PRESIDENT: The Chair would advise members that he knows that it's not appropriate and my guess is that other people in the Chamber are well aware that it's inappropriate. Why don't we take just a five minute recess.

Senate at Ease.

The Senate was called to order by the President.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#634)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **DOW** of Lincoln to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470) PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-470) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-470).**

Sent down for concurrence.

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

ENACTORS

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

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

H.P. 32 L.D. 31
(C "B" H-572)

Comes From the House, **FAILED FINAL PASSAGE.**

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

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

Senator **CUSHING:** Mr. President, thank you for the courtesy of allowing me to speak on this. I recognize that we've accepted the committee report and we did what was diligent. We had a public hearing on this, Mr. President. We sent it out of this Chamber with an affirmative vote. Sadly it comes back and appears, potentially, headed for non-concurrence and I think, Mr. President, that the unfortunate nature of this is that we have a duty to the citizens of the State of Maine to protect our voting system and by allowing this bill to go forward for a public vote to change our Constitution we would do so. To not do so, I think, would be very disappointing and a black mark on this Legislature. Thank you.

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

Senator **LIBBY:** Thank you, Mr. President. I appreciate the remarks from my colleague from Penobscot, Senator Cushing, but I opposed this last year. I oppose it now. It's basically the same bill that we had last year with no real changes, and I oppose it because I think changing the Constitution is a high bar. The Constitution is meant to be a rock solid document that's really hard to change. We should only ask the voters to change it when it's really, really important or consequential or if it's really going to change how we do our elections. In this case I don't think it will. I think a lot of the interest in trying to do something like this is around making sure that signatures are coming from all over the State of Maine, but the fact is, Mr. President, that a well-organized group could collect half of the signatures in Portland and drive up the Turnpike 30 miles and collect the second half of their signatures in Lewiston, in the 2nd District. So, to me, it's a major concern with this initiative and for those reasons I'll be opposing it. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion and I just want to say, you know, I do think as we look at how our referendum process has been utilized over the last several years, personally, I would like to see signature gatherers have to drive as far north as Lewiston/Auburn to get some of their signatures. I think maybe, of course, we'd like them to get signatures from all across the state and I think there have been past proposals to look at splitting these requirements up by county rather than Congressional Districts to make it more representative of the entire state, though I think there were Constitutional concerns with that. So this seems to be - to me - to be a fair compromise and I think we all recognize that a lot of the signatures that are gathered are often disproportionately in Southern Maine and come that 30 miles up the highway. Come

up to at least Lewiston/Auburn. Come that far north at the very least and get some of these signatures. Thank you very much.

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

Senator **CARPENTER:** Thank you, Mr. President. Most of you know this bill came out of my Committee and there has been a great deal of discussion about it both this year and last. The legitimacy of any process, whether it be our process here in the Senate or the initiative process, the legitimacy of that, how the people of Maine feel about it, is very, very important. I don't ever do anything that would question, or leave questions in the mind of anybody as to the legitimacy of the process. This is a small step. I'll support it. I did so last year, will support it again. It's a small step. It's a 30 mile step, if you will, if you want to listen to Senator Libby. But it does, it might, perhaps, reassure some folks that a broad cross section of the State of Maine that's involved in the process and I think that's important. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage of this Joint Resolution, of this Constitutional Amendment. If you are in favor of passage of this Constitutional Amendment you will be voting yes. If you are opposed you will be voting no. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#635)

YEAS: Senators: BRAKEY, CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DOW, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, DION, GRATWICK, LIBBY, MILLETT, MIRAMANT

This being a Constitutional Amendment, in accordance with the provisions of Section 4 of Article X of the Constitution, having received the affirmative vote of 25 Members of the Senate, with 10 Senators having voted in the negative, and 25 being more than two-thirds of the Members present and voting, was **FINALLY PASSED** and signed by the President, in **NON-CONCURRENCE**.

Sent down for concurrence.

Emergency Measure

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

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

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

Emergency Measure

An Act To Implement a Regulatory Structure for Adult Use Marijuana

H.P. 1199 L.D. 1719
(C "A" H-733)

This being an Emergency Measure and having received the affirmative vote of 25 Members of the Senate, with 10 Senators having voted in the negative, and 25 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Resolve

Resolve, To Study the Feasibility of the Establishment of Paid Family Leave in the State

H.P. 1091 L.D. 1587
(C "A" H-699)

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

Ordered sent down forthwith.

Off Record Remarks

RECESSED until the sound of the bell.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1347

**JOINT RESOLUTION
RECOGNIZING APRIL 2018 AS FOSTERING
FINANCIAL EDUCATION MONTH**

WHEREAS, financial education is essential to ensuring that students, young adults and families are prepared to effectively budget, manage, save and invest money; and

WHEREAS, the Maine Jump\$tart Coalition for Personal Financial Literacy is celebrating 10 years of demonstrated leadership in supporting financial education learning opportunities and outreach for students and educators through free training, classroom resources and innovative programs; and

WHEREAS, the Maine Jump\$tart Coalition for Personal Financial Literacy is a past recipient of the prestigious State Coalition of the Year Award from the national Jump\$tart Coalition for Personal Financial Literacy for its initiatives and efforts in advancing, and support of, personal financial education in Maine; and

WHEREAS, the 9th annual Fostering Financial Education in Maine Schools Conference, to be held May 11, 2018, provides training to Maine educators, including free resources and best practices for implementation of Maine's learning standards for personal finance, ensuring that all kindergarten to grade 12 students and young adults have the knowledge and skills needed to achieve financial stability; and

WHEREAS, the conference has trained over 1,000 teachers and community educators during the past 8 years and strengthened financial literacy instruction for students and young adults in every region of the State; and

WHEREAS, the conference and other related events and programs are a collaboration among business, government, nonprofit and financial education organizations, including the Department of Professional and Financial Regulation, Office of Securities; the Finance Authority of Maine; the Maine Credit Union League; Jobs for Maine's Graduates; and numerous other partners and supporters; and

WHEREAS, it is important to raise awareness about the conference and highlight the value of supporting Maine youth in becoming financially capable adults in order to fulfill their dreams and aspirations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize April 2018 as Fostering Financial Education Month and urge all citizens and educators to participate in providing and facilitating opportunities to better educate students so they can become financially capable and successful adults.

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

READ and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Provide the State the Right of First Refusal for the Purchase of Certain Land on Which a Subsidy Has Been Paid"

S.P. 698 L.D. 1844
(C "A" S-447)

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-447)** (8 members)

Report "B" - **Ought Not to Pass** (4 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "B" (S-448)** (1 member)

In Senate, April 12, 2018, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-447)**.

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 1004

**STATE OF MAINE
128TH LEGISLATURE
OFFICE OF THE PRESIDENT**

April 17, 2018

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

Dear Secretary Priest:

Pursuant to Senate Rules, I hereby appoint the Senator from Hancock, Senator Langley to preside from the rostrum over the legislative business conducted in the chamber for the session to be held on April 17, 2018. This temporary assignment shall commence at the beginning of that daily session, and expire at the end of that daily session if not sooner by the return to the rostrum of the President or the Senator with the standing appointment on March 29, 2017 to otherwise serve as President Pro Tempore.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

Joint Resolution

On motion by Senator **DION** of Cumberland (Cosponsored by Representative **PIERCE** of Falmouth), the following Joint Resolution:

S.P. 741

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

**JOINT RESOLUTION
RECOGNIZING MARCH 2018 AS BLEEDING DISORDERS
AWARENESS MONTH**

WHEREAS, bleeding disorders, which are distinguished by the inability to form a proper blood clot, are characterized by extended bleeding after injury, surgery, trauma or menstruation and can lead to significant morbidity and can be fatal if not treated effectively; and

WHEREAS, many individuals with hemophilia became infected with HIV and hepatitis C in the 1980s due to the contamination of the blood supply and blood products; and

WHEREAS, the federal Department of Health and Human Services designated March 2018 as National Bleeding Disorders Month, a designation that formalizes and expands upon the designation 32 years ago of March 1986 as Hemophilia Awareness Month by President Ronald Reagan; and

WHEREAS, Bleeding Disorders Awareness Month will generate greater awareness and understanding of not only hemophilia but all inheritable bleeding disorders, including von Willebrand disease, which alone affects an estimated one percent of the U.S. population, or more than 3.2 million individuals; and

WHEREAS, Bleeding Disorders Awareness Month will foster a greater sense of community and shared purpose among all individuals with inheritable bleeding disorders; and

WHEREAS, Bleeding Disorders Awareness Month will elevate awareness of and engagement in the inheritable bleeding disorders journey for the general public, enabling the prevention of illness, unnecessary procedures and disability; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this

opportunity to recognize March 2018 as Bleeding Disorders Awareness Month.

READ and ADOPTED.

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 998

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

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 383, "Resolve, Directing the Department of Health and Human Services to Develop a Plan to Strengthen the Quality and Supply of Child Care Services."

This bill requires the Department of Health and Human Services to engage in duplicative and unnecessary activities. The State currently runs a voluntary quality rating program for child care providers that can be used to attract customers, rendering additional State-funded financial incentives unnecessary. In addition, at this time there is no indication that the amount of federal funding allocated to Maine under the Child Care Development Block Grant (CCDBG) will increase. A law directing action based on funding that may or may not become available is unwise.

Furthermore, were an increase in funding under CCDBG to occur, the Department would conduct an analysis of needs and uses for this increased funding across the entire child care system in the State, and use that analysis to develop a plan for use of the additional funding to improve access to quality child care throughout the system. Extremely specific legislative carve-outs of block grant funding limits flexibility and is contrary to the intent of federal block grant funds.

For these reasons, I return LD 383 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

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

The accompanying Bill:

An Act To Increase Access to Child Care
S.P. 124 L.D. 383

13 April 2018

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

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill was unanimously reported out the Health and Human Services Committee and was unanimously passed in both Chambers. The bill simply is requesting Health and Human Services to develop a plan for increasing the supply of childcare providers participating in Steps 3 and 4 of the Childcare Quality Rating System. Everyone is in agreement that it's important that we strengthen childcare for our children and the plan must include determining whether sufficient funding is available. It does not pre-determine how the funding would be used. I hope you will join me in overriding the veto. Thank you.

Dear Honorable Members of the 128th Legislature:

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing L.D. 669, "An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers."

The Doorkeepers secured the Chamber.

The Competitive Skills Scholarship Program (CSSP) was established by the Maine legislature in 2007, and launched early Spring 2008. CSSP is financed by employer contributions as part of their unemployment tax. The CSSP fund serves a very diversified population of job seekers that includes secondary and post-secondary students, immigrants, people on public assistance, people with disabilities, the underemployed, and veterans. Additionally, it identifies the workforce need of Maine employers through use of the high wage in demand list, and connects businesses with workers through the CSSP and on-the-job-training when coupled with the Maine Apprenticeship Program.

The Secretary opened the vote.

The Department of Labor currently partners with trade associations, education and training providers like the Maine Community College System, adult education, employers and others to directly connect work and learn opportunities, develop customized employer driven training, and focus on industries with significant demand. It is imperative the CSSP program continue to be accessible to the populations it was created to serve. The fact that CSSP allows, in fact demands, that resources outside of CSSP be leveraged, speaks to the number of people who can be served by this program. The CSSP has the simple aim of providing the most training, in the shortest amount of time, for the least cost.

ROLL CALL (#636)

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

LD 669 requires the Maine Community College System to become involved in administering the program, which overcomplicates an already efficient process. Not every CSSP trainee's degree or certificate is even granted by the MCCA, so it seems inappropriate to assign one educator administrative oversight. Mandating involvement of the MCCA only increases administrative costs and bureaucracy, something I cannot support. Furthermore, LD 669 is unclear about the role MCCA would play in administering the program, placing trainees in a potential situation where the Department creates a training plan and the MCCA overrides it. Trainees have enough to juggle without these unnecessary administrative headaches.

NAYS: Senators: BRAKEY, HAMPER

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Department of Labor has already increased the efficiency of our CSSP program with outstanding results of improved outcomes, higher wages and more people with credentials. Additional reforms the Department has implemented without the need for legislation include moving Career Centers into community college locations and working more closely with

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

The Following Communication: S.C. 999

MCCS staff to streamline communication, cross-promote available resources and programs, and develop industry-driven training to achieve the goal of MCCS students obtaining the critical skills our employers desperately need. Similar work has been done with Adult Education, the University System and private training providers. LD 669 would actually disrupt this progress and place the CSSP program on hold while new regulations were negotiated with the MCCS to define the new roles. Maine's current workforce situation cannot afford such needless delay.

For these reasons, I return LD 669 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers
S.P. 231 L.D. 669

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#637)

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

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 1000

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

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 958, "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act."

The Public Health Emergency Preparedness Program (PHEPP) at Maine CDC currently runs a registry for volunteers who are able to help in a Public Health Emergency. Since shortly after September 11, 2001, the existing system has been funded through federal grant dollars from the U.S. Department of Health and Human Services and Homeland Security emergency preparedness funds. During emergencies, PHEPP works with Maine Emergency Management Agency to verify and certify volunteers who can be deployed during the emergency.

Maine has a Good Samaritan statute already, and we have a system in place to ensure volunteers are able to assist in an emergency. This bill is not necessary and actually does not require the State to take any new action. It just puts more laws on the books. It is a solution in search of a problem – a problem that does not exist.

For these reasons, I return LD 958 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act
S.P. 314 L.D. 958

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#638)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 1001

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

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1267, "An Act To Protect Licensing Information of Medical Professionals."

There is no question that certain personal information about licensees and applicants for licensure submitted to, and held by, medical licensing boards must, by law, remain confidential and shielded from public view. The Maine Freedom of Access Act (FOAA) sets forth the procedure that must be used by state agencies in responding to Freedom of Access inquiries. Moreover, the statutes of medical licensing boards affected by this bill clearly differentiate between licensee information that is public and information that is private and confidential.

This bill, however, would place an unreasonable burden on medical licensing boards by adding several layers of process to the procedure for responding to Freedom of Access Act requests. These additional requirements will significantly increase litigation and slow the release of public information. Specifically, the boards to which this bill would apply would be required to notify licensees who are subjects of a FOAA inquiry and then allow the licensee time to review redacted information. If the licensee objects to the release of the information, the bill allows a licensee time to file for injunctive relief in court to prevent the information from being released by the board. The board would be required to pay for additional legal services to defend it in court. Only if the board prevails in court could the requested information be released. There is no justification for adding layers of bureaucracy and state expense to an already complex and highly ineffective statute.

The Public Access Ombudsman position created by the Legislature in the Attorney General's Office is the appropriate resource for medical licensing boards to consult if there are questions about whether specific information should be redacted or released. Furthermore, there is nothing in current law that prevents licensees from requesting the publicly available information on themselves so that they can be aware of what would be released if such a request were made. This bill is simply unnecessary.

For these reasons, I return LD 1267 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Protect Licensing Information of Medical Professionals
S.P. 430 L.D. 1267

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#639)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 1002

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

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1838, "An Act To Include in the Crime of Harassment by Telephone or by Electronic Communication Device the Distribution of Certain Photographic Images and Videos."

First, section 2911 of Title 17 already prohibits the dissemination of obscene material to minors, making such conduct a Class C crime. LD 1838 is therefore redundant as it regards to protecting minors.

Further, LD 1838's attempt to differentiate between conduct by adults and minors is flawed in that it sets a rolling age for criminal liability. A person is either an adult or they are not. This bill does not set definitive age boundaries.

Finally, LD 1838 would criminalize mutually consensual sharing of obscene materials where a recipient of those materials has a mental disability, regardless of the severity of that disability. Other statutes for the protection of people with mental disabilities specify that protection applies where the mental disability is

severe enough that it, in fact, renders such individuals substantially incapable of appraising the nature of the conduct or of understanding their ability to deny or withdraw consent.

This bill presumes a person with a mental disability of any degree is incapable of giving consent and thereby denies those individuals the dignity of choice. It is discriminatory. While many people might find the conduct distasteful, an adult couple should not be made into criminals for texting one another intimate pictures in their mutual, private relationship simply because they have mild intellectual disabilities.

For these reasons, I return LD 1838 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Governing Indecent Conduct To Include Distribution of Photographic Images
S.P. 690 L.D. 1838

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

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

The Following Communication: S.C. 1003

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

13 April 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1840, "An Act To Revise the Municipal Consolidation Referendum Process."

Current law empowers residents of a municipality concerned about redundancies and inefficiencies in their local government to request, by petition, the formation of a joint charter commission to consider and make recommendations for the consolidation of two or more municipalities. Public hearings on those recommendations allow voters to inform themselves and consider whether to proceed with consolidation. If voters elect not to

proceed, residents must generally wait three years to reconsider the issue.

LD 1840 limits the ability of local residents to determine the course of their towns' futures by placing higher barriers in front of residents who wish to give due consideration to the potential consolidation of municipalities.

First, after submission of a petition, LD 1840 requires a preliminary vote that may scuttle the entire process before any investigation or report on the outcome of consolidation is issued. At that point the electorate has little, if any, information with which to inform itself prior to rendering a decision. A vote in the negative denies the opportunity for such information to be gathered.

Second, unless a very large number of voters agree, if the particular proposal put forth by a joint charter commission fails, LD 1840 increases from three years to six years the waiting period before voters can request formation of another joint charter commission to put forth an alternative proposal. This period of time is too long and inhibits local control.

For these reasons, I return LD 1840 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Revise the Municipal Consolidation Referendum Process

S.P. 692 L.D. 1840

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#640)

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

WHITTEMORE, WOODSOME,
PRESIDENT THIBODEAU

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: H.C. 503

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

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 968, "An Act to Help Prevent Financial Elder Abuse."

The stated purpose of LD 968 was to remove any doubt or uncertainty about the distribution of account funds upon the death of the original account holder. The bill requires that the document establishing or adding a party to a multiple-party bank or credit-union account include the question, "Do you intend for the sum remaining upon your death to belong to the surviving party or parties? Yes or No." Although I appreciate the original intent of LD 968 to help seniors understand who receives account funds on their death, I cannot support it for two reasons: 1) the bill references an inappropriate type of account for those seniors seeking help managing finances; and 2) its provisions are placed in the wrong location in Maine statutes.

Senior citizens often seek to establish joint bank accounts with another individual so that individual may assist them with paying their bills. They do not necessarily want to create a joint owner with survivorship rights on their account. The language of the bill is unhelpful because it does not facilitate the creation of agency accounts, which would better serve the needs of many seniors.

An agent named by the account holder of an agency account would not own the account funds or have rights to any funds remaining in the account at the account holder's death. The agent would simply serve at the convenience and direction of the account holder. The "multiple-party" account language in LD 968, on the other hand, leaves the senior with only a jointly owned, multiple-party account with, or without, survivorship rights. This is

not a helpful account alternative in every case and will not offer seniors the accounts they deserve. Further, the proposed "Yes or No" question will cause confusion in cases where the parties provide different responses.

An agency-account concept should be added to the Maine Probate Code rather than the Maine Banking Code. The Maine Probate Code is the primary source for determining rights in the assets of a deceased individual, and all financial institutions—both state-chartered and nationally chartered—must comply with the provisions of that code. The Maine Banking Code applies only to financial institutions authorized to do business in Maine.

LD 968 does not assist our senior citizens in the way it was intended. Our seniors need an alternative to multiple-party accounts that would allow them to designate an agent on their accounts.

For these reasons, I return LD 968 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Help Prevent Financial Elder Abuse
H.P. 681 L.D. 968

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#641)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 505

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

April 13, 2018

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1847, "An Act to Amend the State's Electronic Waste Laws."

This bill seeks to amend the State's electronic waste laws in three ways:

- It updates how electronic device manufactures are billed for recycling costs because televisions no longer need to be counted separately from other electronics.
- It changes the due date for consumer electronic-device-manufacturer registration from July 1 to April 1.
- It makes changes to align Maine's electronic waste program more closely with similar programs in other states.

While I am supportive of the streamlining and simplifying of electronic waste laws to bring Maine's regulations into conformity with other states, changing just the regulations is not enough. Something must also be done to address the costs to Maine citizens and Maine businesses.

This bill does nothing to address fees being charged. To improve our business climate, every effort should be made to reduce fees charged to the Maine people and our companies, when the program is streamlined and made more efficient. This is the true purpose of good public policy.

For these reasons, I return LD 1847 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the State's Electronic Waste Laws
H.P. 1284 L.D. 1847

Comes from the House with the **VETO OVERRIDDEN**, notwithstanding the objections of the Governor.

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of overriding the veto of the Governor. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#642)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, and 35 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/9/18) matter:

HOUSE REPORT - from the Committee on **TAXATION** on Bill "An Act To Replace the Educational Opportunity Tax Credit with the Student Loan Repayment Credit for Maine Residents"
H.P. 1057 L.D. 1537

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-710)**

Tabled - April 9, 2018 by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF REPORT**

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AND HOUSE AMENDMENT "A" (H-721).**)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-710) **READ**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-478) to Committee Amendment "A" (H-710) **READ**.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, I just want to - by way of explanation, that there are two parts to this amendment. The first part of the amendment would correct some technical problems with the Committee Amendment and it would clarify the intent of the Committee. The second part of the amendment actually allows employees who don't make enough money to avail themselves of the full income tax credit to carry that credit forward for up to five years. Thank you.

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

Senator **BELLOWS:** Mr. President, is it appropriate for me to present Senate Amendment "B" or is that out of order at this moment?

THE PRESIDENT: That would be out of order at this moment. We have Senate Amendment "A" currently before the Body.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-478) to Committee Amendment "A" (H-710) **ADOPTED**.

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

Senator **BELLOWS:** Thank you, Mr. President. I present Senate Amendment "B" with a filing number.... Not yet?

THE PRESIDENT: Would leadership approach.

Senate at Ease.

The Senate was called to order by the President.

Committee Amendment "A" (H-710) as Amended by Senate Amendment "A" (S-478) thereto **ADOPTED**, in **NON-CONCURRENCE**.

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

House Amendment "A" (H-721) **READ** and **ADOPTED**, in concurrence.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-710) AS AMENDED BY SENATE AMENDMENT "A" (S-478) thereto AND HOUSE AMENDMENT "A" (H-721), in NON-CONCURRENCE.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/10/18) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Facilitate Compliance with Federal Immigration Law by State and Local Government Entities"
H.P. 1275 L.D. 1833

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-723)** (6 members)

Tabled - April 10, 2018 by Senator **KEIM** of Oxford

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion before us today. I just wanted to say, very briefly, I know there's been a lot of discussion about this proposal in these halls and it's very rare for me, as some may know, for Senator Brakey to rise arguing in favor of federal authority on a particular issue. But that is, in fact, what I am doing today. You know, someone asked me earlier, you know, 'Senator Brakey, you rise a lot and talk a lot about the 10th Amendment. Isn't this a 10th Amendment issue?' You know, I will say the 10th Amendment applies to all those powers not expressly delegated to the federal government under Article 1, Section 8. But under Article 1, Section 8 of the U.S. Constitution we specifically gave Congress the authority to establish a uniform rule of naturalization. Immigration policy is absolutely the - under the Supremacy Clause, absolutely the authority of the federal government and so seeing as this legislation seeks to put us in alignment with federal policy on immigration issues I think that that is - that's following

our Constitution. So I will be voting in support of the motion and I invite the Body to join me.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Minority Ought to Pass as Amended Report. If you are in favor of that you will be voting yes. If you are opposed you will be voting no. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#643)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KEIM, MASON, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, VITELLI

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/18) matter:

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Reorganize the Provision of Services for Children with Disabilities from Birth to 5 Years of Age"

S.P. 713 L.D. 1870

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-457)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-458)** (3 members)

Tabled - April 13, 2018 by Senator **MAKER** of Washington

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)** Report

On motion by Senator **MAKER** of Washington, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-457) **READ**.

On motion by Senator **MILLETT** of Cumberland, Senate Amendment "A" (S-479) to Committee Amendment "A" (S-457) **READ** and **ADOPTED**.

Committee Amendment "A" (S-457) as Amended by Senate Amendment "A" (S-479) thereto **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-457) AS AMENDED BY SENATE AMENDMENT "A" (S-479)** thereto.

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/18) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Implement Certain Recommendations of the Computer Science Education Task Force

H.P. 1296 L.D. 1861

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-757)** (11 members)

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

Tabled - April 13, 2018 by Senator **MAKER** of Washington

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757)**.)

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-757) **READ**.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-475) to Committee Amendment "A" (H-757) **READ**.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this amendment to the other - to the bill just reduces the fiscal note by \$2,600 and it reassigns some tasks to the task force on computer science. So it actually helps reduce the cost. Thank you very much.

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-475) to Committee Amendment "A" (H-757) **ADOPTED**.

Committee Amendment "A" (H-757) as Amended by Senate Amendment "A" (S-475) thereto **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Resolve **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-757) AS AMENDED BY SENATE AMENDMENT "A" (S-475)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Clarify the Scope of Practice of Certain Licensed Professionals Regarding Conversion Therapy" H.P. 640 L.D. 912

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-745)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-746)** (2 members)

Report "C" - **Ought to Pass as Amended by Committee Amendment "C" (H-747)** (2 members)

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

Tabled - April 17, 2018 by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF ANY REPORT**

(In House, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-745)**.)

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.

Senator **JACKSON** of Aroostook moved to **TABLE** until Later in Today's Session pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#644)

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

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **JACKSON** of Aroostook to **TABLE** until Later in Today's Session pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE, FAILED**.

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

Senator **LIBBY:** Mr. President, what's the pending motion?

THE PRESIDENT: The pending motion before the Senate is Acceptance of Report "C".

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 Chenette.

Senator **CHENETTE:** Mr. President, men and women of the Senate, I rise today not as the openly gay Senator in this Chamber but as a Senator who happens to be gay. I try really hard to make - separate my personal life from my professional. Not always successful but I try to go above and beyond to make this about the important issues at stake. But it's root issues like the one in this bill, the one this bill is trying to resolve, that force me to talk about this through the lens of my own personal experiences, not talking points or conjecture. I don't have the luxury of talking about this bill in an abstract. It's real for me because keeping conversion therapy in any form legally on the books is personally offensive to every fabric of my being. You all know me by now. We might be on opposite sides of an issue or an aisle, have fundamental disagreements about public policy, but at the end of the day I really do consider all of you my colleagues, my equal. Last time I checked, I am an equal

member of this Body. Last time I checked, I bleed the same color blood as you. We are more alike than we are different. This bill isn't about rainbow flags or parades down the street or even what bathroom to use. This is about basic human decency and the ability to recognize another human beings' worth in this world. Why would you continue to permit a barbaric practice of trying to unsuccessfully convert people like me? I ask you this, what is wrong with me? Conversion therapy is anything but. It assumes from the get go that something is wrong with the individual. That something needs fixing. It assumes you want and need fixing and that you can "be fixed." Let me ask you something else, and I really want you to think long and hard about the answers to these questions. Would you, personally, be able to change who you are with a flip of a switch? Would you be able to stop loving your spouse, wife, or husband with a flip of a switch? Would you even want to? If you answered no to those questions, why should you expect a young person to have a different response? "Therapy practices can include methods such as talk therapy," which is included in this report, "aversion, harassment, physical abuse, electroshock therapy, treating LGBTQ identity as an addiction issue likes drugs or alcohol, and more." While certain therapies like talk therapy, like we're addressing here today, are also legitimate forms of care for people who experience mental health problems, being gay is not a mental health disorder. One survivor of conversion therapy was quoted saying: 'We were no longer people at the end of the program.' No longer people. Conversion therapy isn't based on any sound science or reality. Today there are no mainstream psychiatric organizations that accept conversion therapies as a reputable practice and the people who offer these kinds of treatments are not often licensed and do not follow under regulations.

But I want to take a step back for a moment. I need you to understand the human cost. I need you to understand my story in order for you to understand the seriousness of the vote we are taking here today. You need to hear the human side of this outdated means of dealing with internalized homophobia. I am lucky in life to have found my soul mate. I married my partner, Edward, back in 2016. Just a few years before, though, I would have never imagined I would have had the ability to legally marry. This was a right denied to me and others like me. For most in this room you've never had to question that right. It was a given. It's an incredible feeling when you gain a constitutional right that your friends and family have had their entire lives and never had to think twice about. It's a feeling of being acknowledged, of being equal based on something that makes us inherently human: love. Like other things in life, society had made me feel like a second class citizen. Wasn't able to marry. Couldn't give blood the rest of my life. Benefits not afforded to me. Let's not forget the constant harassment, bullying, and complete disrespect I've had to endure throughout most of my life. Conversion therapy being legal and on the books continues this feeling of being less than, not worthy, inadequate, different, weird.

I had a difficult time growing up. I always felt different from my peer group even before acknowledging what that difference was. I just felt I couldn't connect with those my age. It wasn't until middle school, heading into high school, when I started to feel confused about who I was. Everyone else my age was dating, or at least fixating on trying to date, going to dances. The typical high school experience. But fear of judgment, fear of rejection, fear of letting my guard down and discovering who I might be, prevented me from having that typical experience. It froze my personality into a suspended state of reclusion. Even

the words I chose to utter around my own immediate family had to be selected with care, otherwise they might suspect. I felt trapped, suffocated by society. I remember there were days that I would just write the sentence 'I am not gay' over and over again, hoping that some positive affirmations would suddenly make it so. 'Why couldn't I just be normal?' I thought to myself. 'Why me?' Was I being punished for something from another life? It just didn't seem fair. For everyone else sexuality was just so easy. It just came naturally. They didn't have to question it. It didn't help that on a daily basis students I didn't even know would constantly ask me if I was gay. Not out of curiosity but to ridicule and out of spite. There was a reason I would spend lunch periods in the student TV studio working instead of socializing. A brief escape from the daily struggle. Keep in mind, I had the best parents in the world but even they had a journey of coming to terms with who I am and accepting it. At the time, I never felt like I could talk to anyone about this, nor did I have any support. There were some very dark days. Most wouldn't know because I always present myself in a positive way, always with a smile. But behind that smile I was hurting really bad. There were times I felt maybe it would just be easier if it would just go away, to end it all. These thoughts were wrong, but at the time there didn't seem to be many solutions. And when you question everything about yourself, when everyone tells you who you are is wrong, it destroys your self-worth, eats away at your spirit to live. I wasn't a religious individual but I will tell you I prayed a heck of a lot in high school, hoping that some higher power will make it all better, hoping that this was just a phase, and, of course, it wasn't just a phase but it's taken me a while to value myself and accept myself for exactly who I am. I am exactly how God intended. I am finally at a place of being happy. My husband keeps me grounded and gives the solid foundation of strength I need to carry on each day with self-confidence and a drive to be the best version of me possible.

While my struggles and story might sound unique, they are sadly not. In fact, there are young people going through much, much worse. Here are some sobering statistics. Suicide is the second leading cause of death among young people, generally speaking, ages 10 to 24. Gay youth seriously contemplate suicide at almost three times the rate of heterosexual youth. Gay youth are almost five times as likely to have attempted suicide compared to their heterosexual counterparts. Each episode of LGBT victimization, such as physical or verbal harassment or abuse, increases the likelihood of self-harm behavior by two and one half times the average. If letting my light shine bright helps just one person out there be true to their core and save them from a life of pain then mission accomplished. While I don't attend church on a regular basis now, my Mom used to take me and I went to bible study classes. Nowhere did I find the teachings of Jesus Christ to be about hating anyone or even passing extreme judgment onto anyone. What I learned was quite profound. I learned about the Golden Rule. Do unto others as you would have them do unto you. I think we should practice that today with this vote. Please don't dehumanize people like me and treat us like something you can change to fit a narrative. I respect you and your ability to love the spouse of your choosing and I expect the same in return. Oppose this report to support the bill at hand to not only protect Maine kids from direct psychological abuse but also to send a message to all kids in Maine struggling with their identity with who they are that they aren't weird or inferior, that they are exactly who they are put on this earth to be, themselves.

Mr. President, men and women of the Senate, join me in choosing love over hate. Thank you.

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 today to oppose the pending motion. As you know, I have a lot of personal family history with mental health, the mental health system. The Diagnostic and Statistical Manual, known as DSM, is the manual that guides mental health professionals in defining, diagnosing, and treating a wide range of mental illnesses. As brain science has advanced in recent decades of study, this manual has been revised several times to reflect scientific advances. In 1973, the American Psychiatric Association, which publishes the DSM, removed the diagnosis of homosexuality from the second edition of the DSM. This resulted after comparing competing theories, those that pathologies homosexuality and those that view it as normal. In addition, in 1990 the World Health Organization removed homosexuality from the International Classification of Diseases. According to the American Psychiatric Association, despite advances in LGBTQ, rights and acceptance stigma, both internal and external, continues to be the greatest problem facing sexual and gender minorities. In addition, most LGBTQ people are not raised by people who identify as LGBTQ. Accordingly, they might not have the ability to seek support from parents, siblings, or peers who may understand their struggles. As we heard earlier, LGBTQ young people struggle with higher rates of anxiety, affective disorders, substance use disorders, and likely have struggled with stigma and the coming out and self-acceptance process itself. Alarming, this population has nearly a three times higher risk of suicide. LGBTQ people are also at greater risk for discrimination, verbal abuse, physical assaults and violence, and perhaps even childhood sexual abuse. Though legal protections have been increasingly - have been increasing dramatically, many places do not protect sexual or gender minorities in the workplace, in housing, or in access to healthcare. Fears of potential discrimination contribute to some LGBTQ people not seeking the help they need, medically or psychiatrically, in a timely manner, if at all.

Studies have shown that many are afraid to be open about their sexual orientation or feelings with their mental health providers. This amendment, in particular, says that conversion therapy does not include talk therapy. Talk therapy is therapy. Talking about converting is therapy. If you want to - if you want to send your child to a religious figure for pastoral counseling, this bill allows for that. But to say that conversion therapy somehow doesn't include talk therapy makes no sense to me. Words matter and when a young person is struggling to accept his or herself the words he or she hears from a trusted adult are profound. This is why the American Academy of Pediatrics, the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association, the American Psychological Association, the American Association of School Counselors, the National Association of Social Workers have all taken public positions rejecting conversion therapy in any form or any format. If we want to protect our children, our brothers, and our sisters from further harm from any provider of mental health services with any agenda other than to accept young people as they are we need to reject the current motion. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you very much, Mr. President. First, I'd just like to start by thanking my colleague from York County, Senator Chenette. Regardless of where people fall on this issue, or the larger questions involving these issues, I think it's good to start with just an appreciation and understanding for each and every one of us. We're all human beings in here. We all have our own stories and I can only imagine how difficult that can be to share some deeply personal stories and some deeply personal struggles that someone has experienced in their own life. I just want to start by acknowledging that and thanking my colleague from York County for opening up in that way and speaking with us about that because I know that there are many young people these days - many young people these days who are going through many of those same questions, those same struggles. Absolutely. I think that that's powerful to be able to hear that. So thank you.

I will say, you know, I'm an original co-sponsor of this bill. I - this bill originally was a concept draft that came to me over a year ago and I signed on. I signed on because I believe that there should be some protections in place for minors. I think that that makes sense. I think one of the difficult needles to thread on this issue comes from the fact that minors legally cannot consent. An adult can consent all day long. An adult can pursue whatever treatment that they want to pursue, and at the end of the day I could look at them and say, 'Well, that's a wise treatment or that's not a wise treatment.' But at the end of the day, when you're an adult, you have the right and ability to make those decisions for yourself. A minor can't legally consent. Now there are some other reports that may thread the needle better on this. I don't know that this is the ideal report, Report "C" which is before us, but I am planning to support this report today because I do think that it moves us in a better - it clarifies some things, moves some things in the right direction. And to the point that was made by Senator Breen from Cumberland County about talk therapy, I agree. Talk therapy is therapy and I do think that there are - this report does leave some lingering questions about talk therapy and how to find the balance between what is - when is therapy patient driven and when is someone being pushed and forced into being there. I think that there is a balance to seek there. I do think that, you know, if a young person is struggling with questions they should be able to talk through some of these things with someone. I worry about if we go too far in one direction, and prohibiting things and make things too restrictive, and then we close some doors to people in terms of places where they may look to go and seek to work through some of these questions. But I do think that this report, Report "C", is a step in the right direction. I understand, and completely understand, that is not a big enough step in the right direction for some people. That said, I know this is a deeply personal issue. Many of the issues we deal with are deeply personal issues in this Chamber, but this one especially so and we're all human beings here and I'll end by saying again, you know, I thank my colleague from York County for sharing his story with us. Thank you very much, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise just to make one clarifying point and that is that this report is not a step in the right direction. What this report inadvertently does, and I have no doubt that it was well meaning, is legalize and codify conversion therapy because this report specifically defines conversion therapy as a practice without parallel in definition in any of the states that have adopted it, as aversive practice or treatment, and it goes on to define aversive practice or treatment to physical and unpleasant stimuli, including seclusion and isolation, ice baths, or physical restraint. Essentially, torture. But then this report explicitly, as the good Senator from Cumberland explained, but I will quote from the bill. It says, 'Conversion therapy does not include talk therapy.' That's exactly what conversion therapy is. If we pass this report we are, in fact, legalizing conversion therapy. Some might argue that we're seeking consensus, that we're trying to find common ground. Let me just say that consensus that perpetuates discrimination or harm to our community is no virtue. It is wrong. I urge you to vote Ought Not to Pass to this report.

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

Senator **CARSON:** Thank you, Mr. President. Men and women of the Senate, I believe that as we cast our vote on the pending motion we need to set aside whether we are Democrats or Republicans, Liberal or Conservative, gay or straight, or any other labels. We have an opportunity to do what is right and what I believe is right is to love and respect and cherish young people, to honor who they are, to take care of them, to not create any pain or risk for them, but to help them be the very best young people, and ultimately grown-ups, that they can be.

I'm not exactly sure that this is relevant, but I - you've heard me once before, and I will do it again today, I will tell you a brief story from Vietnam. My best friend in Vietnam, who continues to be a very good friend, although I don't see him very often, was one of the other platoon commanders in the Marine Corps and it was a night when the perimeter was over run by the North Vietnamese. This man, my friend Jay, was the person who had the courage to reorganize, to rally our troops, - I was no longer in the country. I had been wounded and was gone by then - and to drive the North Vietnamese army soldiers back out of the perimeter. I didn't hear about this story until much, much later when I was already home. I saw him again. I invited him to Maine to visit and we drove from Washington D.C., where he lived, back to Maine, and about half way up at some point in the car he said, 'Brownie, there's something I want to tell you. I've never shared this with you before,' and I said, 'What's that, Jay?' He said, 'You should know that I'm gay.' I'm not quite sure, as I mulled over what I wanted to say on the floor today, exactly why I tell you that story except to say that it didn't matter to the Marines on the battlefield that day whether my friend and colleague, Jay, was gay or straight. He was who he was and at the age of 20 or 21 he became a hero. All of us can be heroes in big or small ways, but certainly in a small way, in an everyday way, we can honor young people, we can forgo, we can outlaw conversion therapy because it, at the bottom of everything, is an effort to tell them it's not okay who they are, they need to be somebody else. I hope that we will not do that. I encourage everyone to vote against the pending motion and vote in favor of the dignity and the young people, whoever they are. Thank you.

THE PRESIDENT: The pending motion before the Senate is Acceptance of Report "C". If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. A roll call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#645)

YEAS: Senators: BRAKEY, COLLINS, CYRWAY, DAVIS, DOW, HAMPER, KATZ, KEIM, LANGLEY, MAKER, MASON, ROSEN, SAVIELLO, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "C" (H-747)**, in **NON-CONCURRENCE, FAILED**.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, April 18, 2018 at 10:00 in the morning in memory of and lasting tribute to Jeffrey Cole of Kennebunk, Susan Mitchell of Sidney, and Curtis R. Prime of Augusta.