

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

In Senate Chamber  
Tuesday  
March 31, 2015

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

Prayer by Pastor Jane MacIntyre, South Parish Congregational  
Church in Augusta.

**PASTOR MACINTYRE:** Let us pray. Holy Spirit, bless the  
Senators gathered here this day and all who work with them in  
their deliberations. May they all rededicate themselves to serving  
all the people of this beautifully simple and amazingly challenging  
state. As the strength and diversity of each community  
represented here comes together to make a greater state than  
any individual community could be, may the experience and  
diversity of these Senators and staff come together to make  
greater decisions than individual mind could conceive. May their  
eyes be open so they can celebrate what is right and good here  
and now and see the needs that still need to be addressed. May  
their ears be open to praise for what is successful and hear the  
concerns about what is not. Grant them the wisdom and integrity  
to use our resources well, to work for the common good, and  
always to be faithful to the trust given to them as leaders and  
spokespeople. May it be so. Amen.

Pledge of Allegiance led by Senator Christopher K. Johnson of  
Lincoln County.

Reading of the Journal of Thursday, March 26, 2015.

Doctor of the day, Charles Radis, DO of Peaks Island.

Off Record Remarks

**PAPERS FROM THE HOUSE**

**House Papers**

Bill "An Act To Protect Populations of Bees and Other Pollinators"  
H.P. 766 L.D. 1105

Bill "An Act To Compensate Beekeepers for Hive Losses"  
H.P. 767 L.D. 1106

Come from the House, **REFERRED** to the Committee on  
**AGRICULTURE, CONSERVATION AND FORESTRY** and  
ordered printed.

On motion by Senator **EDGEComb** of Aroostook, **REFERRED** to  
the Committee on **AGRICULTURE, CONSERVATION AND  
FORESTRY** and ordered printed, in concurrence.

Bill "An Act To Improve the Laws Governing the Purchasing of  
Power"

H.P. 768 L.D. 1107

Bill "An Act To Manage Risks Associated with the Installation of  
Natural Gas Pipelines"

H.P. 775 L.D. 1124

Come from the House, **REFERRED** to the Committee on  
**ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

On motion by Senator **WOODSOME** of York, **REFERRED** to the  
Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and  
ordered printed, in concurrence.

Bill "An Act To Protect Children and the Public from Electronic  
Cigarette Vapor"

H.P. 769 L.D. 1108

Bill "An Act To Expand Public Access to Epinephrine  
Autoinjectors"

H.P. 776 L.D. 1125

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

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to  
the Committee on **HEALTH AND HUMAN SERVICES** and  
ordered printed, in concurrence.

Bill "An Act To Improve the Unclaimed and Abandoned Property  
Laws"

H.P. 714 L.D. 1031

Comes from the House, **REFERRED** to the Committee on  
**JUDICIARY** and ordered printed.

On motion by Senator **BURNS** of Washington, **REFERRED** to the  
Committee on **JUDICIARY** and ordered printed, in concurrence.

Bill "An Act To Facilitate the Completion of Training by Certain  
Cosmetology Students" (EMERGENCY)

H.P. 770 L.D. 1109

Comes from the House, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed, in concurrence.

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Bill "An Act To Provide Property Tax Deferral for Senior Citizens and People with Disabilities"

H.P. 777 L.D. 1126

Comes from the House, **REFERRED** to the Committee on **TAXATION** and ordered printed.

On motion by Senator **MCCORMICK** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed, in concurrence.

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Bill "An Act To Modernize Road User Fees"

H.P. 771 L.D. 1110

Comes from the House, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed, in concurrence.

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Bill "An Act To Provide Funding to Municipalities To Assist with the Maintenance of Veterans' Graves"

H.P. 772 L.D. 1111

Bill "An Act Regarding the Authority of the Secretary of State and the Attorney General To Conduct Investigations of Vote Recounts"

H.P. 778 L.D. 1127

Come from the House, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

On motion by Senator **CYRWAY** of Kennebec, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed, in concurrence.

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**Pursuant to Statute  
Criminal Law Advisory Commission**

The **Criminal Law Advisory Commission**, pursuant to the Maine Revised Statutes, Title 17-A, section 1354, subsection 2 asked leave to report that the accompanying Bill "An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013"

H.P. 773 L.D. 1112

Be **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218.

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

On motion by Senator **ROSEN** of Hancock, **REFERRED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed pursuant to Joint Rule 218, in concurrence.

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Off Record Remarks

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#### **Joint Resolution**

The following Joint Resolution:

H.P. 774

#### **JOINT RESOLUTION RECOGNIZING SUNSHINE WEEK, MARCH 15, 2015 TO MARCH 21, 2015**

WHEREAS, President James Madison, generally regarded as the father of our federal Constitution, wrote that "a people who mean to be their own Governors, must arm themselves with the power which knowledge gives"; and

WHEREAS, every citizen in our participatory democracy has an inherent right of access to government meetings and public records; and

WHEREAS, an open and accessible government is vital to establishing and maintaining the people's trust and confidence in its government and in the government's ability to effectively serve its citizens; and

WHEREAS, the protection of every person's right of access to public records and government meetings is a high priority for the State of Maine; and

WHEREAS, Sunshine Week was established to spark a discussion about the importance of open government and public access to government documents and meetings; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week: Your Right to Know during the week of March 15-21, 2015 and confirm our commitment to openness and transparency in all aspects of our operations and to setting a standard in this regard; and be it further

RESOLVED: That we commemorate the anniversary of James Madison's birth during Sunshine Week and we commit to work diligently to enhance the public's access to government records and information, to increase information provided electronically and online and to ensure that all meetings of deliberative bodies in the State, and their committees, are fully noticed and open to the public.

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

**READ** and **ADOPTED**, in concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 165

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

March 24, 2015

Honorable Michael D. Thibodeau, Senate President  
Honorable Mark W. Eves, Speaker of the House  
127<sup>th</sup> Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

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

L.D. 663      Resolve, To Require That the Department of Health and Human Services Determine Whether Testing for Krabbe Disease Should Be Required for Newborns

Sincerely,

S/Sen. Eric L. Brakey  
Senate Chair

S/Rep. Andrew M. Gattine  
House Chair

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

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The Following Communication: S.C. 166

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

March 19, 2015

Honorable Michael D. Thibodeau, Senate President  
Honorable Mark W. Eves, Speaker of the House  
127<sup>th</sup> Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

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

L.D. 940      Resolve, To Require Hospitals To Provide Information to Parents of Infants Regarding Testing for Krabbe Disease

Sincerely,

S/Sen. Eric L. Brakey  
Senate Chair

S/Rep. Andrew M. Gattine  
House Chair

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

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The Following Communication: S.C. 167

**STATE OF MAINE  
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE  
COMMITTEE ON VETERANS AND LEGAL AFFAIRS**

March 25, 2015

Honorable Michael D. Thibodeau, Senate President  
Honorable Mark W. Eves, Speaker of the House  
127<sup>th</sup> Maine Legislature  
State House  
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves,

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

L.D. 837      RESOLUTION, Proposing an Amendment to the Constitution of Maine To Limit the Application of a Citizen Initiative Concerning Wildlife Matters to Counties in Which It Is Approved

Sincerely,

S/Sen. Scott W. Cyrway  
Senate Chair

S/Rep. Louis J. Luchini  
House Chair

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

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

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Senate at Ease.

Senate called to order by the President.

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**SENATE PAPERS**

Bill "An Act To Make Possession of a Firearm with an Altered or Obscured Serial Number a Class C Crime"  
S.P. 412 L.D. 1160

Presented by Senator HASKELL of Cumberland.  
Cosponsored by Representative DION of Portland and Senators: BREEN of Cumberland, GERZOFKY of Cumberland, KATZ of Kennebec, Representatives: BATES of Westbrook, GATTINE of Westbrook, McCABE of Skowhegan, PARRY of Arundel.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

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Bill "An Act Regarding the Requirements for Sprinkler Systems in Townhouses"  
S.P. 404 L.D. 1135

Presented by Senator LANGLEY of Hancock.  
Cosponsored by Representative POULIOT of Augusta and Senators: CUSHING of Penobscot, DUTREMBLE of York, MASON of Androscoggin, WHITTEMORE of Somerset, Representative: MAKER of Calais.

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

On motion by Senator **ROSEN** of Hancock, Bill and accompanying papers **INDEFINITELY POSTPONED.**

Sent down for concurrence.

Bill "An Act To Modernize Maine's Broadband Standards"  
S.P. 414 L.D. 1167

Presented by Senator JOHNSON of Lincoln.  
Cosponsored by Senators: GRATWICK of Penobscot, LIBBY of Androscoggin, MIRAMANT of Knox, Representative: BLUME of York.

On motion by Senator **WOODSOME** of York, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Make Minor Changes and Corrections to Statutes Administered by the Department of Environmental Protection"  
S.P. 397 L.D. 1128

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative WELSH of Rockport.  
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

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

Sent down for concurrence.

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Resolve, To Support Home-based Care  
S.P. 398 L.D. 1129

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Representative ESPLING of New Gloucester and Senators: CUSHING of Penobscot, McCORMICK of Kennebec, VALENTINO of York, Representatives: SANBORN of Gorham, SANDERSON of Chelsea.

Bill "An Act To Require the Department of Health and Human Services To Distribute Information Regarding Down Syndrome to Providers of Prenatal and Postnatal Care and to Genetic Counselors"  
S.P. 403 L.D. 1134

Presented by Senator VOLK of Cumberland.  
Cosponsored by Representative LAJOIE of Lewiston and Senators: BRAKEY of Androscoggin, CUSHING of Penobscot, EDGECOMB of Aroostook, LIBBY of Androscoggin, MASON of Androscoggin, PATRICK of Oxford, Representatives: CRAFTS of Lisbon, TIMBERLAKE of Turner.

On motion by Senator **BRAKEY** of Androscoggin, **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent down for concurrence.

Bill "An Act To Clarify the Use of Lawyer's Trust Account Funds When the Owner Is Not Known or Cannot Be Located"  
S.P. 399 L.D. 1130

Presented by Senator KATZ of Kennebec.  
Cosponsored by Representative HUBBELL of Bar Harbor and Representative: FREY of Bangor.

Bill "An Act To Amend the Maine Business Corporation Act"  
S.P. 405 L.D. 1136

Presented by Senator KATZ of Kennebec.  
Cosponsored by Senators: BURNS of Washington, DAVIS of Piscataquis, HASKELL of Cumberland, HILL of York, SAVIELLO of Franklin.

Bill "An Act To Prohibit the Use of Eminent Domain in Certain Public-private Partnerships and To Prohibit the Use of Eminent Domain by a Private Business Entity in a Public-private Partnership"  
S.P. 415 L.D. 1168

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative CRAFTS of Lisbon and Representatives: CHACE of Durham, GOODE of Bangor, STANLEY of Medway, WOOD of Sabattus.

On motion by Senator **BURNS** of Washington, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Create a Domestic Division within the Maine International Trade Center"  
S.P. 400 L.D. 1131

Presented by Senator LIBBY of Androscoggin.  
Cosponsored by Senator: VOLK of Cumberland.

Bill "An Act To Invest in Maine Companies"  
S.P. 401 L.D. 1132

Presented by Senator GERZOFKY of Cumberland.  
Cosponsored by Representative DION of Portland and Senators: ALFOND of Cumberland, BREEN of Cumberland, CUSHING of Penobscot, DIAMOND of Cumberland, HASKELL of Cumberland, HILL of York, MASON of Androscoggin, PATRICK of Oxford, VOLK of Cumberland, Representatives: BRYANT of Windham, DAUGHTRY of Brunswick, GOODE of Bangor, HERBIG of Belfast, MARTIN of Eagle Lake, McCABE of Skowhegan, SHORT of Pittsfield.

Bill "An Act To Promote Reemployment of Unemployed Workers"  
S.P. 406 L.D. 1137

Presented by Senator KATZ of Kennebec.  
Cosponsored by Senators: COLLINS of York, CYRWAY of Kennebec, HASKELL of Cumberland, LANGLEY of Hancock, McCORMICK of Kennebec, VALENTINO of York.

Bill "An Act To Provide for the 2015 and 2016 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY)  
S.P. 408 L.D. 1139

Presented by Senator VOLK of Cumberland.  
Cosponsored by Representative HERBIG of Belfast and Senator: PATRICK of Oxford, Representatives: AUSTIN of Gray, BATES of Westbrook, CAMPBELL of Newfield, FECTEAU of Biddeford, GILBERT of Jay, MASTRACCIO of Sanford, WARD of Dedham. Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

Bill "An Act To Promote Economic Development"  
S.P. 409 L.D. 1140

Presented by Senator VOLK of Cumberland.  
Cosponsored by Representative HERBIG of Belfast and Senator: PATRICK of Oxford, Representatives: AUSTIN of Gray, BATES of Westbrook, CAMPBELL of Newfield, FECTEAU of Biddeford, GILBERT of Jay, MASTRACCIO of Sanford, WARD of Dedham. Submitted by the Finance Authority of Maine pursuant to Joint Rule 204.

Bill "An Act To Improve the Ability of Mental Health Professionals To Assess the Risk of Suicide"  
S.P. 410 L.D. 1158

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative BUCKLAND of Farmington and Senators: BREEN of Cumberland, BURNS of Washington, DAVIS of Piscataquis, DIAMOND of Cumberland, KATZ of Kennebec, Representative: HILLIARD of Belgrade.

On motion by Senator **VOLK** of Cumberland, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent down for concurrence.

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Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley (EMERGENCY)  
S.P. 413 L.D. 1161

Presented by Senator SAVIELLO of Franklin.  
Cosponsored by Representative BUCKLAND of Farmington.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

Sent down for concurrence.

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Bill "An Act To Modify the Property Tax Abatement Laws"  
S.P. 411 L.D. 1159

Presented by Senator SAVIELLO of Franklin.

On motion by Senator **MCCORMICK** of Kennebec, **REFERRED** to the Committee on **TAXATION** and ordered printed.

Sent down for concurrence.

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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit 25 Acres or Less To Be Withdrawn from Taxation as Timberland and Woodland without Penalty  
S.P. 416 L.D. 1169

Presented by Senator DAVIS of Piscataquis.  
Cosponsored by Representative SKOLFIELD of Weld and Senators: BRAKEY of Androscoggin, BURNS of Washington, Representatives: CHACE of Durham, CRAFTS of Lisbon, WOOD of Sabattus.

Committee on **TAXATION** suggested and ordered printed.

On motion by Senator **MCCORMICK** of Kennebec, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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Bill "An Act To Require Snow and Ice To Be Removed from Vehicles before Operation"

S.P. 402 L.D. 1133

Presented by Senator DILL of Penobscot.  
Cosponsored by Representative DION of Portland and Senators: ALFOND of Cumberland, BURNS of Washington, DAVIS of Piscataquis, EDGEComb of Aroostook, GERZOFsky of Cumberland, SAVIELLO of Franklin, Representatives: EDGEComb of Fort Fairfield, NOON of Sanford.  
Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

On motion by Senator **COLLINS** of York, **REFERRED** to the Committee on **TRANSPORTATION** and ordered printed.

Sent down for concurrence.

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Bill "An Act Regarding Municipal Reporting of Statewide Elections"

S.P. 407 L.D. 1138

Presented by Senator CUSHING of Penobscot.  
Cosponsored by Representative GIDEON of Freeport and Senators: BAKER of Sagadahoc, COLLINS of York, CYRWAY of Kennebec, GERZOFsky of Cumberland, HILL of York, MASON of Androscoggin, PATRICK of Oxford, Representative: O'CONNOR of Berwick.

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

Sent down for concurrence.

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

## ORDERS

### Senate Order

On motion by Senator **MASON** of Androscoggin, the following Senate Order:

S.O. 23

**Whereas**, the greatness of the United States and the State of Maine is a result of the contributions and sacrifices of diverse populations; and

**Whereas**, Maine benefits from the multiplicity of faiths and ethnicities of people that choose to live in this great State; and

**Whereas**, the members of the Maine Senate support and honor First Amendment constitutional protections of free speech, yet affirm that we cannot tolerate acts and expressions that disparage the religious or cultural beliefs and traditions of others, since such acts and expressions have been known historically to promote prejudice, incite fear and anger and interfere with constructive public discourse; and

**Whereas**, the members of the Maine Senate believe that religious and cultural divides can be bridged through tolerance, civility and a respectful exchange of dialogue; and

**Whereas**, the members of the Maine Senate engage in interfaith dialogue that focuses on what religions have in common and serves to strengthen relations between cultures and civilizations and avoids the creation of artificial ethnic, cultural or religious identities or barriers within and between societies; and

**Whereas**, the members of the Maine Senate recognize their collective obligation to defend and promote the rights and dignity of persons belonging to diverse ethnic, cultural, racial and religious minorities in order to create a society in which every individual enjoys equal civil, political, economic and social rights; and

**Whereas**, it is the expectation of the public that elected officials conduct themselves with civility and respect towards others, shunning bias and bigotry and racism; now, therefore, be it

**ORDERED**, that, We, the members of the 127th Maine Senate, now assembled in the First Regular Session, for ourselves and on behalf of the people we represent, take this opportunity to reaffirm our commitment to peaceful coexistence and cooperation among individuals and people and to respect for their diversity, beliefs, culture and language; and be it further

**ORDERED**, that the Senate directs the Senate Rules Committee, in consultation with Senate leadership, to organize and present a session for members of the Maine Senate, to take place at such time as the President may direct, for the purpose of education and dialogue on the importance of respect for diversity and multiculturalism in our society.

**READ.**

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wish to speak to this Senator Order 23. Today marks an important occasion for the Senate. We are celebrating a profound truth, one that we all know but one that we have learned yet again. What we have learned is the power of speaking out in the face of intolerance, of bearing witness. There will always be intolerance in the world. The question is: will we let it slip by because it's easier to do that or will we, as individuals, as Mainers, speak out and say that is not right? Today we celebrate the power of speaking out. I have two examples. My wife and I have an adopted daughter from China. When she was in 3<sup>rd</sup> grade another child made mocking and hurtful remarks about her race. We went to the principal and his action was immediate and effective. He called the child and her parents into his office. He spoke to the school during assembly. He told them remarks that denigrate another student were absolutely not acceptable. It never happened again. Those elementary school children learned about harmful talk, the importance of respecting the dignity of their peers, and the power of speaking out. The second, 65 years ago this June one of Maine's most revered citizens, Margaret Chase Smith, stood on the U.S. Senate floor and, very much against the tide, made her declaration of conscience speech. She called on her colleagues to reject the ignorance, bigotry, and fear in a recent speech by the Senator Joseph McCarthy. She called her colleagues to a higher standard and insisted that all people be treated with dignity and respect. All America listened and people of goodwill everywhere learned. It's easy to speak out when everyone agrees. It's hard and it requires courage when we are alone and we have little support, when we must hold family, friends, and those we respect accountable for their words of intolerance. The difficulty for each of us is not today, when we stand together. The difficulty lies in the quiet moments of yesterday and of tomorrow, when we stand alone and the hurtful message we hear is not obvious, when it is coated, cloaked in laughter, when the insult to the dignity of another is woven into the subtle undercurrents of our culture. The casual racist, sexist, or hurtful remark. The slur hidden by humor. The off-hand ethnic or religious putdown. That is the challenge. To speak out we must know ourselves and know what we stand for. We must be able to speak with caring and without hostility, with humility and without hypocrisy. The alternatives to speaking out is silence. I would like to briefly share with you a prayer about silence I learned many years ago. Silence is the voice of complicity. Silence screams. Silence is a message. Doing nothing is an act. Today we are witnessing and celebrating the power of speaking out. The Maine Senate has not been silent. We have done the right thing. Thank you, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Men and women of the Senate, I rise today to present a Senator Order that calls each of us in the Chamber to reaffirm our commitment to respect peaceful coexistence and cooperation. The Senate Order also directs the Senate Rules Committee and Leadership to organize

and present an educational session for Senators for discussion and dialogue on the importance of respect for diversity in our society. A free, honest, and respectful exchange of ideas is essential for an effective legislative Body. In order to have true, constructive public discourse we must not judge people based on their race, religion, or gender, but listen to one another's ideas. From the seats we hold in this Chamber it is especially important we remember that we are not here for ourselves, but we are here for those that we represent. We represent a diverse citizenry, with many cultures, beliefs represented. I look forward to the upcoming educational session and to discussing such important matters with my colleagues. In order to best serve the people we represent, we must respect and have an understanding of all who make up the citizenry of this great state of Maine. Mr. President, I would request a roll call.

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

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, as lawmakers each of us in this room has a job. We're here to represent our communities. We're here to make laws and sometimes reject potential laws. As elected officials it is our job to do more than make laws. It's our responsibility to lead, to be open to, and to facilitate conversations even when it's not easy, even when it makes us uncomfortable, perhaps especially when it makes us feel very uncomfortable, because it's out of this discomfort that we learn, we grow, we change. We have an incredible opportunity today, an opportunity to affirm our commitment and respect for all people, regardless if they look like us or pray like us. We are a nation of immigrants. That heritage expands beyond our history books. We are truly a living history. As lawmakers, this responsibility is one that is not unique. It's one that we, as all Mainers, as all Americans, share. Folks, we're in this together. We all must quash intolerance and bigotry and stand up for respect for all of our diversities.

When I was a kid growing up in Dexter I had a friend names Nahesi. I remember in 5<sup>th</sup> grade we had a lot of fun together. Nahesi's family was the only Black family in the Dexter area. As a 5<sup>th</sup> grader I didn't see Nahesi as a Black kid. I saw him as my friend and a really exceptional soccer player. Than one day Nahesi's family was gone. I didn't know what happened. I never got to say goodbye. Years later I learned that Nahesi's family had been made to feel so uncomfortable, so unsafe, that they left. They were run out of town. As a 10 year old, I missed my friend. As an adult, I feel incredibly sad and disgusted that my neighbors made a family feel so unwelcomed that they left town.

If Maine is to be the place we all want it to be we must be a welcoming place. Think about it. Our most important times, as a state, have been the times that have defined us as Mainers are ones where we have welcomed new people into our state. Think about the times when thousands of folks flocked to Millinocket, the great North woods at the turn of the 20<sup>th</sup> Century, or the incredible impact that the Franco-Americans, who came here from Quebec and New Brunswick, have had on every facet, on every institution of Maine life. Truly, we are a state formed by immigrants. Is Maine a welcoming place today? Are we welcoming to the new Mainers from Somalia, the Congo, Burundi,

Rwanda, Iraq, Iran, and so many more? You know, as Legislators we're not held to a different standard. We are, however, role models for what and how we make Maine a welcoming place, a place of diversity and tolerance. It starts with us today; how we talk to each other, how we treat each other. I'm pleased that today we reaffirm our values, that we respect and value each other regardless of skin color or religion. Thank you, Mr. President.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, last week a Legislator commemorated the 50<sup>th</sup> year anniversary of the march from Selma to Montgomery, Alabama. It was a five day, 54 mile march by 2,500 Americans that captivated our nation and changed the landscape of America forever. For me, it their courage and hope that stands out. While the Federal Voting Rights Act of 1965 was born out of the Selma demonstrations and the Selma to Montgomery march, responsibility for standing up to hatred and bigotry didn't end in Montgomery or in 1965. It's true we're made progress in the past 50 years. Today the color of your skin doesn't dictate where you eat, where you go to school, or who you marry, but we can't ignore the challenges of discrimination, racial and cultural stereotypes, and bigotry that still exists, oftentimes veiled in an insidious manner. Much like the Selma marchers, Dr. Martin Luther King, Jr. and other leaders who were brave enough to challenge the status quo, we, too, cannot look the other way when faced with racist, bigoted, or xenophobic comments. The use of hate speech serves no purpose other than to divide or distinguish or to dehumanize people who look different, pray differently, or live differently than us. When we look the other way and stay silent we become complicit in social ill or bigotry. I challenge each of us, including myself, to be aware of our own inner thoughts about people who are different from us. What do we do with this? Do we take the opportunity to learn more about people who are different or do we place it as a stereotype and move on? Maine has a long history of welcoming people from away. Last week we celebrated Franco-American week. Barriers such as language contributed to their challenges and their integration. Today, new Mainers may look a bit different than they did 100 years ago because they may have immigrated from countries unfamiliar to many of us, but what unifies us is that we are all Mainers. It is our job to be accepting and welcoming. After all, where would we be if we didn't embrace diversity, if new people didn't want to come to Maine? Let's hope that we can have the same courage and faith that our leaders in our history books have had to stand up for equality, to reject racism in all of its forms, and to continue to change, shape, and strengthen Maine so that everyone can live the American Dream. Thank you.

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

Senator **HASKELL:** Thank you very much, Mr. President. Just briefly, I'd like to speak today about a particular constituent of mine, one I'm very proud to be able to represent, and that is the first African-American who ever served in the Maine State Legislature. It's a proud history for our state. It's a proud and active family that continues to be involved in every matter that

challenges our state. I just want to say that it couldn't have been that easy at that time. I graduated from high school in 1961. Don't people do the math now, because you don't need to know how old I am. I graduated from high school in 1961 and in my high school the first African-American family came to our school, there were a few at Portland High School but none at Deering High School until that time. That was the Stewart family; a stalwart family, still running businesses, still living here in the City of Portland. I think now what my friend Dick Stewart might be thinking as he looks at how our high school looks today. It's very different. I really have such admiration for Gerry Talbot, the Honorable Gerry Talbot, for his standing up and speaking up and being part of our history. I'm so pleased that he's with us here today. Thank you, Mr. President.

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

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we spoke last week of the example set 50 years ago by those who walked from Selma to Montgomery. When I spoke of that I spoke of human dignity, something we carry within ourselves but also something that we afford others when we live up to words such as those of Senator George Mitchell who said, "Respect those with whom you disagree." As leaders and policy makers, we should live those words. Our constituents and our peers deserve and expect nothing less. We fail, however, when people, other humans, are treated as lesser entities, when their humanity is dismissed because of their religion, their color, their country of origin, their political party, their gender, or their heritage as not deserving respect or dignity or equal rights. Yes, free speech is a right. We can say terrible things if you choose, but there is no place in a civil society where discrimination and hate-speech are appropriate and acceptable. The same dignity we would ask others to afford us we owe to others. We are all human beings. With this order we affirm our commitment in the Maine Senate to these ideals, that human dignity matters. Thank you.

**THE PRESIDENT:** The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Mason to Pass. 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 (#18)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None



35 Senators having voted in the affirmative and no Senator having voted in the negative, on motion by Senator **MASON** of Androscoggin, **PASSED**.

**THE PRESIDENT:** The Chair is pleased to recognize in the rear of the Chamber the Honorable Gerald Talbot, the first African-American to serve in the Legislature; the Honorable Donna Loring, the Penobscot Nation Representative in the 1990's and 2000's; and Rachel Talbot Ross, President of the NAACP. They are the guests today of the Senator of Cumberland, Senator Alfond. Would they please rise and accept the greetings of the Senate.

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

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Senate at Ease.

Senate called to order by the President.

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

#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Health and Human Services and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015" (EMERGENCY)

H.P. 168 L.D. 236

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-27)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-27)**.

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

**READ ONCE.**

Committee Amendment "A" (H-27) **READ** and **ADOPTED**, in concurrence.

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

Ordered sent forthwith to the Engrossing Division.

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#### REPORTS OF COMMITTEES

##### House

##### Ought to Pass

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Relating to the Sale of Hypodermic Apparatuses"

H.P. 255 L.D. 389

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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Restore the Right To Possess Certain Knives That Are Used by Many Citizens as Tools"

H.P. 182 L.D. 264

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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **JUDICIARY** on Bill "An Act To Amend the Laws Governing Service of Process in Eviction Actions"

H.P. 65 L.D. 71

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

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Ought to Pass As Amended**

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make False Claims of Military Service a Crime" H.P. 37 L.D. 43

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-21)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-21)**.

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

**READ ONCE.**

Committee Amendment "A" (H-21) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Repeal the Sunset of the Green Power Offer" H.P. 234 L.D. 340

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-22)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-22)**.

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

**READ ONCE.**

Committee Amendment "A" (H-22) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reduce the Annual High-stakes Beano Fee from \$50,000 to \$12,500" (EMERGENCY) H.P. 188 L.D. 270

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-23)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-23)**.

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

**READ ONCE.**

Committee Amendment "A" (H-23) **READ** and **ADOPTED**, in concurrence.

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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**Senate**

**Ought to Pass**

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Create a Blue Alert Program in Maine"

S.P. 143 L.D. 375

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make a Technical Correction to the Law Establishing the State Trauma Prevention and Control Advisory Committee within the Field of Public Safety"

S.P. 217 L.D. 624

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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Senator SAVIELLO for the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Clarify Municipal Capacity for Site Location of Development and Encourage Local Development"

S.P. 171 L.D. 442

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

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

**READ ONCE.**

**ASSIGNED FOR SECOND READING NEXT LEGISLATIVE DAY.**

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

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**SECOND READERS**

The Committee on **Bills in the Second Reading** reported the following:

**House**

Bill "An Act To Establish Native American Heritage and Culture Day"

H.P. 13 L.D. 10

Bill "An Act To Rename B Stream in Houlton as Captain Ambrose Bear Stream"

H.P. 177 L.D. 245

**READ A SECOND TIME** and **PASSED TO BE ENGROSSED**, in concurrence.

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**House As Amended**

Bill "An Act To Ensure Maine Companies Have Access to Skilled Labor"

H.P. 81 L.D. 109  
(C "A" H-20)

**READ A SECOND TIME.**

On motion by Senator **MASON** of Androscoggin, **TABLED** until Later in Today's Session, pending **PASSAGE TO BE ENGROSSED AS AMENDED**, in concurrence.

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**ENACTORS**

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

**Emergency Measure**

An Act To Allow Sufficient Time for Implementation of the Performance Evaluation and Professional Growth System for Educators

H.P. 36 L.D. 38

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

Ordered sent down forthwith.

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**Emergency Measure**

An Act To Adjust Appropriations and Allocations from the General Fund and Other Funds for the Expenditures of the Department of Education, the Maine Arts Commission and the Maine State Museum and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2015

H.P. 167 L.D. 235  
(C "A" H-16)

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

Ordered sent down forthwith.

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**Act**

An Act To Remove the 180-day Active Duty Requirement for the Property Tax Exemption for Vietnam Veterans

H.P. 128 L.D. 170  
(C "A" H-15)

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

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**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (3/24/15) matter:

An Act To Amend the Laws Governing the Gold Star Family Registration Plate

H.P. 131 L.D. 173  
(C "A" H-8)

Tabled - March 24, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, March 18, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-8)**, in concurrence.)

(In House, March 19, 2015, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#19)**

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGECOMB, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MASON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, 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.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/25/15) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"

S.P. 57 L.D. 123

Majority - **Ought to Pass** (8 members)

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

Tabled - March 25, 2015, by Senator **MASON** of Androscoggin

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report

(In Senate, March 25, 2015, Reports **READ**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I'd like to speak to my motion to accept the Minority Ought Not to Pass Report. I speak today to oppose L.D. 123 and ask the members of the Maine Senate to support the Ought Not to Pass Minority Report. Under current law, an individual under the age of 18 is prohibited from using a tanning salon without parental consent. As it stands, no minor can walk into a tanning salon and use the services provided there unless they have the expressed permission of a parent, signed by the parent in the presence of the tanning salon operators. Without parental consent, to prove you are over 18, you must show a valid photo I.D. and the tanning salon faces fines ranging from \$10,000 to \$100,000 if they are in violation. Some may call the photo I.D. requirement tanner suppression, but if we are going to have parental consent requirements I think photo I.D. is a fair requirement to impose. My point is, we already have incredibly high barriers for minors using tanning salons, with parental consent being the key requirement. This bill says it is not enough. This bill says that parental consent does not matter. This bill replaces parental decision making with government decision making, creating a complete prohibition on all individuals under 18 from using a tanning salon, regardless of parental choice. In the Preamble to the Maine Constitution our purpose here is made very clear. Our cause is to: "Establish justice, ensure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty." This legislation violates the final purpose set out for us by the Maine people, to secure the blessings of liberty. Put simply, this is not the proper role of government. This is the proper role of parents. I ask the Senate to join me in supporting the Ought Not to Pass Minority Report.

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

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise today to speak in opposition to the motion on the Floor, which is to say I think that this is a very reasonable piece of legislation whose time has come. The reason that this is being brought up this time again, and many of you recollect that we saw this last session as well, is that last May the Federal Government, the FDA, the Federal Drug Administration, which is not a partisan organization, put a black box warning on tanning beds. A black box warning, which appears on certain kinds of medicines or things like tanning beds, means "it's potentially life threatening due to the potential for adverse effects and risk of death." Just to repeat, potentially life threatening due to the potential for adverse effects and risk of death. The difficulty in this is that there is a definite and well-proven association of tanning beds, which uses a UVA, a particular wavelength of UV light, and with malignant melanoma and I suspect people now have heard this many times, but malignant melanoma is a cancer you do not want to get. Along with pancreatic cancer, malignant melanoma is one of the very worst. To conceptualize it, you get a little black dot but then it spreads like a spider plant. Very difficult to remove.

Chemotherapy doesn't work. Biologic and monoclonal antibodies don't really work particularly well. Maine has a very high incidence of malignant melanoma for reasons that are unclear. It's the highest in the U.S. and an enormous cost. When you have this particular kind of cancer the price is \$150,000 to \$250,000. A great deal of money. A great deal of agony. Surgical. It's very difficult. This particular legislation is supported by the medical establishment. The medical establishment in this sense is the dermatologists, the skin doctors, pediatricians who deal with kids, cancer surgeons, the World Health Organization. Many different groups think that tanning in these artificial tanning beds is not good for the health of the population. We have been there before. We have made laws, as a society, to deal with seatbelts. You've got to do that. You cannot have a tattoo if you are less than 18 years old. Smoking, alcohol, drugs. We take proactive steps to protect our kids. There is little evidence that this particular variety of UVA light helps with the Seasonal Affective Disorder when you have that. No question that light can be a benefit, but better light like this or light outside.

The two issues that are at issue here are, one, do the parents know best? I have to say that, as a parent, I always thought I knew best until my daughter turned 16. After she turned 16 it turned out I did not know best any longer. Maybe all of you are exemplary parents. Maybe your kids do exactly what you want. My kid certainly, turning 15 or 16, was not about to listen to her old fuddy-duddy father who had these ideas. It became very difficult. You have to wear your seatbelt because that's what the law says. You should not smoke. You cannot buy cigarettes, alcohol. It was a very good thing to have that ability to help me to parent my kid. I must admit she's done very well since that time.

It seems to me that we have to, in this instance, go with the evidence. The current thing in medicine is evidence-based medicine. You have to go evidence and that's where we should be going. Parents can learn. Parents are unengaged these days and this is something that parents can know about, they can learn. It's important. The difficulty is that this melanoma often occurs in young women, 20, 25, or 30. That's sad enough but even sadder is 20 years later, women 35 to 45. We've heard a lot about that in our committee hearings. Equally sad, but what can you say. A woman, middle aged but with a young family and kids. Do parents know best? Of course we do, but we all need help. At least I can tell you that I needed help as a parent.

The second thing is; are we turning into a nanny state? Are we telling everyone what to do? Are we secure in the blessing of liberty? Liberty is incredibly important, but we all need help. We're all working together on this particular thing. Governor Christy, who I sometimes agree with but not always, said, when New Jersey passed this last year, "Government regulations must be carefully scrutinized and sparingly adopted." Sparingly adopted. I think this rises to that level and I think this is something that's been proven. If we don't do it this year it'll be back next year. It's just like smoking. Smoking took 40 years for people to understand and we might as well be wise in that way. It seems to me this is a good legislation. It's good for me, as a doctor, because I'm not going to see those patients. It's good for you. It's good for you as parents. It's good for families. It's good for youth. It's good for Maine. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I agree that parents should raise their own children and they should do it, and want to do it, with information that helps them do it properly. We have a couple of issues that relate to this. One, it sets them up for a bad experience from the tanning booth and experience there. That begins with the message from the sunblock industry, that by short-circuiting your body's defense systems and warning systems in the form of being unable to burn but still having yourself out and exposed to the harmful ultraviolet rays, that you are somehow protecting yourself from this disease. This is not true. Parents are not informed about that and are being very conscientious to lather up and bring the kids to the beaches and get sun and feel very good. This is another uninformed decision that then sets their children up, after all this exposure to UV rays, to them making a decision about the tanning booth. Again, the parents may or may not know all the risks associated, but for the most part, do not know the risks of having years of this UV exposure already effecting our children's bodies. For that reason, I would love that every parent was informed properly. We have some barriers to that such as profits of these companies that want to sell their product, whether that's the lotions or the tanning beds. I support this until we have better information for all parents to make these decisions in an informed way. Thank you very much.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I find this to be a tough issue. I think we all know that tanning beds can present a hazard and a health hazard to anyone but especially children. To me, Mr. President, here's how I look at it. Suzie Jones is age 15 and she's standing outside a tanning salon. Someone is going to make the decision about whether Suzie goes in or not. Should it be Suzie? I think we've already agreed that the answer should be "no". It shouldn't be Suzie, she's too young to make that decision. Should it be her parents, which is the current state of the law, or should it be the State? I will come down on the side that it should be her parents. I think we are all concerned about what we see as a decreasing involvement of parents in the lives of their children. I think part of it's because both parents are usually working, they are very, very busy. It's easier and easier and easier for parents to say, "Someone else is going to look out for Suzie." Every time we make it easier for parents to say, "The State is taking care of it, I don't need to worry about it," I think we make a mistake. We had this same debate, Mr. President, two years ago. I remember the Flood speech of one of our colleagues who was, at that point, speaking in favor of this bill. The Senator said, "You know what? I don't want to have to tell my child that she can't go to the tanning bed. I want to pass this so I can say it's against the law." I appreciated the honesty of our colleague when the person said that, but, to me, that was telling and that's symptomatic of the issue. We're making it easier and easier for parents to say, "The State will do it." Is this a health hazard? Again, I agree. For me, this is a close call, Mr. President, but I'll come down on the side of voting in favor of the motion and against another instance where we're saying the State will take care of our kids. Thank you, Mr. President.

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

Senator **HASKELL**: Thank you very much, Mr. President. Men and women of the Senate, I am not in favor of the motion that's currently pending. I wasn't in favor of it last time around. I told the story then, and I think I'll repeat it now, about what it used to be like with cigarettes. We could carry a note. It was my Aunt and my Uncle, not my mother, who smoked. My Aunt and Uncle did and we kids could carry a note down and buy cigarettes. That's gone by the board. We figured that out. We said that wasn't right. I think this is another case where it's not right for us to continue to allow kids to be put at the risk that they are put at when they begin tanning. There are a lot of people that agree with us, who are the Majority on this bill. I have a list here. It includes the Maine Association of School Nurses; the Cancer Health Outreach Coordinator for the Patrick Dempsey Center for Cancer, Hope, and Healing; the Maine College of Surgeon's Commission on Cancer; the Maine Dermatological Society; the American Academy of Dermatology; the Maine Public Health Association; an oncology certified nurse was also here; the Maine Osteopathic Association; the Maine Medical Association; the Maine Cancer Consortium; the American Society for Dermatological Surgery Association; five physicians from the Penobscot Valley Dermatology Center; Aim at Melanoma; and the Maine Cancer Action Network. Those are just the ones who showed up or wrote to the committee. There were others.

I think the most telling was a story from one of the dermatologists who treated a young woman who, with parental permission when she was in her late teens, tanned. She thought that was great. She really enjoyed it. Just as soon as she turned 18 and went off to college she found a facility where for \$30 a month she could tan as much as she wanted to and she did because the habit had been started for her. Unfortunately, she had an Aunt who had gone in to have a spot looked at. While she was there she finally decided she'd do what her mother suggested and have a mole checked out that she had. It turns out it was Melanoma. She had surgery. She was a little scared about it, but she thought, "Well, it's just a mole. I'll just have it removed." She went in and had it removed. The surgeon was able to close up the wound without any need even for a skin graft. She thought she was off the hook. Several months later she began developing unbearable headaches. It took over her life, she said. She tried to take care of it with all kinds of medications. Finally, since she was a painter, she had an appointment with her doctor, thought it might be because of the paint. He said, "Maybe you should have a CT scan just because it might be a good idea." She had that CT scan. What it showed was six tumors on her brain. This Melanoma is the deadliest form of cancer, of skin cancer. That's the reason the FDA has put this black box on it. This young woman went to Dana Farber. She had an MRI and PET scan. She goes on here to explain the type of treatment she had. I have pictures here, which I won't show you, of the kind of damage done by this invasive cancer. This is not one of those where you can pull out the little spot and say good enough. This one digs in and it digs in hard and it did on this young woman. She had ten treatments of whole brain radiation. Began immunotherapy at Dana Farber. Lost all her hair. She said, "It's always been what people complimented me on and now I was a 25 year old bald woman." It lasted four rounds and she talks about her treatment. I won't go into that. She had a lesion after she was stabilized the next year, in June. A lesion on her pancreas had grown. This is not a nice story, but this is the way these Melanomas go. They are not a pretty cancer. They are

very serious and they begin with that innocent thinking that just being a little more tan is going to make you more attractive.

One of the organizations that we heard from was a school who had a wonderful program, having the Pale Prom, making sure that it was cool not to have gone and had a tan and recognize that those things are beginning to creep into our society and should continue to. I also believe that we shouldn't allow these kids to get a chance to get started on this habit and find themselves like this young woman with as many problems and long-term difficulties as she's had. I urge you to vote against the pending motion. Thank you.

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

Senator **JOHNSON**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, rise in opposition to the Ought Not to Pass motion. I want to speak for a moment to the role of making decisions as a parent. I think every parent, certainly every parent that we would consider acceptable to be raising children, wants to make decisions that are right for the child, that protects the health and life of that child. We get all incensed when we're talking about domestic violence and someone abusing a child, and that's obvious. We say, "No, that's not acceptable." It's a lot harder when we're talking about a parent who's trying to be a good parent. This is one of the cases where if a child walking out of a tanning salon showed the damage, the kinds of health problems which the good Senator just spoke of, the day they walk out that door no parent would choose to do it. The problem is, that like smoking, the effects take years. It's not obvious. The evidence is overwhelming, which is why it earns, just like cigarettes, a black box warning. If the risks outweigh the benefits, if this brings with it a proven risk of death. I think if every parent understood that it's as small as a roll of a couple of dice what the odds are that that child is going to suffer cancer as a result of letting them do it, if they could see that when their child walked out the door, we wouldn't have a problem. That's not the case. It takes too much time. It's not obvious enough and that's exactly why tanning has earned the black box warning that cigarettes have. Would you expect us to not interfere in parent's lives by saying it's okay if you let your kids smoke, that's your decision? We don't do that for good reason and we shouldn't do it with tanning booths either now that we know, now that the evidence shows just what the risk of death is from doing so and, insidiously, how well that's hidden when that decision is being made. This is the role that we should take to make it clear, to make a clear statement to the children, to the tanning operators, and to the parents that this is a very dangerous thing that children should not be allowed to do, just as we do for smoking. Thank you, Mr. President.

**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 (#20)**

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MASON, MCCORMICK, ROSEN, SAVIELLO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, **PREVAILED**.

Sent down for concurrence.

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Senate at Ease.

Senate called to order by the President.

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Off Record Remarks

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The Chair laid before the Senate the following Tabled and Later Assigned (3/26/15) matter:

Resolve, To Establish the Study Commission on the Social Emotional Learning and Development of Maine's Young Children (EMERGENCY)

S.P. 390 L.D. 1118

Tabled - March 26, 2015, by Senator **MCCORMICK** of Kennebec

Pending - **REFERENCE**

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

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (3/26/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Designate the Friendship Sloop as the Official State Maritime Symbol"

H.P. 95 L.D. 137

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

Minority - **Ought to Pass** (6 members)

Tabled - March 26, 2015, by Senator **WOODSOME** of York

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

(In House, March 25, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, March 26, 2015, Reports **READ**.)

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

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Off Record Remarks

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

**ENACTORS**

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

**Emergency Measure**

An Act To Adjust Appropriations and Allocations from the General 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 Years Ending June 30, 2015, June 30, 2016 and June 30, 2017

H.P. 168 L.D. 236

(C "A" H-27)

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

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wanted to point out five particular items out of the probably fifty contained within this combination bill. Number one was there's money in there for indigent legal services. That is a reoccurring theme and that is paying our bills, funding that through the end of the fiscal year. Secondly, we had multiple, multiple reclass requests, some of them coming in at, literally, the very last minute. Took care of a lot of State employee reclass occasions. There's money contained in there for jails, for the 15 county jails and that system, so taking care of those jail needs through the end of the fiscal year with recommended amounts for the counties, but not specifically per dollar. Fourth is we fund 29 new employees over at the Riverview Psychiatric Hospital. Many of those are acuity specialists, as a result of the Jones Report. The report told us we need to put new personnel on and get more staff over there. We're doing so with this bill, getting that going. Number five, the last item on my list,

is the bulk of the spending and that is that we're agreeing to pay our bills on time. Most of that goes to the Department of Health and Human Services. Thank you, Mr. President.

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** to Wednesday, April 1, 2015, at 10:00 in the morning.

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today to urge you to support passage of L.D. 236, to make supplemental appropriations to the budget ending June 30<sup>th</sup>. First, I would like to thank Senator Hamper, Senator Katz, and members of the Appropriations Committee for the unanimous vote on this bill. In addition to handling reclassifications, small funding shortfalls, and other administrative language needs, there are several issues that I would like to highlight. The first is the staffing shortage at Riverview. The bill adds 29 new staff positions to help protect the safety of the staff and the patients. It adds people directly onto the floor to help alleviate any potential violence that may occur. It also adds language for additional reporting standards and information back to our committee on the actually hiring and filling of these positions. The bill also adds \$1.1 million to fund deficiencies cited by the Court Master under the AMHI Consent Decree. The bill makes temporary changes to the Board of Corrections. Due to a lack of members on the Board, it suspends the Board's responsibilities and duties until July 1, 2015. It temporarily gives the power to the Commissioner of Corrections or his designee to appropriate funds to the jails. The bill appropriates \$2,488,000 to address the jail shortfall. The justification for this dollar amount was based on a report given to AFA by the State Board of Corrections which stated that Aroostook, Cumberland, Penobscot, York, and Androscoggin Jails were all facing revenue shortfalls, but the funds are not dedicated in any specific amount to any specific county. The Criminal Justice Committee is currently working on several bills to address the jail situation going forward in the biennial budget. The bill also adds \$1.7 million to fund indigent legal services, which we must fund by law. It also continues our commitment to support enhanced funding levels for primary care physicians and it funds maintenance and operating costs for the new Judicial Center in Augusta that opened March 1<sup>st</sup>. I ask you to accept the unanimous committee report and vote "yes" on L.D. 236. Thank you very much.

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

Ordered sent down forthwith.

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Off Record Remarks

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

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