

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

In Senate Chamber
Thursday
May 25, 2017

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

Prayer by Pastor Brian Casey, North Windsor Baptist Church.

PASTOR CASEY: Please observe a moment of silence while I
pray. Bless us and bless this session this morning as we
endeavor to lead this state in the laws and the rules and the
guidelines that we have upon our hearts. We ask that above all
else our goals will be to fulfill the needs and the wants of our
constituents. We pray that we will uphold to the best of our ability
the Constitution of this great State of Maine and the Constitution
of this great country that we are a part of. We ask that You will
lead, guide, and direct us and keep us during this session for this
calendar. Bless us we pray. That is the end of the prayer.

Pledge of Allegiance led by Senator Dawn Hill of York County.

Reading of the Journal of Wednesday, May 24, 2017.

Doctor of the day, Lisa Ryan, D.O. of Naples.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by
Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 572

Ordered, the House concurring, that when the Senate adjourns
Thursday, May 25, 2017 it does so until Tuesday, May 30, 2017,
at 10:00 in the morning and when the House adjourns Thursday,
May 25, it does so until Tuesday, May 30, 2017, at 9:30 in the
morning.

READ and PASSED.

Ordered sent down forthwith for concurrence.

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (S-105)** (7 members)

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

In Senate, May 23, 2017, on motion by Senator **BRAKEY** of
Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS
AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED
TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-105)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee
Amendment "A" (S-107)** (7 members)

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

In Senate, May 23, 2017, on motion by Senator **BRAKEY** of
Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS
AMENDED** Report **READ** and **ACCEPTED** and the Resolve
**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-107)** in **NON-CONCURRENCE**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#174)

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

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

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

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

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Refer to the Committee on Labor, Commerce, Research and Economic Development** (7 members)

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

In Senate, May 23, 2017, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **REFER TO COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** Report **READ** and **ACCEPTED** and the Bill and accompanying papers **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-125)** (8 members)

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

In Senate, May 23, 2017, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-125)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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

The President retired from the Chamber.

The Senate was called to order by President Pro Tempore **GARRETT P. MASON** of Androscoggin County.

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.

Off Record Remarks

Non-Concurrent Matter

SENATE REPORTS - from 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

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

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

In Senate, May 23, 2017, on motion by Senator **VOLK** of Cumberland, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

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

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from 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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-104)** (7 members)

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

In Senate, May 23, 2017, on motion by Senator **LANGLEY** of Hancock, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-104)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Non-Concurrent Matter

SENATE REPORTS - from 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
(C "A" H-188)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-188)** (6 members)

In Senate, May 23, 2017, on motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-188)** 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**.

On motion by Senator **CUSHING** of Penobscot, the Senate **INSISTED**.

COMMUNICATIONS

The Following Communication: S.C. 438

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

May 24, 2017

The Honorable Michael Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear President Thibodeau:

This is to inform you that I am today nominating Donald A. Kleiner of Union for appointment to the Land for Maine's Future Board.

Pursuant to Title 5, MRSA §6204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The Following Communication: S.C. 431

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

May 22, 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 Agriculture, Conservation and Forestry has voted unanimously to report the following bill(s) out "Ought Not to Pass":

L.D. 834 An Act To Restructure Harness Racing within the Department of Agriculture, Conservation and Forestry (EMERGENCY)

L.D. 1049 Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps

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

May 19, 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 Health and Human Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 560 An Act To Amend the Laws Governing the Department of Health and Human Services
- L.D. 1300 An Act To Require a Prescription for a Medication That Contains Certain Substances That May Be Used To Make Methamphetamine
- L.D. 1413 Resolve, Regarding Sober Living Transitional Assistance

This is notification of the Committee's action.

Sincerely,

S/Sen. Eric L. Brakey Senate Chair S/Rep. Patricia Hymanson House Chair

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

The Following Communication: S.C. 434

**STATE OF MAINE
ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE
COMMITTEE ON INSURANCE AND FINANCIAL SERVICES**

May 19, 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 Insurance and Financial Services has voted unanimously to report the following bill(s) out "Ought Not to Pass":

This is notification of the Committee's action.

Sincerely,

S/Sen. Paul T. Davis Senate Chair S/Rep. Michelle Ann Dunphy House Chair

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

The Following Communication: S.C. 432

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

May 22, 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. 1124 An Act To Promote the Development of Solar Energy in Maine
- L.D. 1185 An Act Regarding Renewable Portfolio Standards
- L.D. 1547 An Act To Establish Primary Energy Goals for the State

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: S.C. 433

L.D. 502 An Act Regarding Hospital Charges and Statements

L.D. 1164 An Act To Facilitate Small Loans in Maine

This is notification of the Committee's action.

Sincerely,

S/Sen. Rodney L. Whittemore Senate Chair S/Rep. Mark W. Lawrence House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 435

STATE OF MAINE ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE COMMITTEE ON LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

May 19, 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 Labor, Commerce, Research and Economic Development has voted unanimously to report the following bill(s) out "Ought Not to Pass":

- L.D. 942 An Act To Prohibit a Prospective Employer from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made
L.D. 944 An Act To Prohibit the State from Asking a Prospective Hire about the Person's Compensation History until after a Job Offer Is Made
L.D. 1402 An Act Regarding Payroll Deductions
L.D. 1467 An Act To Expand Competitive Skills Scholarships and Strengthen Maine's Workforce Development Programs
L.D. 1501 An Act To Increase Success and Promote Growth among Maine Small Businesses

This is notification of the Committee's action.

Sincerely,

S/Sen. Amy F. Volk Senate Chair

S/Rep. Ryan M. Fecteau House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 436

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

May 19, 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. 291 An Act To Maintain the Income Tax Rate on Persons with Taxable Income above \$200,000
L.D. 708 An Act To Use Taxes on Nonmedical Marijuana and Increase the Tax on Cigarettes To Partially Offset the 3% Income Tax Surcharge
L.D. 829 An Act To Increase the Income Tax Surcharge Threshold Imposed on Households
L.D. 851 An Act To Repeal and Subject to Referendum in 2018 the Fund To Advance Public Kindergarten to Grade 12 Education and the 3 Percent Income Tax Surcharge (EMERGENCY)
L.D. 915 An Act To Lower Property Taxes
L.D. 1230 An Act To Allow a Local Option Sales Tax on Meals and Lodging
L.D. 1245 An Act To Ensure the Effectiveness of Tax Expenditures
L.D. 1265 An Act To Allow the Creation of a Local Option Sales Tax by Referendum
L.D. 1488 An Act To Require That Landowners with Property Enrolled in the Tree Growth Tax Program Receive Timely Notice of Changes in Valuation of That Property

L.D. 1549 An Act To Create a Tax on the Production of Electricity from Wind Resources

L.D. 1550 An Act To Tax Sugar-sweetened Beverages To Fund Programs To Provide Resources for Veterans and Others

An Act To Protect the Confidentiality of Local Government Employees' Private Information

H.P. 104 L.D. 146

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

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

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

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.

The Following Communication: H.C. 183

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

ORDERS

Joint Orders

May 23, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 146 "An Act To Protect the Confidentiality of State and Local Government Employees' Private Information."

This bill would exempt from public view certain information about public servants. I do think there is an important balance between the public's right to know and the privacy interests of public servants. Unfortunately, this bill strikes the wrong balance. I also believe that this bill, if passed, would have unintended consequences. While I support making social security numbers confidential, the public should have a right to know about those who make decisions on behalf of the public while serving in government.

For this reason, I return LD 146 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying Bill:

Expressions of Legislative Sentiment recognizing:

Richard Burt, of Boothbay Harbor, an architect who is retiring from nearly 30 years of work at the State House. Mr. Burt began working at the State House in 1988, starting with minor renovations, and served as the main architect responsible for major renovations from 1998 to 2001. We extend to Mr. Burt our appreciation for his service and for the result of his work, our restored State House;

SLS 300

Sponsored by Senator DOW of Lincoln.
Cosponsored by Representative: HAWKE of Boothbay Harbor.

READ.

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

Senator **DOW:** Thank you, Mr. President Pro Tem. Good morning, ladies and gentlemen of the Senate. I rise this morning to speak to this sentiment recognizing Rick Burt of Boothbay Harbor. Rick grew up in New Hampshire but he came to love Maine through family camping trips at Hermit Island in Phippsburg and Muscongus Bay in Lincoln County. Intrigued by building and architecture from a young age, he graduated from Middlebury College with a major in Art and then completed his Masters in Architecture at the University of Minnesota. Rick and his wife, Barbara, met through their shared affection for Maine islands. Together they decided that Maine was where they wanted to raise their two young daughters. The Burt family moved to the state in 1986 and Rick took a job with the Brunswick firm of Moore Weinrich. Moore Weinrich eventually became Weinrich & Burt when John Weinrich and Rick became business partners. After several years, they relocated the firm to Damariscotta, as both partners lived in nearby Newcastle. Later, upon John Weinrich's retirement, the firm became Richard Burt, Architects.

Within a year or two of moving to Maine, Rick started working on much needed renovations of the Maine State House, among other projects. Throughout these years, Rick completed many projects in Maine, including a master plan, the dining hall, the science wing for Lincoln Academy, and several buildings for the Darling Center Campus of the University of Maine. But his most significant project was the ongoing renovation of the Maine State House. Working closely with the State House Executive Director, the Legislative Council, historic preservationists under the tutelage of Earle Shettleworth and construction managers, Rick helped to bring the aging edifice back to health. Today the Maine State House stands as a proud symbol of Maine's past and a vibrant meeting place for Maine citizens in the 21st century. It is an enduring professional legacy that Rick feels honored to leave as he steps down after 30 years. I am pleased to have Rick join us today, along with his family, friends, and colleagues from Lincoln County and the State House, and congratulate him in front of this Body for dedicating 30 years serving the State of Maine and restoring the State House. Thank you, Mr. President Pro Tem.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber the following: Rick and Barbara Burt, Jenna and Madeline Burt-Weeks, David and Julie Merrill, Jeremy Whitehouse, Sherry Flint, Suzanne Hallett, Mike Desmond, Dave Thomas, Elaine Abel, and Grant Pennoyer. They are from Boothbay Harbor, Newcastle, Nobleboro, and Waldoboro. They are all the guests of the Senator from Lincoln, Senator Dow. Would they please rise and accept the congratulations of the Senate.

Virginia Todd, of Rumford, a children's librarian at the Rumford Public Library, who is retiring after 32 years of service. We extend to Mrs. Todd our appreciation for her service and our congratulations on her retirement;

SLS 302

Sponsored by Senator KEIM of Oxford.
Cosponsored by Representative: MADIGAN of Rumford.

READ.

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

Senator **KEIM:** Good morning, ladies and gentlemen of the Senate. I am pleased that today Ginny Todd and her family are able to join us. Ginny has recently retired from the Rumford Public Library after dedicating 32 years of service. Ginny started out as a part-time assistant at the library and eventually became the full-time children's librarian. Some of the activities she planned for the kids included theater productions, story times, and many other fun and creative activities. She has been a special role model to all the kids who have visited her at the library over the years. I'm sure many of us can recall time we spent as children at a library and the times we spent at a library with our

own children, or maybe grandchildren. Libraries are a valuable resource for families to access knowledge and to explore other minds as presented to us in writing. Libraries also offer a safe for place for kids to explore, to learn, and to interact with their peers. Without individuals like Ginny who dedicate their time to our libraries, in a world that is becoming increasingly digital, we would lose the unique face-to-face interactions that libraries offer. In a recent newspaper article about her retirement, Ginny was quoted as saying, "My retirement will give me more time to play golf with my husband, spend time with my grandkids, and drive my little summer car." Ginny, I hope you do enjoy each of these activities and that we will have plenty of sunshine this summer for your enjoyment of long rides in your little summer car. Thank you for joining us today, Ginny and your family, and best wishes on your retirement. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Ginny Todd and members of the Todd family: Marshall, Richard, Kristen, Grace, Caleb, Daniel, and Chloe. They are all the guests of the Senator from Oxford, Senator Keim. Will they please rise and accept the congratulations of the Senate.

Senate at Ease.

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

Off Record Remarks

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Fully Fund the Waiting List for the Home and Community Benefits for Members with Intellectual Disabilities or Autistic Disorder Waiver"

H.P. 237 L.D. 323

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-257).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-257).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-257) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks"
H.P. 797 L.D. 1134

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**.

Report **READ**.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Law Regarding Road Associations"
H.P. 731 L.D. 1042

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

Report **READ**.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Law Regarding Super Cribbage Tournaments" (EMERGENCY)
H.P. 877 L.D. 1254

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-262)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-262)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-262) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Military Bureau Laws and Veterans Service Laws"
H.P. 891 L.D. 1278

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-263)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-263)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-263) **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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Support Maine Military Charities"
H.P. 1001 L.D. 1449

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-264)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-264)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-264) **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 **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Regulation of Rabbit Production for Local Consumption" H.P. 131 L.D. 175

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

Signed:

Senators:
DAVIS of Piscataquis
DILL of Penobscot

Representatives:
BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
McELWEE of Caribou
SKOLFIELD of Weld

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

Signed:

Senator:
SAVIELLO of Franklin

Representatives:
DUNPHY of Old Town
ACKLEY of Monmouth
CHAPMAN of Brooksville
MARTIN of Sinclair
O'NEIL of Saco

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

Reports **READ**.

On motion by Senator **DAVIS** of Piscataquis, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of Investigations within the Department of the Secretary of State, Bureau of Motor Vehicles"

H.P. 67 L.D. 99

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-249)**.

Signed:

Senator:
BREEN of Cumberland

Representatives:
GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
TEPLER of Topsham

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

Signed:

Senators:
HAMPER of Oxford
KATZ of Kennebec

Representatives:
SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

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-249)**.

Reports **READ**.

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

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

Senator **DIAMOND**: Thank you, Mr. President, and ladies and gentlemen of the Senate. I'm asking on 5-8 if you think back to last week when, for unknown reasons, there were a couple of detectives left out of the Attorney General's Office in terms of the 1998 retirement fund they set up and there were two left, a couple left, in the Secretary of State's Office, and so this would finish that whole process of keeping these folks, and letting these folks get back in, or be put in. There is no cost because it's such a minimal effort, so I would ask, as you did last week, join in and vote against the motion so that we can do an Ought to Pass. Mr. President, I would ask for a division.

At the request of Senator **DIAMOND** of Cumberland a Division was had. 10 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **HAMPER** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

Senate at Ease.

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-249) **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 **APPROPRIATIONS AND
FINANCIAL AFFAIRS** on Bill "An Act To Restore Full Cost-of-
living Increases for All Maine State Retirees"
H.P. 510 L.D. 726

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

Signed:

Senators:
BREEN of Cumberland
KATZ of Kennebec

Representatives:
GATTINE of Westbrook
FREY of Bangor
HUBBELL of Bar Harbor
JORGENSEN of Portland
MARTIN of Eagle Lake
TEPLER of Topsham

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

Signed:

Senator:
HAMPER of Oxford

Representatives:
SEAVEY of Kennebunkport
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

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-250)**.

Reports **READ**.

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

On motion by Senator **BREEN** of Cumberland, 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 (#175)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KEIM,
LANGLEY, ROSEN, THIBODEAU,
WHITTEMORE, WOODSOME,
PRESIDENT PRO TEMPORE MASON

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

10 Senators having voted in the affirmative and 25 Senators
having voted in the negative, the motion by Senator **HAMPER** of
Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report,
in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-250) **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 **CRIMINAL JUSTICE AND
PUBLIC SAFETY** on Bill "An Act To Recodify and Revise Certain
Portions of the Maine Criminal Code"

H.P. 280 L.D. 374

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-223)**.

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
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 To Pass as Amended by Committee Amendment "B" (H-224)**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

GERRISH of Lebanon
HERRICK of Paris

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223)**.

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-223) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-223)**, in concurrence.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Address Substance Use and Addiction in County Jails

H.P. 588 L.D. 839

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-219)**.

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-219)**.

Reports **READ**.

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Establish the Committee To Study the Processing of Evidence from Sexual Assault Test Kits
H.P. 791 L.D. 1128

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

Signed:

Senators:

ROSEN of Hancock
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
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

Representatives:

GERRISH of Lebanon
MAREAN of Hollis
NADEAU of Winslow

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-253)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-253) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Teacher Evaluation Requirements"

H.P. 449 L.D. 633

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-197)**.

Signed:

Senators:

MAKER of Washington
MILLETT of Cumberland

Representatives:

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
STEWART of Presque Isle

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

Signed:

Senator:

LANGLEY of Hancock

Representative:

TURNER of Burlington

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-197)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-197) **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 **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Make the School Budgeting Process a Biennial Process"

H.P. 518 L.D. 738

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

FARNSWORTH of Portland
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-226)**.

Signed:

Representatives:

DAUGHTRY of Brunswick
FULLER of Lewiston

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Resolve, To Create the Task Force To Study School Board Member Training

H.P. 678 L.D. 965

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-251)**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Student Transfer Process"

H.P. 717 L.D. 1015

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-198)**.

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
SAMPSON of Alfred

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

Signed:

Representatives:

GINZLER of Bridgton
STEWART of Presque Isle
TURNER of Burlington

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-198)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-198) **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 Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals"

H.P. 138 L.D. 182

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-215)**.

Signed:

Senators:

SAVIELLO of Franklin
GRATWICK of Penobscot

Representatives:

TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
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 "B" (H-216)**.

Signed:

Representative:

KINNEY of Limington

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)**.

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Establish the Mining Advisory Panel"

H.P. 476 L.D. 685

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-228)**.

Signed:

Representative:

HARLOW of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Laws Governing the Determination of a Wind Energy Development's Effect on the Scenic Character of Maine's Special Places"

H.P. 629 L.D. 901

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-213)**.

Signed:

Senators:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-214).**

Signed:

Senator:

SAVIELLO of Franklin

Representatives:

HARLOW of Portland
ZEIGLER of Montville

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213).**

Reports **READ.**

On motion by Senator **SAVIELLO** of Franklin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE.**

Committee Amendment "A" (H-213) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-213)**, in concurrence.

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Regulate Hydraulic Fracturing To Prevent Threats to Maine's Drinking Water" (EMERGENCY)

H.P. 1003 L.D. 1453

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-212).**

Signed:

Representatives:

HARLOW of Portland
ZEIGLER of Montville

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President Pro Tem. Let me make it clear on this particular bill, we cannot frack in the State of Maine. It's not necessary because of our way our rock formations have come forward. We have igneous and metamorphic rock. I'll bet you're all excited to learn about that, but when they were made any gases or other things that had accumulated in them were given off. There's great concern that if we had passed this bill, as written, it would have affected those people that are actually drilling water, drinking water wells, not being able to frack the bottom of it to get water into them. So I just wanted to clarify that. Thank you very much, Mr. President Pro Tem.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. If you are in favor you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#176)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and No Senator having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess the Senate was called to order by President Pro Tempore Mason.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autistic Disorder"

H.P. 74 L.D. 106

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

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
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

Representative:
SANDERSON of Chelsea

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-245)**.

Reports **READ**.

Senator **BRAKEY** 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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#177)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KEIM, THIBODEAU, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VITELLI, VOLK, WOODSOME

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-245) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Inform Patients of the Dangers of Addicting Opioids"

H.P. 342 L.D. 479

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-246)**.

Signed:

Senators:

CHIPMAN of Cumberland
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
PARKER of South Berwick
PERRY of Calais
SANDERSON of Chelsea

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

Signed:

Senator:

BRAKEY of Androscoggin

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-246)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-246) **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 Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Department of Health and Human Services To Recalculate the MaineCare Reimbursement Rates for Services for Persons with Disabilities (EMERGENCY)

H.P. 546 L.D. 766

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

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-247)**.

Reports **READ**.

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

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

Divided Report

ROLL CALL (#178)

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

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-247) **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 **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve Access to Preventive, Cost-saving Dental Services"

H.P. 898 L.D. 1301

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

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:
HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
MALABY of Hancock
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:
HEAD of Bethel
SANDERSON of Chelsea

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-248)**.

Reports **READ**.

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

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 PRO TEMPORE: 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 in opposition to the current motion. Just basic numbers are involved here. This is going to give dental care to those with no coverage who are on MaineCare. How much does it cost to go to the emergency room in general? What's the usual price that you have to pay? Roughly \$1,000 - \$960 when you go to the emergency room. Anybody who goes there is going to pay that much, number one. Number two, how many MaineCare patients went to the emergency room. That last data that I have is from the Muskie Study four years ago and the number is 8,375. Well that means MaineCare spent \$8,375,000 roughly on that group of people. In other words, a significant amount of money. How much will this cost? The fiscal note is roughly \$2.5 million the first year and I think \$3.1 the second year. In other words, it is a question of penny wise and pound foolish if we don't do this. We will be saving money. Can you save money by spending money? The answer in this instance is yes. Thank you, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion. I'll make my comments very brief. Just today in committee reports from the Health and Human Services Committee this Body has approved over \$100 million in new taxpayer spending. That's \$100 million annually in new taxpayer spending. This would be another \$3.3 million in annual taxpayer spending. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#179)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, HAMPER, KEIM, THIBODEAU, PRESIDENT PRO TEMPORE MASON

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

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-248) **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 **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Adjust the Formula for Calculating the Allocation of Moose Permits for Hunting Lodges" H.P. 592 L.D. 843

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-217)**.

Signed:

Senators:
CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:
DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel

STEARNS of Guilford
THERIAULT of China

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

Signed:

Representative:
HARLOW of Portland

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-217)**. Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-217) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Ensure Equity in the Awarding of Compensation for Tort Claims" H.P. 150 L.D. 194

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

Signed:

Senator:
HILL of York

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

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

Signed:

Senators:
KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Reports **READ**.

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

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

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

Senator **HILL:** Thank you, Mr. President Pro Tem. This is a
complicated part of the law, so I'm just going to try to succinctly
put it out there. Basically, we have a premise in law, especially
for tort law, that defendants are joint and severally liable for both
pecuniary and nonpecuniary damages. This bill tries to move this
in a new direction, which is most inappropriate for Maine because
the way we developed the law was to protect our Maine citizens.
What this bill tries to do is pull out the nonpecuniary part and say
it will only be - defendants will only be - severally liable. Not good
for Maine people. I want to point out a couple of things. This is a
misleading titled bill because it unfairly and unnecessarily
removes the foundation of a principle of Maine civil law. Maine is
not an outlier here. Forty-six out of fifty states have this same
principle. What's bad about this bill is that it would hurt thousands
of Mainers who are injured, maimed, disabled, as well as the
survivors of those killed by the negligence of others. Once liability
has been established and damages are awarded, under this new
premise the defendants are free - I'm sorry, under the original
premise defendants are free to litigate amongst themselves to
come up with a better division of liability, but under the new
method it would leave the victims possibly being under
compensated and having to go after each and every defendant in
hopes of recovering their damages. You know, in my book that
just makes our Maine people victims a second time around. So I
hope you will follow my light and move against, vote against, this
pending motion.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of
the Senate, I hope that members of my caucus heard Senator Hill
very well because she did a far better job than I did in caucus this
morning in trying to explain this very complicated subject. I think
she's done it well. The question is here: when someone gets hurt
where is the burden going to lie? I think we can all agree where
the burden should not lie is on the innocent victim. I doubt that
anybody here has heard from any of your constituents on this bill.
The reason you haven't is because the people who will be
affected by this are yet to be determined. If there were an
association of people who would be impacted by this bill you

would call them the Future Victims of America. We just don't
know who they are. But when something bad happens to them, I
think we should all agree that the innocent victim shouldn't bear
any of the burden of the wrongdoing of others and let the
negligent parties, if there is more than one, let them sort it out
between themselves who is going to pay and don't make the
victim pay. This joint and several liability has been a concept in
our jurisprudence for centuries and there are efforts that chip
away at it, well-funded efforts, by groups that have an interest in
doing this, mostly insurance companies. Our law has worked well
in Maine. I don't know that there's ever been - if anyone at the
hearings suggested there's ever been any abuse of this law and it
puts the burden where it should be, on people who negligently
cause injury to others. So I hope that my colleagues will follow
the light of the good Senator from York in opposition to the
pending motion. Thank you, Mr. President.

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

Senator **KEIM:** Thank you, Mr. President. So I'm going to speak
up as not a lawyer and try to explain the other Mainers out there
that we also need to protect. So this law, it's true that other states
have joint and several liability laws. However, only eight other
states have it like Maine does and the rest allow some sort of
percentage to be faulted and so this bill goes to more talking
about pain and suffering. So the extra added cost on top of
medical bills and whether or not, you know, you had certain actual
damages to property and to, you know, bodily injury. So what this
does is this protects the people that happen to be the only ones
that can pay for pain, for everything that went wrong. So I think
we are protecting Maine people with this, but we're protecting
them fairly so that they're not called upon to make up for
someone else's fault just because they're the ones that happen to
be able to pay. Thank you for your consideration.

THE PRESIDENT PRO TEMPORE: The pending question
before the Senate is Acceptance of the Minority Ought to Pass
Report. If you are in favor of the question you will vote Yes. If
you are opposed to it you will vote No. Is the Senate ready for
the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#180)

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

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

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

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act Amending the So-called 'Good Samaritan' Laws"
H.P. 151 L.D. 195

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

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Representatives:

BRADSTREET of Vassalboro
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Reports **READ**.

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

Divided Report

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

H.P. 594 L.D. 845

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-205)**.

Signed:

Senators:

HILL of York
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-205)**.

Reports **READ**.

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

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

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

Senator **HILL:** Thank you, Mr. President Pro Tem. I speak against this motion because about eight years ago we formed a commission and we came up with an indigent - as a result of the study commission we came up with the Maine Commission on Indigent Legal Services. We did that not out of choice. I mean some of us may have wanted to see something like this happen. It was already happening at a level within the judicial branch. But the fact is constitutional law for the United States, as well as constitutional law for the State of Maine, requires that we help people have representation, and so the commission came up with a program here and the whole purpose of it was to deliver efficient and high quality representation to indigent criminal defendants, juvenile defendants, and children and parents in child protective cases. This had to be done, again, consistent with

federal and state constitutional, as well as statutory obligations. There's an area that's a little gray, which is really the focus of this bill, and that is if there is a case that should be taken to the U.S. Supreme Court it's not clear, in terms of the commission members, whether they have permission to approve it. After discussing it, many of us on the committee said this is part of the system. If we are going to give people representation then we need to make sure they can take it all the way that they have the right to take it. I just also want to point out that this doesn't open a floodgate of expenses and litigation. The U.S. Supreme Court looks, entertains the thought - well, let me put it this way, the U.S. Supreme Court gets about 8,000 filings a year. Out of that 8,000 they only take about 80 cases on. So the estimate was, from those stepping forward on promoting this bill, that maybe one case would make it in Maine, not even every year. But that would be about the risk. So, again, whether you like this or don't like it, the fact is we really do have a constitutional and statutory obligation to make sure. This is very clear on our books. So I would ask you to please comply, get the State of Maine in compliance with this, and follow my light voting no against this Minority Report.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in support of the pending motion for actually many of the same reasons that my good friend from York County is opposed to it, and that is that less than 1% of these petitions are even granted. The additional expense to the indigent legal system comes not from the rare case in which the cert may be granted by the court but it's the filing fee for every case, whether it's rejected or not. Since less than 1% of the cases is accepted, and since we are mightily struggling to keep up with our constitutional obligation to fund regular old trial defense, I don't believe this is another avenue we need to go down. Thank you, Mr. President.

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

Senator **CARSON:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I was a staff attorney with Pine Tree Legal Assistance a long time ago, 1977 until 1983. During the course of my six year tenure with Pine Tree Legal Assistance I was in federal court perhaps a half a dozen times. I went to the first circuit court of appeals in Boston, which is the level, as I'm sure you know, between federal district court here in Maine and the U.S. Supreme Court, once. But notwithstanding the fact that I had so little experience in the federal court system and went to the U.S. circuit of appeals only once, a fundamental aspect of an American citizen's access to our justice system is to be able to go to any court that will hear the case for the purpose of giving us and our clients, our lawyers and our clients, justice. So I urge members of this Body to vote against the pending motion and to support an affirmation that we, as members of the Senate of the great State of Maine, want to see our citizens have access to justice, including the highest court in our land. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. If you are in favor you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#181)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To End Homelessness by Expanding Housing Support Services" H.P. 683 L.D. 970

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-209).**

Signed:

Senators:
VOLK of Cumberland
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
VACHON of Scarborough

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

Signed:

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-209)**.

Reports **READ**.

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

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

Senator **VOLK:** Thank you, Mr. President. I do want to take a moment to speak on my motion. This is a very important issue that affects the entire State of Maine, and it is the issue of homelessness. I want to take a few minutes to explain to you what this legislation would do and then I understand that there will not be a roll call, but I still want to take a few minutes to educate everybody on this. So what this legislation, L.D. 970, would do is to fund a model program called Housing First in Portland, likely, and I want to tell you about what has happened since 12 years ago when Preble Street opened the first Housing First Program in Maine. Thirty of the state's most chronically homeless people moved in and the numbers recording homelessness dropped, and they dropped significantly and they stayed low. So Logan Place, that one project with only 30 apartments, caused a 10% drop in homelessness for the City of Portland and a 5% drop for the entire state. So if you think about that impact, 30 apartments and homelessness dropped by 5% for the entire State of Maine. It's quite an impact. So besides shelter numbers dropping, Housing First is also an evidence-based practice that saves money and that's why I'm willing to support this legislation. I've stood up many, many times in this Chamber, and I'll stand up many, many times again before this session ends, and I'll push this button many, many times before this session ends not to fund programs, but I do believe that when we have an opportunity to spend money in order to save money that we do the right thing and the smart thing and we support that. That's what this legislation will do. When you look at the numbers around Housing First, there was a 70% decrease after one year in healthcare usage, a 71% decrease in ambulance usage, a 74% decrease in emergency room usage, and we all know what that equates to, an 88% decrease in jail time, a 95% decrease in emergency shelter use, and a 35% decrease in mental health care, but that impact is actually saving money. So despite the dramatic increase in mental health care utilization, costs fell. Consumers received twice the amount of care for a fraction of the cost because they were relying on regular out-patient treatment that is far less expensive than crisis emergency room or in-patient care. One other point that I just want to make when I'm speaking on this, and the fact that I'm willing to support this, is that I do have some reservations, and the reservations that I have are that in the State of Utah, where Housing First has been extremely successful - and

Utah at this point basically has no homelessness, it's extremely low, - a lot of the funding is coming from private sources and I think we need to wonder why in the State of Maine and ask the question of why in the State of Maine organizations that are doing such good work, private organizations like Preble Street doing such great, amazing work, are now having a very hard time raising funds and doing fundraising. Why is that? Is that going to continue to be a problem and is that problem going to be worse because of some of the policies that we have an opportunity to weigh in on in this Chamber? So I would advocate that we all support this, but I would also advocate that we consider what we are doing to the population of people that have traditionally supported these types of organizations. Thank you.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-209) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act Regarding Housing Insecurity of Older Citizens"
H.P. 707 L.D. 1006

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-210)**.

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

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-210)**.

Reports **READ**.

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

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

Senator **BELLOWS:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I rise to speak in opposition to the pending motion and to share with you what this bill does, or would do, should we defeat the pending motion, to establish the Advisory Council on Senior Housing to study the unmet need for affordable housing units for elderly residents of the State of Maine as well as the financial burden and requirements for home modifications and repairs necessary to enable the state's elderly residents to remain in their homes. This bill, this council, would make recommendations to Maine State Housing Authority and, very importantly, this council would be directed with developing a strategic housing plan for the entire state. We heard no testimony in opposition to this bill at the public hearing. Instead we heard testimony from groups including AARP of Maine, and I will quote, they said, "Safe, accessible, and affordable housing is a top concern for older Mainers. In 2014, we released a survey of 50+ Maine voters and one of the key findings of the survey is that an overwhelming majority of 50+ Mainers want to age in their own home and communities they love." We also heard testimony from the Maine Affordable Housing Coalition who noted that Maine has the oldest population and the eighth oldest housing stock in the nation. There is currently a housing shortage of 9,000 units of affordable housing, that's expected to rise to 15,000 units. There's a huge unmet need. Given Maine's demographics, given our aging population, given the urgent need, I urge you to join me in defeating the Ought Not to Pass Report.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President Pro Tem, I just want to take one more moment to speak on this issue. Ladies and gentlemen of the Senate, this is well-intended. Of course we are all concerned about the housing problems facing our oldest residents. However, creating a Senior Housing Advisory Council is really quite unnecessary. The proposed council would have 12 members, plus invited federal agencies, plus Maine State Housing Authority staff, working for five years to

produce a report that tells us pretty much things that we already know. The council would review existing data and reports. This is being done by many organizations, including Maine State Housing Authority, already. The council would look at the cost of doing repairs that would allow older people to remain in their homes. Maine Housing is currently running a pilot program that does exactly that. The council would identify other innovative strategies to help seniors remain in their homes, secure alternative housing. Many organizations, including Maine State Housing Authority, are doing this now. Creating a 12 to 15 member council in law to spend five years examining things that we are already doing, or could easily do, does not seem like a good use of our time or resources. I urge you to support the pending motion. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Minority Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#182)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create the Small Communities Tourism Fund"
H.P. 903 L.D. 1306

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-227)**.

Signed:

Senator:
BELLOWS of Kennebec

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:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

Representatives:
LOCKMAN of Amherst
STETKIS of Canaan

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-227)**.

Reports **READ**.

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

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

Divided Report

The Majority of the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** on Bill "An Act To Change the Oversight Agency for Recreational Marijuana from the Department of Agriculture, Conservation and Forestry to the Department of Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations and To Allocate Funds for Implementation" (EMERGENCY)
H.P. 176 L.D. 243

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-221)**.

Signed:

Senators:
KATZ of Kennebec
DESCHAMBAULT of York
DION of Cumberland
MAKER of Washington
ROSEN of Hancock

Representatives:
PIERCE of Falmouth
ACKLEY of Monmouth
BICKFORD of Auburn
BLUME of York
COREY of Windham
HAMANN of South Portland
HARVELL of Farmington
JORGENSEN of Portland
MAREAN of Hollis
MONAGHAN of Cape Elizabeth
PERKINS of Oakland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-222)**.

Signed:

Representative:
HICKMAN of Winthrop

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**.

Reports **READ**.

On motion by Senator **KATZ** of Kennebec, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-221) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-221)**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Access to Landlocked Ancient and Family Burying Grounds and To Clarify the Definition of Ancient Burying Ground"

H.P. 936 L.D. 1346

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

Signed:

Senators:

DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

Representatives:

MARTIN of Sinclair
BRYANT of Windham
GRIGNON of Athens
HARRINGTON of Sanford
HOGAN of Old Orchard Beach
MADIGAN of Rumford
ORDWAY of Standish
PICKETT of Dixfield
SPEAR of South Thomaston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-201)**.

Signed:

Representative:

BEEBE-CENTER of Rockland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Increase the Homestead Property Tax Exemption for Certain Persons Who Are at Least 75 Years of Age"

H.P. 60 L.D. 73

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

Signed:

Senators:

DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
McCREIGHT of Harpswell
POULIOT of Augusta
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 "A" (H-230)**.

Signed:

Representative:

WARD of Dedham

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Diapering Products from the Sales Tax"

H.P. 63 L.D. 76

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

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
GRANT of Gardiner
HILLIARD of Belgrade
POULIOT of Augusta
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" (H-231)**.

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-231)**.

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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 Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#183)

YEAS: Senators: CARPENTER, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, GRATWICK, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, DILL, DION, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **PREVAILED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Support Employees with Significant Commutes"
H.P. 675 L.D. 947

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-238)**.

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 Not To Pass**.

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

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

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-238)**.

Reports **READ**.

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

Divided Report

Eight members of the Committee on **TAXATION** on Bill "An Act To Extend the Veteran Property Tax Exemption to Veterans Who Have Served on Active Duty"

H.P. 222 L.D. 289

Reported in Report **"A"** that the same **Ought to Pass as Amended by Committee Amendment "A" (H-232)**.

Signed:

Senators:

CHENETTE of York
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
COOPER of Yarmouth
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
WARD of Dedham

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-233)**.

Signed:

Representatives:

TIPPING of Orono
GRANT of Gardiner
McCREIGHT of Harpswell
TERRY of Gorham

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

Signed:

Senator:

DOW of Lincoln

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**.

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**, in concurrence.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-232)**, in concurrence.

Senate

Ought to Pass

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Facilitate the Continued Operation of the Department of Corrections Intensive Mental Health Unit" (EMERGENCY)

S.P. 414 L.D. 1223

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 LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish Regional School Leadership Academies"

S.P. 168 L.D. 507

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 WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Amend the Usage and Consumer Protections of Guaranteed Asset Protection Waivers"

S.P. 531 L.D. 1506

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-142)**.

Report **READ**.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor"

S.P. 559 L.D. 1585

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
LONGSTAFF of Waterville
MAREAN of Hollis
TALBOT ROSS of Portland

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

Signed:

Representatives:

HERRICK of Paris
NADEAU of Winslow
RECKITT of South Portland

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** the Majority **OUGHT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Cash Qualifying Contributions under the Maine Clean Election Act"

S.P. 200 L.D. 585

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-140)**.

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

LUCHINI of Ellsworth
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

Senator **MIRAMANT:** Thank you, Mr. Chair. Men and women of the Senate, this was a bill that I put in. We already accept \$5 cash contributions for the Clean Election Fund, but, as you who use it know, we have to sell a money order. It's a costly and confusing process for folks. So I turned this over to the Ethics Commission and they came back with we would like two places where people sign and their initial choice was a money order. It lets them compare signatures and it lets them make people feel like they have signed onto a contract, yet there is nothing on the money order that really says that. The only language is on the qualifying contribution page and I felt it was strong enough. The commission, including the board, felt that having a second page with a statement that talked about not receiving anything of value for your \$5 would just reinforce the seriousness of this. I know some of you are just against the Clean Election and would never use it. That's fine. I understand. But for those of you who use it, and this isn't partisan, this will make it easier for you to do it at those big events that you go to instead of trying to deal with the money orders, and folks will understand it better because they're always confused when you say, "Well, here's the \$5 money order," and they're like, "What?" So you're saying, "Well, this is to show you how serious this is, that you're not taking anything." What? Why would I think that signing my name on this money order that cost you a dollar for this \$5, why would that make me think it's serious. What I think is that it's foolish. Others thought the same thing. So the commission came up with this policy. I heartily agreed with it. It clarifies things. It doesn't change anything. We can still take \$5, just like we could before. This doesn't add any rules. So, for all those reasons, I think it's a great idea and I encourage you to vote against this motion and then to vote Ought to Pass. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#184)

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

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Political Party Representation of Election Clerks" S.P. 258 L.D. 813

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-139)**.

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

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

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

Senator **CARPENTER:** Mr. President, ladies and gentlemen of the Senate, this is a fairly simple little housekeeping bill. I'm not quite sure how it came out the way it did. It allows, it moves away from the strict percentages that are required currently in the law for political party representation of clerks. Small towns often times up my way we have a hard time finding enough Democratic committee clerks. Other places in the state they are having a hard enough time finding Republicans. This bill simply allows the town clerks some flexibility to be able to get enough people in to help do an election, so I would request that you follow my light and vote against the pending motion. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I, too, would urge you to support this. I brought this forward at the request of town clerks. They really do have a dilemma because we're becoming more divided in some of our both urban and rural areas. This is going to answer a number of questions that they have. It was brought forth by both Republicans and Democrats and town clerks. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote Yes. If you are opposed you will vote No. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#185)

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

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

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Minority **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 Resolve

Resolve, To Establish the Task Force To Identify Special Education Cost Drivers and Innovative Approaches to Services
H.P. 456 L.D. 642
(C "A" H-106)

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORT - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Governing Nursing Facilities To Permit Nurse Practitioners, Clinical Nurse Specialists and Physician Assistants To Perform Certain Physician Tasks"

H.P. 797 L.D. 1134

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-258)**.

Tabled - May 25, 2017, by Senator **CUSHING** of Penobscot

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

(In House, May 24, 2017, Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258)**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-258) **READ**.

On motion by Senator **BRAKEY** of Androscoggin, Senate Amendment "A" (S-144) to Committee Amendment "A" (H-258) **READ** and **ADOPTED**.

Committee Amendment "A" (H-258) as Amended by Senate Amendment "A" (S-144) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-258) AS AMENDED BY SENATE AMENDMENT "A" (S-144)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

ORDERS

Joint Order

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

S.P. 574

**STATE OF MAINE
128TH MAINE LEGISLATURE**

ORDERED, the House concurring, that Bill, "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, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

READ and **PASSED**.

Sent down for concurrence.

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

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED**, pursuant to the Joint Order, until Tuesday, May 30, 2017 at 10:00 in the morning.