

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

In Senate Chamber
Tuesday
May 23, 2017

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

Prayer by Pastor Timothy Haynes, Calvary Pentecostal Church in
Madison.

PASTOR HAYNES: Thank you. Would you join me. Dear God, I believe this morning, as I stand before this Body of Senators, that God, You have made all things for a purpose. I pray, God, that Your will and Your purpose will be done in this house today. Father, I thank You for the way that You provide for us. I ask that You would grant today wisdom, direction, moral courage, insight, compassion, all that is needed for every member of this Body as they deliberate, as they make decisions. I pray, Father, that we would honor You. We ask that You would forgive us for our failings, when we fail to meet up with our own expectations sometimes, and certainly fall short of Your righteousness. Have mercy on us. Help us to rise above our humanness and become more like You, to see things from Your point of view, to understand life and what it's about from Your perspective. I pray, Father, that You would guide and that You would direct in all that's done in this place and, at the end of the day, that we might be able to say that it has been pleasing to You. We pray, Father, that You would rule and reign over all things. Your kingdom come, Your will be done. To You belongs all the praise, all the honor, and all the glory. Amen.

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

Reading of the Journal of Thursday, May 18, 2017.

Doctor of the day, Edmund Claxton, Jr., M.D. of Auburn.

Off Record Remarks

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Fees To Be Charged for Wild Game Dinners"

S.P. 202 L.D. 587

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-84)** (2 members)

In Senate, May 17, 2017, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**.

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

On motion by Senator **CYRWAY** of Kennebec, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Fund and Enhance the Maine Diversion Alert Program" (EMERGENCY)

H.P. 182 L.D. 249

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-146)** (4 members)

In Senate, May 17, 2017, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-146)**.

On motion by Senator **ROSEN** of Hancock, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size"
H.P. 549 L.D. 769

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-143)** (6 members)

In Senate, May 17, 2017, on motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**.

On motion by Senator **WHITTEMORE** of Somerset, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Enact the Toxic Chemicals in the Workplace Act"
H.P. 490 L.D. 699

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-135)** (7 members)

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

In Senate, May 17, 2017, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-135)**.

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Preserve Funding for the Maine Clean Election Act by Removing Gubernatorial Candidates from Eligibility"

H.P. 233 L.D. 300

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-83)** (6 members)

In Senate, May 17, 2017, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-83)** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT NOT TO PASS** Report was **READ** and **ACCEPTED**.

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#150)

YEAS: Senators: **BRAKEY, COLLINS, CUSHING, DOW, HAMPER, KEIM, LANGLEY, MAKER, MASON, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU**

NAYS: Senators: **BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, HILL, JACKSON, KATZ, LIBBY, MILLETT, MIRAMANT, ROSEN, VITELLI**

EXCUSED: Senator: **DION**

14 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **INSIST FAILED**.

The Senate **RECEDED** and **CONCURRED**.

House Paper

Bill "An Act To Support Maine's Working Families through Universal Child Care"

H.P. 1114 L.D. 1618

Comes from the House, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

On motion by Senator **DOW** of Lincoln, **REFERRED** to the Committee on **TAXATION**, in **NON-CONCURRENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 420

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 18, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Liberty R. Ladd of Falmouth, for appointment to the State Board of Education.

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

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Turner of Burlington
NAYS		0	
ABSENT		1	Rep. Stewart of Presque Isle

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Liberty R. Ladd of Falmouth, for appointment to the State Board of Education be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#151)

YEAS: Senators: None

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

EXCUSED: Senator: DION

No Senator having voted in the affirmative and 34 Senators having voted in the negative, with 1 Senator being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Liberty R. Ladd** of Falmouth for appointment to the State Board of Education was **CONFIRMED**.

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

The Following Communication: S.C. 417

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON CRIMINAL JUSTICE AND PUBLIC SAFETY**

May 15, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 141 An Act Regarding Bringing Certain Criminal Charges
- L.D. 514 An Act To Authorize the Expungement of Records of Nonviolent Crimes
- L.D. 746 Resolve, To Increase the Permissible Size of Bed and Breakfasts
- L.D. 918 An Act Regarding Maine's Criminal Code
- L.D. 1060 Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission
- L.D. 1238 An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions
- L.D. 1266 An Act To Transfer Operations and Ownership of County Jail Facilities to the State
- L.D. 1366 An Act To Protect Maine Consumers by Creating a White-collar Crime Registry
- L.D. 1401 An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion
- L.D. 1469 An Act Relating to Firearms Exclusions in Certain Locations
- L.D. 1493 An Act To Strengthen Enforcement of Support Orders

This is notification of the Committee's action.

Sincerely,

S/Sen. Kimberley C. Rosen S/Rep. Charlotte May Warren
Senate Chair House Chair

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

The Following Communication: S.C. 421

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS**

May 17, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 158 An Act To Improve the Certification and Evaluation of New Educators and Administrators by Consolidating Standards
- L.D. 354 An Act To Address the Shortage of School Administrative Professionals
- L.D. 1029 An Act To Abolish the 5-year Cap for Retired State Employees Who Return to Work
- L.D. 1215 An Act To Clarify Collective Bargaining in School Districts
- L.D. 1471 An Act To Amend the Laws Governing the Deduction for MaineCare Payments from a School Administrative Unit's State Subsidy

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley S/Rep. Tori P. Kornfield
Senate Chair House Chair

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

The Following Communication: S.C. 423

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

May 15, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 421 An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet
- L.D. 1262 An Act To Protect Monhegan Island by Limiting Wind Turbines
- L.D. 1513 An Act To Provide for Affordable Long-term Energy Prices in Maine
- L.D. 1516 An Act To Encourage Broadband Development through Private Investment

This is notification of the Committee's action.

Sincerely,

S/Sen. David Woodsome S/Rep. Seth A. Berry
 Senate Chair House Chair

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

The Following Communication: S.C. 422

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

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
 Honorable Sara Gideon, Speaker of the House
 128th Legislature
 State House
 Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

- L.D. 253 An Act To Repeal the Maine Metallic Mineral Mining Act

- L.D. 395 Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

- L.D. 1003 Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources

This is notification of the Committee's action.

Sincerely,

S/Sen. Thomas B. Saviello S/Rep. Ralph L. Tucker
 Senate Chair House Chair

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

The Following Communication: S.C. 418

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

May 12, 2017

Honorable Michael D. Thibodeau, President of the Senate
 Honorable Sara Gideon, Speaker of the House
 128th Legislature
 State House
 Augusta, Maine 04333

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

- L.D. 39 An Act To Clarify Landowners' Liability Regarding Public Access
- L.D. 112 An Act To Further Limit the Liability of Landowners Who Permit the Use of Land for Outdoor Recreational Activity
- L.D. 815 An Act To Allow a Council of Governments To Provide Municipal Services to Small Towns under the Maine Tort Claims Act
- L.D. 1241 An Act To Encourage Child Support Accountability
- L.D. 1304 An Act To Specify the Rights of Parents
- L.D. 1437 An Act To Establish a Youth-in-care Court

L.D. 1465 An Act To Protect Elders from Financial Exploitation and Ensure the Efficient Use of Litigation Resources for the State

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

This is notification of the Committee's action.

Sincerely,

S/Sen. Lisa Keim Senate Chair S/Rep. Matthew W. Moonen House Chair

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

May 18, 2017

The Honorable Heather J.R. Priest
Secretary of the Senate
128th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought Not to Pass Report of the Committee on Criminal Justice and Public Safety on Bill "An Act To Deter the Dealing of Dangerous Drugs" (S.P. 22) (L.D. 42)

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: S.C. 419

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

May 15, 2017

Honorable Michael D. Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
128th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Gideon:

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

L.D. 1195 An Act To Allow Municipalities To Opt Out of the Collection and Assessment of Personal Property Taxes

L.D. 1270 An Act To Allow Municipalities To Include Itemized Fees on Property Tax Bills

This is notification of the Committee's action.

Sincerely,

S/Sen. Dana L. Dow Senate Chair S/Rep. Ryan Tipping House Chair

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

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

Senate at Ease.

The Senate was called to order by the President.

ORDERS

Joint Orders

Expressions of Legislative Sentiment recognizing:

Dr. Danielle N. Ripich, of Biddeford, President of the University of New England, for her contributions to the University of New England, Biddeford, Portland and the State. Since Dr. Ripich's leadership of the university began in July 2006, the University of New England has greatly expanded its campuses in Biddeford and Portland and opened a study abroad campus in Tangier, Morocco, launched the College of Pharmacy, the College of Dental Medicine and the Online College of Graduate and Professional Studies and grew from 4,000 to more than 10,000 students. The university's contribution to the State's economy is more than \$1,000,000,000 per year. We extend to Dr. Ripich our appreciation for her accomplishments and offer her our best wishes;

SLS 290

The Following Communication: H.C. 174

Sponsored by Senator DESCHAMBAULT of York.
Cosponsored by Senators: CHIPMAN of Cumberland, DION of Cumberland, Representatives: COLLINGS of Portland, FARNSWORTH of Portland, FECTEAU of Biddeford, GROHMAN of Biddeford, HARLOW of Portland, JORGENSEN of Portland, MOONEN of Portland, SANBORN of Portland, SEAVEY of Kennebunkport, SYLVESTER of Portland, TALBOT ROSS of Portland.

READ.

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

Senator **DESCHAMBAULT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it is my honor to represent the Maine Senate in recognizing Dr. Danielle Ripich, President of the University of New England, upon her retirement. On July 1, 2006 Dr. Ripich became U.N.E. fifth President. Before assuming the U.N.E. helm, Danielle Ripich served as Dean of the College of Health Professions at the Medical University of South Carolina and as a Professor of Neurology. She holds a Ph.D. in Speech Pathology from Kent State University, a Bachelor and Master Degree in Speech Pathology from Cleveland State University. She is internationally recognized for her language research, particularly in the area of child language and Alzheimer's Disease and other forms of Dementia. She has published extensively in her field, editing books, writing book chapters, placing articles in journals, and serving as editorial consultant to numerous medical and language journals.

I'd like to take a moment also to tell you a little bit about U.N.E. I will also tell you that I am a graduate of Saint Francis College in 1971, which is where U.N.E. is today. U.N.E. is located primarily on the banks of the Saco River in Biddeford. It was previously known as Saint Francis College, a small liberal arts school in the early 50's by the Franciscan Order of Montreal to educate young men. In the late 60's enrollment began to drop and Saint Francis began to transform itself to survive. It redefined its missions around programs in biological sciences and human services, which led to the founding of the New England College of Osteopathic Medicine on the campus in 1978 and the creation of U.N.E. by combining Saint Francis College and the College of Osteopathic Medicine into one institution. Two decades later, in 1996, the University merged with Westbrook College in Portland. So I could say that I'm a graduate of the School of Osteopathic Medicine, but I won't.

Dr. Ripich's achievements have continued this growth in health sciences. In the short span of eleven years she guided U.N.E. through a period of unprecedented growth. U.N.E.'s enrollment has gone from 4,000 students to 10,000 students in eleven short years. In 2013, the College of Dental Medicine was founded. This is interesting, if anybody was here last year at the 127th when we talked about the dental bill. Of the 64 students in the college's initial class 24 are from Maine, representing more than 20 different towns. The rest hail from sixteen different states throughout the United States, as well as Canada. Of interest to Legislators, in the areas of education and economic growth, this year's graduating class began their clinical rotations in communities throughout Northern New England, working in Maine, New Hampshire, Vermont, and Rhode Island, and administer oral healthcare to 27 sites. Many of the sites were federally qualified health centers in rural areas of these states. Of

the dental students who have announced their post-graduation plans, 47% will be staying in New England. At least eleven of those students, and this year they graduated their first class, are staying in Maine to practice and receive further professional training. Several more have expressed a desire to return to Maine and complete their residency. The story of U.N.E. continues with every graduating class, with three distinctive campuses in Biddeford and in Portland and in Tangiers, Morocco, and five unique colleges: the College of Art and Sciences, the College of Osteopathic Medicine, Westbrook College, College of Pharmacology, and College of Dental Medicine. The next chapter will certainly be an interesting one. Recently the University received a \$1 million gift from the Housing Initiatives of New England and plans are to establish a Center for Excellence in Aging and in Health. Dr. Ripich noted it brings together some of the strengths of the University and the needs of the State of Maine beyond New England. Add to these accomplishments the establishment of the College of Pharmacy in 2009. Students can now study a semester abroad in Tangier, Morocco. The University's contribution to the State's economy is more than \$1 billion a year. Dr. Ripich, you have enriched us in many ways and leave a legacy that is everlasting to my area of York County and to the State and we all thank you very much. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the rear of the Chamber Dr. Danielle Ripich of Biddeford. Would she please rise and accept the greetings of the Senate.

The Cheverus High School Boys Swim Team, of Portland, which won the Class A State Championship. We extend to all the members of the team our congratulations and best wishes;
SLS 291

Sponsored by Senator CHIPMAN of Cumberland.
Cosponsored by Senator: DION of Cumberland, Representatives: COLLINGS of Portland, FARNSWORTH of Portland, HARLOW of Portland, JORGENSEN of Portland, MOONEN of Portland, SANBORN of Portland, SYLVESTER of Portland, TALBOT ROSS of Portland.

READ.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, I just want to make a few remarks about the Cheverus High School Boys Swim Team. Several weeks back they captured their fifth consecutive State Class A Swimming Championship with a lot of help from senior freestyle specialist Shane Moore. Moore won the 50 yard and 100 yard freestyles at the 21.28 and 46.64 seconds respectively. He swam a leg for the Stag's triumphant 200 freestyle relay team and is also a member of the 200 medley relay team that finished third. He set a meet record for the 50 freestyle and was named Performer of the Meet. Sophomore Phinney Underwood was fifth in the 50 freestyle and

... tied for sixth in the 100 freestyle for Cheverus while also swimming on the victorious 200 freestyle relay team and on the third place 400 freestyle relay team. Senior Gus Anderson and freshman Quintin Hastings joined Moore and Underwood on the 200 freestyle relay team and freshman Chase Cameron picked up 27 valuable points for Cheverus, as he was fifth in the 500 freestyle and sixth in the 200 freestyle. I just wanted to mention that present with us today are swimmers Ben Tompkins, Shane Moore, Gus Anderson, Quintin Hastings, Clay Hatch, Phinney Underwood, Chase Cameron, Mike Borelli, and Coach Kevin Haley and Assistant Coach Matt Arey. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber members of the Cheverus High School Swim Team. They are the guests of Senator Chipman. Would they please rise and accept the congratulations of the State Senate.

Joint Resolution in Memoriam:

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

Ralph A. MacDonald, of Windham, a veteran of the United States Air Force. Mr. MacDonald was trained as a P-51 Mustang fighter pilot during World War II. In 1958, he was appointed Postmaster of South Windham by President Eisenhower. Mr. MacDonald was a Mason and served as Master of Presumpscot Lodge No. 70, Ancient Free and Accepted Masons, in 1960. He will be long remembered and sadly missed by his family and friends;
SLS 292

Sponsored by Senator DIAMOND of Cumberland.
Cosponsored by Representatives: BRYANT of Windham, COREY of Windham.

READ.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll be brief, but I do need to, and want to, make some comments about Ralph MacDonald. He, as you heard, was a veteran of the United States Air Force. Served this country well. A fighter pilot. Did all the things that it took not only to win that war but to give this country courage, and I think he did that along with the other veterans for sure. When he became Postmaster of South Windham he became then the person almost everybody knew and loved. He was a wonderful man, had a wonderful family, and, as you can see, contributed to the local community as well as to this State and to this nation. So his family, many of his family, is here today, not all but many, along with a former Senator of this Body, former Senator Gary Plummer and his wife, Betty. So, Mr. President, I would like to, again, have us all remember Ralph, who served so well, and also recognize

the people who came in his honor today. Thank you, Mr. President.

ADOPTED.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize Ralph A. MacDonald's daughter, Nancy MacDonald; his niece, Jeannie Hill Bennett; his niece, Betty MacDonald Plummer, and the Honorable Gary Plummer; as well as his dedicated caregiver, Brenda Hewey. Would they please all stand and accept the greetings of the State Senate.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 29, Allowances for Support Services for Adults with Intellectual Disabilities or Autism Spectrum Disorder, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY)
H.P. 977 L.D. 1419

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

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

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

Under suspension of the Rules, 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 To Allow Corrections Officers To Administer Naloxone"
H.P. 238 L.D. 324

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-191).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-191).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-191) **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 **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption for Certain Veterans' Facilities"
H.P. 562 L.D. 782

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-193)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-193)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-193) **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 **TAXATION** on Bill "An Act To Repeal the Income Tax on Pick-up Contributions Paid to the Maine Public Employees Retirement System and To Clarify the Taxation of Pick-up Contributions Distributed in the Form of a Rollover"
H.P. 870 L.D. 1247

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-194)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-194)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-194) **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 **TAXATION** on Resolve, Authorizing the State Tax Assessor To Convey the Interest of the State in Certain Real Estate in the Unorganized Territory
H.P. 979 L.D. 1421

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-195)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-195)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-195) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Prohibit the Mining of Massive Sulfide Ore Deposits under the Maine Metallic Mineral Mining Act"

H.P. 118 L.D. 160

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

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
KINNEY of Limington
MARTIN of Eagle Lake
PIERCE of Dresden
STROM of Pittsfield
ZEIGLER of Montville

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-158)**.

Signed:

Representative:

HARLOW of Portland

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Require Candidates To Be Listed as Unenrolled If Not Registered with a Recognized Party"
H.P. 408 L.D. 568

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

Signed:

Senator:
CARPENTER of Aroostook

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-188)**.

Signed:

Senators:
MASON of Androscoggin
COLLINS of York

Representatives:
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

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

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Bill **READ ONCE**.

Committee Amendment "A" (H-188) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act Regarding the Maine Clean Election Fund"

H.P. 846 L.D. 1210

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-185)**.

Signed:

Senator:
CARPENTER of Aroostook

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

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

Signed:

Senators:
MASON of Androscoggin
COLLINS of York

Representatives:
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
WHITE of Washburn

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-185)**.

Reports **READ**.

Senator **MASON** of Androscoggin 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: The Chair recognizes the Senator from Cumberland, Senator Chipman.

Senator **CHIPMAN**: Thank you, Mr. President. Men and women of the Senate, I just rise to point out a few things about this bill. Several years ago the Legislature repealed Clean Election funding for the gubernatorial race and the voters came back with an initiative in 2015 that restored that. This bill simply provides for adequate funding so that should even just one candidate for Governor qualifies for funding there will be adequate funding in the Maine Clean Election Fund to not only fund that race but all the Legislative races that many of us are going to qualify for funding for. Without this bill the fund could be left short should at least one candidate for Governor qualify. It could be left short and many of us could not have the funding necessary to run the races that we need to run in two years. I hope you will join me in opposing the pending motion. Thank you.

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

Senator **MASON**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I would urge the Body to vote for the current motion because, quite frankly, the funding is not necessary. The Maine Ethics Commission is sitting on a surplus of funds in excess of \$3 million and also this bill would move the funding up by double. It's just not needed in the estimation of the minority of the committee and also, when asked, the Director of the Ethics Commission said that they could survive with the funds that they have and with the timing that the funds would be dispersed. So I would urge the Body to vote with the Ought Not to Pass Report and go that way. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason, to Accept the Minority Ought Not to Pass Report, in Non-concurrence. 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 (#152)

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

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

EXCUSED: Senator: DION

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILS**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-185) **READ** and **ADOPTED**, in concurrence.

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

Senate

Ought to Pass

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Repeal the Former Interstate Compact for Juveniles"

S.P. 411 L.D. 1220

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

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

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

Sent down for concurrence.

Senator KEIM for the Committee on **JUDICIARY** on Bill "An Act Regarding Guardianships"

S.P. 252 L.D. 807

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

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

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform the State Workforce Board and Workforce Development Programs to the Federal Workforce Innovation and Opportunity Act"

S.P. 468 L.D. 1360

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

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

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Update the Operations of the Bureau of Rehabilitation Services and To Conform to the Federal Workforce Innovation and Opportunity Act of 2014"

S.P. 470 L.D. 1362

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

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

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing Unemployment Compensation"

S.P. 536 L.D. 1530

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Abuse of Corpse a Class C Crime"

S.P. 112 L.D. 346

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-111)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-111) **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 ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Mandate the Reporting of a Planned Act of Terrorism by a Person with Knowledge of That Plan"

S.P. 238 L.D. 721

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-114)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-114) **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 ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase Efficiency in the Enforcement of Restitution and Bail Orders"

S.P. 322 L.D. 983

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-115)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-115) **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 ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Clarify and Amend Certain Provisions of Law Regarding Victim Services"

S.P. 412 L.D. 1221

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-116)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-116) **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 Ensure Access to Opiate Addiction Treatment in Maine"

S.P. 307 L.D. 952

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-106)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-106) **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 WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Maine Guaranteed Access Reinsurance Association Act"

S.P. 221 L.D. 659

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-123)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-123) **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 WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act Governing Direct Primary Care Membership Agreements"

S.P. 472 L.D. 1385

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-127)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-127) **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 Amend the Laws Regarding Dealers in Secondhand Precious Metals"

S.P. 354 L.D. 1072

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-129)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-129) **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 Regarding Anesthesia Care in Rural Maine"

S.P. 387 L.D. 1166

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-108)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-108) **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 Reduce Regulations for Small Nonalcoholic Beverage Producers"

S.P. 487 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-110)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-110) **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 DOW for the Committee on **TAXATION** on Bill "An Act To Strengthen Efforts To Recruit and Retain Primary Care Professionals and Dentists in Rural and Underserved Areas of the State"

S.P. 439 L.D. 1287

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-121)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-121) **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 DOW for the Committee on **TAXATION** on Bill "An Act To Allow Voluntary Payments in Lieu of Taxes in the Unorganized Territory"

S.P. 441 L.D. 1289

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-122)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-122) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a County Jail Drug Rehabilitation and Treatment Grant Program"

S.P. 118 L.D. 377

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-112)**.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
LONGSTAFF of Waterville
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec

Representatives:

COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
MAREAN of Hollis

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Minority **UGHT NOT TO PASS** Report.

On motion by Senator **CHENETTE** of York, 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. I rise in opposition to the pending motion and in support of the bill before us. I'd like to read some sobering statistics that I shouldn't have to remind anyone in this Chamber about. According to the Attorney General's Office, Maine is being faced with over one person a day dying from overdose of drugs. Maine overdose deaths reached record levels just last year; 378 to be exact. Three hundred and seventy-eight deaths. Opioid drugs, especially fentanyl and heroin, cause most of those deaths. This bill before you is not a magic wand. No one bill is, but this is a major step in increasing access to a variety of treatment modalities to address the ravages of addiction through community based solutions and strategic partnerships. Let's have the State be a partner in this progress to empower and incentivize local areas to get folks back on their feet and productive members of society again. This bill was endorsed by the Portland Press Herald and the Kennebec Journal, and I'd like to read a section from their op-ed on the subject. "Maine's cash strapped county jails, which has become what Cumberland County Sheriff Kevin

Joyce recently called the state's largest mental hospital and detox center, are feeling the impact as the addiction epidemic continues to escalate. L.D. 377 is based on a sound concept. The bill would cut off a frustrating and often tragic cycle of relapse, release, and reoffending that rarely, if ever, results in recovery for Mainers suffering from addiction." This bill was also supported, Mr. President, by the Maine Sheriff's Association. In short, this bill establishes the York County Jail Drug Detoxification and Rehabilitation Pilot Program to provide one-time State funding for the creation of drug detoxification and rehabilitation programs in therapeutic communities within York County Jail or in facilities attached to or affiliated with the jail. There is also a regional component, so this is not just York County folks benefiting from this program. They can enter into agreements with any other area, which I think is important. If this particular pilot project is successful we can replicate it as a model across the state as a statewide grant opportunity. Yes, Mr. President, \$975,000 is a lot of money, but when our economic forecast have come back better than expected, when we dump \$30 million plus into the Rainy Day Fund, you can't say we don't have the money. Folks, we can't afford to wait another day, to wait for another death. We can't afford to wait around for task forces and special committees. We can't hide behind press releases. Now is the time for bold action to address this public health crisis. The question before us, Mr. President, is how much is a life worth? Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, believe in helping the public and the crisis of the opioid situation, but I have to say I sat in the committee and one thing about the Sheriffs is they are in the job of preserving and protecting the public and they work with law enforcement and the jails. They are not in the business of mental health and substance abuse. So that is the problem with this bill. It wasn't so much the effort. I think the effort's good. But I think the money should be directed towards where it should belong. It should go towards mental health and substance abuse in this situation. The law enforcement tends to direct where the problems lay and try to get them placed where they need to go. This program would be basically putting the burden onto the Sheriffs to become a facility for mental health and substance abuse and that's not what they're about. So I think that the effort is well intended, but I think that this, the money, should be directed towards where it belongs. For this reason, I'm Ought Not to Pass.

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 support of the pending motion. While I agree with my colleagues that this is a serious problem, it's a matter that I have become all too familiar with, both as the current Chair of the Opioid Task Force and through family members who have, unfortunately, dealt with this on a personal level. The issue, as my colleague from Kennebec County pointed out, is not what we typically think of in the purview of law enforcement, but, unfortunately, Mr. President, they have been faced with the need and the problems that come from members of our society who end up in their care and are dealing

with this issue. I think it's important, Mr. President, as we focus on this that we don't get distracted and talk about dumping money into funds. We have a fiscal responsibility here. The fact, Mr. President, that we're dealing with this issue and not dealing with the larger budget issue right now has to be weighed in the balance of the decisions we make on every spending bill and I think, Mr. President, that it is appropriate that we pass this report so that we're able to move on to the issues in a more substantial manner after the Opioid Task Force gives its report. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Rosen, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#153)

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

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

EXCUSED: Senator: DION

17 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit a Person under 18 Years of Age from Being Charged with the Crime of Engaging in Prostitution"

S.P. 173 L.D. 512

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-131)**.

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Representative:

GERRISH of Lebanon

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-131) **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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Certain Sexual Offenses"

S.P. 216 L.D. 654

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-113)**.

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

CYRWAY of Kennebec

Representative:

GERRISH of Lebanon

Reports **READ**.

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

Senate at Ease.

The Senate was called to order by the President.

On motion by Senator **MASON** of Androscoggin, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **UGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **UGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Amend the Laws Governing Eluding an Officer"

S.P. 361 L.D. 1090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-130)**.

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

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

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
TALBOT ROSS of Portland

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (S-130) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure Federal Title I Funding Is Directed to Classroom Learning"

S.P. 448 L.D. 1319

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-104).**

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD 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 Not To Pass.**

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 NOT TO PASS** Report.

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

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. At issue here is the school funding formula and how we treat Title 1 funding. Title 1 funding is federal funds that go to school districts with children with high rates of poverty. In a recent U.S. Department of Education memo on this issue of Title 1 funding in the fall they noted that recent changes to the Every Student Succeed Act of 2015, which is a federal act under the so-called Supplement Clause of the 1965 Education Act, basically they said that Congress has specified a new requirement under Supplement that indicates that schools receiving Title 1 federal funds must receive all of the State and local funds the school would otherwise receive without counting federal Title 1 funds against them. Mr. President, simply put, the current off-setting of Title 1 funds hurts schools with high concentrations of poverty. At a time of increasing poverty among our students, Maine should not disadvantage the schools that need the most help. Every dollar that is off-set from the Title 1 program hurts the school district with high rates of poverty. Schools with high concentrations of poverty need help. The sooner the better. Mr. President, as the law currently stands, Maine is not in compliance with the provisions governing the Title 1 Program. The Majority Report would correct that issue and so I would ask that we vote this motion down so that we can get to the Majority Report, which corrects the unfairness with the Maine EPS model and Title 1 funds for Maine's low income school districts. 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, I rise today not in opposition to the intent of the bill, because the intent of the bill is actually in the budget, but, as most times with formulas, they're not just stand-alone items. It just isn't in a box by itself. The EPS funding formula is very complicated and everything is really related to everything else in there. So if we pull one thing out it affects other issues. In the budget that

we're working on, this, the intent of this, is completed. The money, the Title 1 money, will no longer supplant. They will supplement. But also, corresponding with that, changes need to be made with the declining enrollment statute, as well as student to teacher ratios. So a more comprehensive approach is needed than just the way that this bill is worded. I think both sides support the intent of this, putting Title 1 funding directed to classroom, pulling it out of the EPS funding formula, but other changes have to be made right along with it in order to make it a more smooth ride. Supporting this report does not hinder the end result, but makes a more complete package in the budget. Thank you very much.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#154)

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, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: DION

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Social and Emotional Learning and Development in Early Childhood" S.P. 450 L.D. 1321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-128)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
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 Not To Pass**.

Signed:

Representatives:

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-128) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Continue MaineCare Coverage for Parents during the Rehabilitation and Reunification Process" S.P. 153 L.D. 451

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-105)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

On motion by Senator **CHIPMAN** 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 Chipman.

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, along with this bill comes the tale of two fiscal notes; one showing a positive savings and one showing a small cost, which I'll get to in just a moment. Just a little background on this bill. Several years ago, through legislation passed here, we made some changes to MaineCare and who can qualify for MaineCare. Currently, when children are removed from a home by the Department of Health and Human Services those parents who have been previously receiving MaineCare coverage are at that point in time considered childless adults and their MaineCare coverage is taken away. However, federal law requires that parents in those situations be provided certain services like counseling, drug and alcohol treatment, addiction treatment, and things like that. We've been, for the last four or five years, paying for those services from the General Fund of the State, and it's very costly. What this bill seeks to do is ask the State to seek a waiver so that we can continue providing MaineCare coverage to those parents just during the reunification process. If that process fails, at that point MaineCare would be discontinued. The reason for doing that is that we can not only provide them with the services we're paying for from the State's General Fund through MaineCare and using federal dollars but also give them full healthcare, which I believe will lead to healthier families and allow the reunification process to be more successful. As for the fiscal note, this exact bill, word for word, was passed four years ago in the 126th Legislature and, at that time, this fiscal note showed a savings of \$300,000 a year. Under this bill, which is the same

language, the Department came back with an analysis showing a cost of \$59,000, which doesn't really make a lot of sense. I believe it's probably more likely there would be some savings, however, even if there was a cost of \$59,000, to provide healthcare to an estimated 800 parents a year for \$59,000 is a heck of a bargain and still a good reason to support this bill. I encourage you to join me in opposing the pending motion so we can pass this bill. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. There are several problems with this bill and I'll just highlight two of them. To speak to the fiscal note, it first should be noted that, as the fiscal note reflects, this bill does not achieve any savings for the State. As we heard from the Department in committee, this fiscal note reflects an analysis that went in-depth and went into greater detail to get a more accurate fiscal note from what was seen four years ago. The reason that it does not achieve savings for the State is that under current law, and under current practice, these individuals can be covered for their healthcare costs when the Department believes it is helpful to furthering the rehabilitation and reunification process, but this bill would expand MaineCare coverage for not just healthcare costs that are related to the rehabilitation/reunification process but for all healthcare costs for this individual. That's why we're seeing that increased cost to the State in the fiscal note. The second reason why this legislation is flawed is simply the federal government won't allow it. The federal government requires states to verify, when we ask for these sorts of waivers, that it would be cost neutral. This bill, however, would add approximately 737 people annually to the MaineCare rolls, an estimated cost of \$3.7 million. There is no way we can justify that an added expense of \$3.7 million is cost neutral. So we're going to task to the Department to go through the task of preparing everything to ask for a waiver when we know what the outcome of that waiver is going to be. There's no way it can be justified as cost neutral. It is not cost neutral. It's going to be rejected and we're going to waste taxpayer resources by directing the Department to go through this fruitless process. Thank you very much.

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

Senator **CHIPMAN:** Thank you, Mr. President. I just wanted to make a comment in response to my good friend from Androscoggin. We do not know that this would not work. In fact, we do know that there are a few other states that have applied for similar waivers and received them and they are providing a full healthcare benefit to parents in reunification as we speak. I believe Vermont is doing this, Oklahoma, and I think we heard that Rhode Island is doing this as well. The Department said that, under the bill passed four years ago, they couldn't see a path forward, that no other states were getting waivers, and then we learn through the public hearing and work session on this bill that there are, in fact, other states out there that have applied for similar waivers and received them. I would just like to point that out before the vote. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#155)

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, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: DION

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Alleviate Hunger in Rural Maine in Areas of High Unemployment

S.P. 352 L.D. 1070

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-107)**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Workforce Development Programs for New Maine Residents" S.P. 490 L.D. 1412

Reported that the same be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:
CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Promote Early Detection of Breast Cancer"

S.P. 262 L.D. 817

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

Signed:

Senators:

- WHITTEMORE of Somerset
- CARSON of Cumberland
- DOW of Lincoln

Representatives:

- LAWRENCE of South Berwick
- COLLINGS of Portland
- CRAIG of Brewer
- FOLEY of Wells
- MELARAGNO of Auburn
- PICCHIOTTI of Fairfield
- PRESCOTT of Waterboro
- SANBORN of Portland
- WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-117)**.

Signed:

Representative:

- BROOKS of Lewiston

Reports **READ**.

On motion by Senator **WHITTEMORE** of Somerset, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Practice of Pharmacy"

S.P. 187 L.D. 572

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

Signed:

Senator:

- BELLOWS of Kennebec

Representatives:

- FECTEAU of Biddeford
- BATES of Westbrook
- DUNPHY of Old Town
- HANDY of Lewiston
- MASTRACCIO of Sanford
- SYLVESTER 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-124)**.

Signed:

Senators:

- VOLK of Cumberland
- LANGLEY of Hancock

Representatives:

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Require That Employees Be Informed of Potential Eligibility for the Earned Income Tax Credit"

S.P. 359 L.D. 1088

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-125)**.

Signed:

Senators:

- BELLOWS of Kennebec
- LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senator:

VOLK of Cumberland

Representatives:

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **VITELLI:** Thank you, Mr. President. Thank you, members of the Senate, this is a very simple bill. It's stated in the title. It acts to require that employees be informed of their potential eligibility for the Earned Income Tax Credit. It asks that the Department of Labor send out a poster to employers so that they may make that information known to their employees. I'd just like to remind people that the tax season has just ended and that 99,000 EITC claims were filed in Maine, which will bring in some \$207 million in EITC refunds for an average claim of \$2,108. We know from surveys of Maine tax filers and from national research that this money is spent locally for such things as home or car repair, school costs, and other family necessities while some of it is set aside for savings for a rainy day. The fact remains that nationally roughly 20% of those eligible to file and claim the EITC and other tax credits, like the childcare tax credit, do not do so. In Maine, the latest estimate is that only 77% of eligible individuals claim the Earned Income Tax Credit. Individuals, especially in rural areas, the self-employed, disabled, older workers, and those whose families' marital status have undergone recent change, like a divorce, are even more likely to miss this opportunity. This bill's intended to get the word out so that more working Maine people can claim the credits they've earned. Were we to get even a 5% increase in individuals to file this tax we could help almost 5,000 more families and bring in over an additional \$10 million into their households and the Maine economy. I urge you to vote against this Minority Report so that we can accept this. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I just want to make this brief. Maine employers are already very, very busy trying to comply with all of the regulations that we have placed on them, as well as those regulations placed on them by the federal government. This is a worthwhile cause. The Earned Income Tax Credit is a fabulous program. I have no doubt about that, but it is not the employer's responsibility to make their employees aware of that and then, potentially, be responsible for answering questions. I also think it could be very confusing because we have no way of knowing that even if somebody does not earn a lot of money in their position then they may be married to somebody who earns well above anything that would qualify them for the Earned Income Tax Credit. So I ask that you support the pending motion. Thank you.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I felt I should rise because I ended up on the Ought to Pass Report accidentally. I think I came in and voted at the end of the day and so my vote is in the wrong place on this. I support the current motion on the Floor. As an employer, I am already required to have a minimum wage poster, a whistle blower poster, an unemployment benefits poster, a child labor law poster, a worker's comp poster, a human right's act poster, a safe work for computer poster, and a social media policy poster. I don't have really any more room for more posters. To reiterate what the good Senator, Senator Volk, has said, my relationship with my employees, I get really nervous if I'm going to venture off into their personal lives and their personal income level; whether they are married or they have other sources of income, whether they are working for me for a part-time job. I'm very uncomfortable traveling over into that part of their lives, so I would ask that you accept the Minority Ought Not to Pass Report.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk, to Accept the Minority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#156)

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

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

On motion by Senator **LIBBY** of Androscoggin, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

EXCUSED: Senator: DION

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Resolve, To Increase the Affordability of Safe Drinking Water for Maine Families

S.P. 426 L.D. 1263

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

Signed:

Senators:
VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:
FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DUNPHY of Old Town
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

Reports **READ**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (S-109) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Support Healthy Workplaces and Healthy Families by Providing Paid Sick Leave to Certain Employees"
S.P. 380 L.D. 1159

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-126)**.

Signed:

Senator:
BELLOWS of Kennebec

Representatives:
FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Modernize Data Collection and Reporting and Information Access for the Department of Labor"

S.P. 525 L.D. 1500

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

Signed:

Senator:
BELLOWS of Kennebec

Representatives:
FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **UGHT TO PASS** Report.

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

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I want to congratulate my Chair on the Labor, Commerce, Research and Economic Development Committee, Senator Volk, because approximately 70% of our bills have either been passed or defeated with unanimous reports because of her dedication and commitment to bi-partisanship and willingness to work with all sides. We passed some of those bills on the calendar today by unanimous consent, but L.D. 1500, which is a Department bill, is one bill which the majority of our committee members did have concerns about because it repeals existing sections of Maine's labor law having to do with data collection.

Perhaps the most controversial one that gave the majority of the committee pause was Section 2 of the bill which repeals the requirement passed in 1995 that the Department of Labor survey industry to collect wage and hourly data by gender to determine whether there are any existing gender based differences in pay. In an era when gender based pay discrimination is a matter of serious debate and a question of policy, I think it would be a mistake to remove the requirement that the State has been fulfilling for well over a decade. I believe the State should continue to collect this data and I urge you to join me in opposing the pending motion.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, yes, to your relief, we do have a lot of unanimous reports coming from Labor, Commerce, Research and Economic Development and I do thank my colleague from Kennebec, that she has helped make that possible. However, this is not one of them. Yes, part of what this Department bill does is repeal the Non-traditional Occupation Act. This act has the well-intentioned goal of ensuring that the Department educated individuals in a variety of career options, not those traditional to a specific gender stereotype. Certainly, as a mother of three girls, I know how important that is to not limit our children. I, in fact, grew up thinking that, for some reason in my head, I really only had a couple of limited options that I, as a girl, could pursue. I certainly do not have that in mind for my own children. However, in today's career centers individuals take a computer-based assessment that examines an individual's knowledge, skills, and abilities. These are called KSA. This tool provides information on all the occupations that relate to each person's knowledge, skills, and abilities without reference to gender. The goal is to expose job seekers, or potential trainees, to many different occupations, especially those that pay a higher wage and for which an individual has an identifiable skill set and interest. So the repeal of this section of the statute would not have any change on how the Department of Labor works with its clients to expose them to non-traditional opportunities. Again, they expose them to those opportunities that suit their knowledge, skills, interests, and abilities. It will, however, eliminate the monthly non-traditional occupations report and the annual report provided to the Labor, Commerce, Research and Economic Development Committee. I can tell you that, you know, we all get, depending on which committee we serve on, these reports that come out. This is one of the ones that comes out most frequently. It is a monthly report, and for years I've been wondering why do I get this every month. So this is about reducing the cost of government and reducing unnecessary reporting. Thank you very much for supporting the pending motion.

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

Senator **VITELLI:** Thank you, Mr. President. Thank you, members of the Chamber. I feel I would be remiss if I did not stand in opposition to this motion, having spoken last week, I believe it was, for the passage of the Equal Rights Amendment. We need this data in order to be sure that, in fact, our laws to create equal opportunities for men and women are working. I

would also like to point out that for a couple of years I served as the Chair of the Permanent Commission on the Status of Women and Girls in Maine. That Commission, which still exists to this day, is also very interested and dependent for their report, which they are legislatively required to do, on data about the experience of women and girls in employment. So I want to say again that we need this data. I would also add that in my other life, working for an organization that helps people in their careers, we have been operating programs called Totally Trades, which is an opportunity for girls in the 8th through 11th grades to experience firsthand what non-traditional occupations could be like, so as to broaden their career interests and their opportunities. We've been engaged in this activity for about 14 years. It's supported by the State's Department of Education and I believe that, again, we need to make sure that we're collecting the data that will tell us whether we're being effective in truly opening opportunities for women and girls throughout this state. So I urge you to vote against this motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk, to Accept the Minority Ought to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#157)

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, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: DION

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report **PREVAILED**.

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

Sent down for concurrence.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Eliminate the State Income Tax for Maine Public Employees Retirement System Pensions"

S.P. 174 L.D. 513

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-118)**.

Signed:

Senator:
CHENETTE of York

Representatives:
TIPPING of Orono
COOPER of Yarmouth
GRANT of Gardiner
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-119)**.

Signed:

Senators:
DOW of Lincoln
CUSHING of Penobscot

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

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-119)** Report.

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

Senator **DOW:** Thank you, Mr. President. It's amazing how we go through our committee work and trying to remember all the details of all the hundred plus bills that each committee has. I'm sure I'm the only one that can't remember all those details for every bill that comes along. This is one of them. This bill, the Minority Report, actually mirrors, pretty close to mirrors, what's in the budget that we're going through right now. It has to do with treatment of State pensions versus the Social Security pensions. We passed in the year 2000 \$6,000 of State pensions to be treated the same and in 2014 we jumped it up to \$14,000, to \$10,000 excuse me. In the budget, I noticed it goes from \$10,000 up to \$35,000 in \$5,000 increments for the next five years, which mirrors what's in the budget today that we're working on. So I just

wanted my own committee to know that because I wasn't very clear this morning when we met. I thank you, Mr. President.

On motion by Senator **DOW** of Lincoln, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-119)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "B" (S-119) **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-119)**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Expand Property Tax Relief for Maine Residents"
S.P. 315 L.D. 959

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

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
STANLEY of Medway
WARD of Dedham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-120)**.

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
McCREIGHT of Harpswell
TERRY of Gorham

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

On motion by Senator **CHENETTE** of York, 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. I rise in opposition to the pending motion and in support of the bill before us. The number one issue I heard throughout the last campaign cycle, as I was knocking on doors, was the rise in burden of property taxes and the need for property tax relief, as I'm sure many of you in this Chamber could attest to. Increasing property taxes is the most regressive way to raise revenue to pay for essential programs and services. Simply put, it impacts hard working families and those on fixed incomes the hardest. It can literally tax people out of house and home. While property taxes are determined by a particular municipality, a town or city government, the State impacts it by creating what I would call a manufactured crisis for towns and cities, driving them to raise either fees associated with local services or to raise property taxes. Those are the only tools municipalities have. They could also make cuts and reduce their budgets, including schools. Many across our state have already cut down to bare bones. Increasingly, there isn't much left to cut before you start impacting the quality of service. The Property Tax Fairness Credit, formally known as the Circuit Breaker Program, has been a successful initiative to provide direct relief to Maine residents to reduce their overall tax burden. Unlike the Homestead Exemption, there is a means test for the eligibility of this tax break to ensure it goes to the folks that need it the most. Under the Tax Credit, eligible Maine taxpayers may receive a portion of their property tax or rent paid during the tax year on the Maine Individual Income Tax Return, whether they owe Maine income tax or not. This bill before you, Mr. President, requires that 1% of surplus General Fund revenue be transferred annually to a non-lapsing fund to be used to increase the maximum Property Tax Fairness Credit. In layman's terms, if we want to provide much needed relief to property taxpayers we, as a Legislature, need to quite literally put our money where our mouth is. I'm not talking about new resources or new appropriations needed to fund it. I'm simply talking about just 1% of any extra money that comes into the State to either expand the eligibility of the tax credit to reach more taxpayers or increase the amount of money we send out to eligible folks, so we shouldn't have a large fiscal note, which is great. Of late, we've been fortunate to be in a surplus environment, Mr. President. Our economy has been inching out of the recession, which is fantastic, and, as a result, greater revenues have come into the State coffers. Again, on this bill, I would remind us all that we recently dumped \$30 million into the Rainy Day Fund with surplus funds. I love scenarios, so let's give you one. If we want a particular scenario where let's say we take that \$30 million that poured into the coffers, under this bill we would simply ensure that \$300,000 would go towards investing in the Property Tax Fairness Credit. So that is a more than fair outcome, Mr. President. I think that's fantastic. Yes, no one Legislature can bind the next, but I think setting into the record a firm suggestion of where our extra resources should be spent is important for all of us in this Chamber to do to provide much needed property tax relief. Thank you, Mr. President.

THE PRESIDENT: The Chair would just remind members that we have the Ought Not to Pass Report before us. The Ought Not to Pass Report. The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you, Mr. President. This bill asks to expand the property tax relief. We already have the Property Tax Fairness Credit and it goes to the people that need it the most. I actually looked at a friend of mine's papers. She needed some help looking over her papers. I looked at her income tax and she had already properly taken the Property Tax Fairness Credit as well as the sales tax credit, which is on the same form that comes in the forms that we get every tax season. There are other ways to lower the property taxes. I don't see the need to readjust this Property Tax Fairness Credit, as it is properly working now.

At the request of Senator **SAVIELLO** of Franklin, Reports **READ.**

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

Senator **MASON:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of the pending motion. I just would like to make a couple of points. Mr. President, every year in the Legislature, this is my fourth term here, we find a buzz word that is palatable to the general populous. This year's is property tax relief. I agree with the Senator from York, Senator Chenette, that increasing property taxes is a concern. For Republicans, all tax increases are a concern. But let me be very clear, short of changing the laws of this State, and short of changing common practice, we have no ability in this Chamber to influence the property taxes of our residents. No influence. We cannot decide what towns do on their local level to control their mill rate, Mr. President. I feel that sometimes things like this are brought up to generate a certain response, just like many other bills in the Legislature, with a catchy title. Mr. President, I just want to be very clear with the people of Maine that there is nothing this Body or the other, or the Executive for that matter, can do to control your property taxes. That is on your local municipality. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Dow, to Accept the Majority Ought Not to Pass Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#158)

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, GRATWICK, HILL, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

EXCUSED: Senator: DION

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **PREVAILED.**

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law

H.P. 324 L.D. 457
(C "A" H-152)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Off Record Remarks

Emergency Measure

An Act To Amend the Laws on Domestic Violence

H.P. 368 L.D. 524
(C "A" H-138)

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

Emergency Measure

An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home

H.P. 581 L.D. 801
(C "A" H-136)

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act Making Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2017

S.P. 341 L.D. 1034
(C "B" S-35)

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

Emergency Measure

An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist

H.P. 763 L.D. 1085
(C "A" H-119)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with 1 Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Emergency Measure

An Act To Amend the Veterans Service Laws

H.P. 844 L.D. 1208
(C "A" H-140)

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

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

H.P. 941 L.D. 1364

This being an Emergency Measure and having received the affirmative vote of 34 Members of the Senate, with no Senator having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Acts

An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers

H.P. 43 L.D. 56
(H "A" H-132 to C "A" H-107)

An Act Regarding the Payment of Back Child Support

S.P. 30 L.D. 81
(C "A" S-75)

An Act To Protect Personal Information of Participants in a Community Well-being Check Program

H.P. 152 L.D. 196
(C "A" H-126)

An Act To Improve the Administration of Election Recounts

H.P. 230 L.D. 297
(C "A" H-156)

An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms

H.P. 256 L.D. 350
(C "A" H-137)

An Act To Create the Water Resources Planning Committee

H.P. 302 L.D. 422
(C "A" H-94)

An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red

H.P. 306 L.D. 426
(C "A" H-130)

An Act To Amend the Charter of the Richmond Utilities District

H.P. 537 L.D. 757
(C "A" H-115)

An Act To Streamline the Municipal Review Process When Dividing a Structure into 3 or More Dwelling Units and To Amend the Process for Recording Subdivision Variances
S.P. 250 L.D. 805
(C "A" S-70)

An Act Regarding the Cancellation of Subscription Services
H.P. 671 L.D. 943

An Act To Promote Medical Care for Visiting Athletic Teams
S.P. 324 L.D. 885
(C "A" S-71)

An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner
H.P. 724 L.D. 1022
(C "A" H-153)

An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered

H.P. 738 L.D. 1055
(C "A" H-142)

An Act To Allow Promotional Allowances by Gas Utilities
H.P. 814 L.D. 1151
(C "A" H-151)

An Act To Amend the Insurance Laws Governing the Provision of Rebates

S.P. 382 L.D. 1161
(C "A" S-72)

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

Ordered sent down forthwith.

An Act To Provide Funding for the Maine Coworking Development Fund

H.P. 218 L.D. 285
(C "A" H-114)

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

An Act To Encourage Regional Planning and Reorganization
H.P. 242 L.D. 328
(C "A" H-150)

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

An Act To Require Reimbursement to Hospitals for Patients Awaiting Placement in Nursing Facilities
H.P. 292 L.D. 401
(C "A" H-109)

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

An Act To Establish the Summer Success Program Fund
H.P. 647 L.D. 919
(C "A" H-113)

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

An Act To Promote Small Diversified Farms and Small Food Producers

H.P. 584 L.D. 835

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

Resolves

Resolve, To Expedite the Processing of Applications for Certification under the Work Opportunity Tax Credit
H.P. 905 L.D. 1308
(C "A" H-118)

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

Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the PFC Buddy Wendall McLain Memorial Bridge

H.P. 969 L.D. 1395
(C "A" H-125)

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

Senator **CARPENTER** of Aroostook was granted unanimous consent to address the Senate on the Record.

Senator **CARPENTER**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I hold in my hand a decision that was issued by the Maine Supreme Judicial Court earlier today. A unanimous decision of the Maine Supreme Judicial Court declaring ranked choice voting unconstitutional. As policy makers sworn to uphold the Constitution, I think it is incumbent upon us to give some serious consideration over the next few weeks, few days, as to how we resolve this. We are sworn to uphold the Constitution. Obviously, the Supreme Court has now said that the law passed by the voters is unconstitutional and I think we will have an obligation placed in front of us to rectify that situation. I don't think that we are - I believe that we are obligated to not move forward with legislation that has been found to be in violation of the Constitution, which is the supreme law of the land. I've read the decision rather quickly, it's lengthy and a lot of it is procedural. I don't take any pride in this, even though I was an opponent. I don't take any glee in this even though I was an opponent of ranked choice voting. I have to tell you, there's a little bit of pride in me today, if you read the opinion of the Attorney General of the State of Maine you will see an awful lot similar language as to what the Justices said. It came down, clearly, on the issues of pluralities. I applaud the court for taking this step and I believe very sincerely that the people of Maine that voted for this believe sincerely in what they were doing. However, I think if there ever was a law of unintended consequences, this was it. Thank you.

Off Record Remarks

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

On motion by Senator **DIAMOND** of Cumberland, **ADJOURNED** until Wednesday, May 24, 2017 at 10:00 in the morning in memory of and lasting tribute to Ralph A. MacDonald of Windham.