

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

In Senate Chamber  
Monday  
June 12, 2017

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

Prayer by Reverend Chris Thornton, MaineGeneral Medical Center in Augusta.

**REVEREND THORNTON:** Thank you, Senators, and thank you everyone who else is in attendance here. Bow with me for a moment of prayer. O Great Father, we come to You today asking that the words spoken here today may reflect each person here and reflect what they stand for. Be with all here and all that is said, prayed for, and all the hearts that are present. We thank You for this, for all this in Your name. Amen.

Pledge of Allegiance led by Senator Amy F. Volk of Cumberland County.

Reading of the Journal of Friday, June 9, 2017.

Doctor of the day, Karyn Diamond Tocci, M.D. of Standish.

Off Record Remarks

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

Off Record Remarks

**PAPERS FROM THE HOUSE**

**Non-Concurrent Matter**

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Promote Efficiency and Accountability to Taxpayers in Personal Services Contracting"

H.P. 520 L.D. 740

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-199)** (7 members)

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

In Senate, June 8, 2017, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Majority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-199)**.

On motion by Senator **DAVIS** of Piscataquis, the Senate **INSISTED**.

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.

**Non-Concurrent Matter**

HOUSE REPORT - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Amend the Law Regarding Road Associations"

H.P. 731 L.D. 1042

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-255)**

In Senate, June 8, 2017, on motion by Senator **DAVIS** of Piscataquis, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255) AS AMENDED BY SENATE AMENDMENT "A" (S-196)** thereto in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Report was **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-255)**.

On motion by Senator **DAVIS** of Piscataquis, the Senate **INSISTED**.

**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish an Independent Citizens Oversight Committee on Maine's Welfare Programs" S.P. 486 L.D. 1408

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-156)** (9 members)

Minority - **Ought Not to Pass** (4 members)

In Senate, June 8, 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-156)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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**Non-Concurrent Matter**

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Clarify the Use of Public Money for Bulk Mailing in the Election Process" S.P. 395 L.D. 1174 (C "A" S-214)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-214)** (7 members)

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

In Senate, June 8, 2017, on motion by Senator **COLLINS** of York, 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-214)**. Comes from the House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

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**COMMUNICATIONS**

The Following Communication: S.C. 501

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

June 2, 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. 701 An Act To Establish the Maine Paid Family Leave Insurance Program
- L.D. 1165 An Act To Amend the Laws Regarding Licensure for Professional Engineers

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**.

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The Following Communication: H.C. 226

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

June 9, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby

- Bill "An Act To Prohibit a Person from Providing False Testimony to a Committee of the Legislature" (H.P. 599) (L.D. 850) was Passed to be Engrossed as Amended by Committee Amendment "B" (H-182) as Amended by House Amendment "A" (H-415) thereto.
- it accepted the Majority Ought Not to Pass Report of the Committee on Health and Human Services on Bill "An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program" (S.P. 66) (L.D. 220)

- it accepted the Majority Ought Not to Pass Report of the Committee on Health and Human Services on Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs" (S.P. 65) (L.D. 219)

Sincerely,

S/Robert B. Hunt  
Clerk of the House

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

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

**ORDERS**

**Joint Order**

Expression of Legislative Sentiment recognizing:

Charlie Saffian, of Cumberland, a sophomore at Greely High School, who has been named the Cromwell Center for Disabilities Awareness 2017 Momentum Honoree for his being a role model advocating for inclusive, respectful and safe schools and communities. We extend to Charlie our congratulations and best wishes;

SLS 458

Sponsored by Senator BREEN of Cumberland.  
Cosponsored by Representative: DENNO of Cumberland.

**READ.**

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

Senator **BREEN:** Thank you, Mr. President. Men and women of the Senate, I am so honored and pleased today to welcome Charlie Saffian and his family to the Senate Chamber. The Cromwell Center for Disabilities Awareness is dedicated to the person - to the purpose rather - that no person with any kind of disability will ever again experience the profound isolation in life and anonymity of the death of Jeremiah Cromwell. The Cromwell Center does not focus on disability, but rather changes attitudes. Its programs address all levels of ability and disability through learning, behavioral, emotional, developmental, and physical support. The programs have become an integral part of many of Maine schools, doing anti-bullying programs, inclusion advocacy, and community building efforts. This is the first year the Cromwell Center has given an award and I'm pleased to say that Charlie Saffian, who is in the 10<sup>th</sup> grade at Greely High School, is the Cromwell Center's first award recipient for the work that he and his family have done to integrate people of all abilities and change attitudes and change the world through their own behavior. So I

hope you will join me in congratulating Charlie and his family. Thank you, Mr. President.

**PASSED.**

Sent down for concurrence.

**THE PRESIDENT:** The Chair is pleased to recognize in the Chamber today Charlie Saffian and his parents, Jim and Amy Saffian. If they'd rise and accept the greetings of the Senate.

**REPORTS OF COMMITTEES**

**House**

**Ought to Pass As Amended**

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Amend Laws Relating to Agricultural Pulling Events"

H.P. 390 L.D. 548

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-458).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-458).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-458) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect Maine Consumers from Unexpected Medical Bills"

H.P. 1073 L.D. 1557

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-459).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-459).**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-459) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TAXATION** on Bill "An Act To Amend the Maine Tax Laws"

H.P. 1069 L.D. 1551

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-463)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-463) **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 **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require That Health Insurance Policies Cover Medical Marijuana"

H.P. 747 L.D. 1064

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

Signed:

Senators:

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

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-460)**.

Signed:

Representatives:

- BROOKS of Lewiston
- COLLINGS of Portland

PRESCOTT of Waterboro

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

Reports **READ**.

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

**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Include Tax-exempt, Nonprofit Regional Transportation Providers under the Maine Tort Claims Act" (EMERGENCY)

H.P. 213 L.D. 280

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

Signed:

Senators:

- KEIM of Oxford
- HILL of York

Representatives:

- MOONEN of Portland
- BRADSTREET of Vassalboro
- 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 as Amended by Committee Amendment "A" (H-464)**.

Signed:

Senator:

- WHITTEMORE of Somerset

Representatives:

- BABBIDGE of Kennebunk
- BAILEY of Saco
- GUERIN of Glenburn
- JOHANSEN of Monticello
- SHERMAN of Hodgdon

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-464)**.

Reports **READ**.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#274)**

YEAS: Senators: CYRWAY, DAVIS, DOW, KEIM, LANGLEY, SAVIELLO, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HAMPER, HILL, JACKSON, KATZ, MAKER, MASON, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK, WOODSOME

EXCUSED: Senators: CARPENTER, LIBBY

8 Senators having voted in the affirmative and 25 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

H.P. 241 L.D. 327

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  
SHERMAN of Hodgdon

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

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

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**Divided Report**

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prioritize Family Members as Surrogates for Medical Decisions" H.P. 1108 L.D. 1607

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 as Amended by Committee Amendment "A" (H-465)**.

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 AS AMENDED** 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:** The Chair recognizes the Senator from York,  
 Senator Hill.

Senator **HILL:** Thank you, Mr. President. Mr. President and  
 ladies and gentlemen of the Senate, I oppose this motion  
 because this attempts to amend a law that has been working very  
 well for us. In fact, the law was amended after great work y  
 many, many parties involved in 1999. The reason the change  
 even came before us was over one incident which became very  
 clear during the testimony before Judiciary, and it was definitely a  
 heart rendering incident. But after we probed and heard a good  
 deal of testimony pro and con on this, it became very clear that  
 the problem was not with the statute itself, but with how this  
 particular hospital handled this statute, and so a number of the  
 members at that point decided we need to leave this in place. I'm  
 going to tell you why we need to leave this in place, because we  
 have a statute here that sets for who will be your surrogate if you  
 haven't signed health directive papers and you have a health  
 issue and you are unable to determine for yourself what kind of  
 care you should have or whether life sustaining treatment should  
 be continued or withdrawn. There is an order in terms of who  
 would be a preference for surrogate. I think, given the way  
 society is going, especially the way Maine is graying and whiting,  
 or whatever you want to call it, aging basically, that this will have  
 a long-term unintended consequence for couples who have been  
 together long-term and who, for various reasons, have chosen not  
 to marry. This is not about same sex marriage. This is about any  
 couples who have decided to share a life in the way they choose,  
 without having to go through marriage. It could be for tax  
 reasons. It could be just they decided that they've had a marriage  
 and don't choose to have another one. But these are many,  
 many loving couples who really understand each other's needs.  
 So I don't feel one case should turn this around, especially since  
 the lobbyists and the hospital involved immediately started  
 speaking about it and talking about how this would never happen  
 again. So the internal process is perhaps where it needs it a little  
 adjustment, but not in the statute. I thought the most compelling  
 testimony came in through the Legal Services for the Elderly, who  
 is very in touch, obviously, with a large part of our population. I'll  
 just read a portion of it. It says, "In 1999 the Uniform Healthcare  
 Decisions Act was amended and it was amended to change the  
 scope of the decisions that surrogates could make under the law.  
 It also expanded the surrogate list to reflect public policy, that

people who are not married but have a relationship that is  
 emotionally, physically, and financially like that of married couples  
 have the same right to make medical treatment decisions for one  
 another as married couples." It goes on, but I think you get my  
 point and so I would hope, as one of our Senators often says in  
 this Chamber, if it ain't broke, don't fix it. Thank you, Mr.  
 President.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen  
 of the Senate, I would just rise and speak in favor of the Minority  
 Report. We did hear some compelling testimony in the committee  
 and I think what it points to is that really the issue we have in front  
 of us in Maine is a drug issue, a lot of times, and these are  
 emergency situations. I think in emergency situations a doctor  
 shouldn't be called on to clarify tangled relationships and to  
 decipher whether or not someone has a physical and a financial  
 relationship, similar to that of a spouse. I think that we should  
 give doctors very black and white rules so that they can make a  
 quick decision and then they can work out the details later. I think  
 we can accept that in most families, as you go down the list of  
 people as it's outlined in the amendment, you have an adult child,  
 you have a parent. I don't think we should assume that all of  
 these relationships are bad relationships. I think we should  
 accept that, in general, they are good relationships and that a  
 doctor - we should make his job as easy as possible when he's  
 already dealing with medical emergencies. Thank you for your  
 consideration.

**THE PRESIDENT:** The pending question before the Senate is  
 Acceptance of the Minority Ought Not to Pass Report. The Chair  
 is in error. The pending question before the Senate is  
 Acceptance of the Minority Ought to Pass as Amended by  
 Committee Amendment "A" Report. If you are in favor of  
 accepting that report you will be voting yes. If you are opposed  
 you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#275)**

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

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

EXCUSED: Senators: CARPENTER, LIBBY

18 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE, PREVAILED.**

Bill **READ ONCE.**

Committee Amendment "A" (H-465) **READ** and **ADOPTED.**

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

Ordered sent down forthwith for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require Responsible Contracting on Public Construction Projects"  
H.P. 961 L.D. 1382

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

Signed:

Senators:

- DAVIS of Piscataquis
- DESCHAMBAULT of York
- KEIM of Oxford

Representatives:

- MARTIN of Sinclair
- 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-450).**

Signed:

Representatives:

- BEEBE-CENTER of Rockland
- BRYANT of Windham

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-450).**

Reports **READ.**

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Support Employment Opportunity in Maine"

H.P. 1109 L.D. 1608

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-461).**

Signed:

Senators:

- DAVIS of Piscataquis
- DESCHAMBAULT of York
- KEIM of Oxford

Representatives:

- MARTIN of Sinclair
- BEEBE-CENTER of Rockland
- BRYANT of Windham
- GRIGNON of Athens
- HARRINGTON of Sanford
- HOGAN of Old Orchard Beach
- MADIGAN of Rumford
- PICKETT of Dixfield
- SPEAR of South Thomaston

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

Signed:

Representative:

- ORDWAY of Standish

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-461).**

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-461) **READ** and **ADOPTED,** in concurrence.

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

**Senate**

**Ought to Pass**

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Workforce Education Attainment"

S.P. 589 L.D. 1638

Reported that the same **Ought to Pass**, pursuant to Joint Order, S.P. 293.

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

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

Ordered sent down forthwith for concurrence.

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**Ought to Pass As Amended**

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Encourage Maine Consumers To Comparison-shop for Certain Health Care Procedures and To Lower Health Care Costs"

S.P. 147 L.D. 445

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-236)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-236) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Support the Professional Development of Principals in Maine Schools"

S.P. 291 L.D. 891

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-237)**.

Signed:

Senators:

LANGLEY of Hancock  
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

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

Signed:

Representatives:

SAMPSON of Alfred  
STEWART of Presque Isle  
TURNER of Burlington

Reports **READ**.

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

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

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**Divided Report**

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Improve Public Sector Labor Relations"

S.P. 466 L.D. 1358

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senators:

VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

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

Reports **READ**.

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

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

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, this legislation before us would remove from local control a substantial portion of the decision making authority that municipal officials that have been directly elected by the people currently have. This is not an unfamiliar piece of legislation. This is something that has been proposed and rejected repeatedly by the Legislature for the last decade and in the last decade, make no mistake, times have been tough for local government, and municipalities have struggled to comply with increasing costs of education and a lot of other priorities and so what, basically, this would do would take the determination of salaries and benefits at the local level and it would make the arbitration binding and so it would really remove a lot of the democratic process that exists and the ability for our locally elected officials to weigh in on what that - those - arbitration recommendations are. So I would very much appreciate you following my light and supporting this motion.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Maine, unlike several other states, does not have a right to strike for public employees. Instead, under the Maine Labor Relations Act, public sector unions can go through four steps: bargaining, mediation, fact finding, and, the fourth, is arbitration. This bill simply makes that arbitration binding on salary negotiations. It creates clarity for employees and employers alike. This is a matter of basic fairness and I urge you to join me in opposing the pending motion.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

## ROLL CALL (#276)

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

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

EXCUSED: Senators: CARPENTER, LIBBY

17 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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## Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect the Rights of Public Employees To Determine Their Collective Bargaining Agent"

S.P. 544 L.D. 1553

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

Signed:

Senator:  
BELLOWS of Kennebec

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-233)**.

Signed:

Senators:  
VOLK of Cumberland  
LANGLEY of Hancock

Representatives:

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

Reports **READ**.

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

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

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in support of the pending motion. This bill was brought forward because it's truly about choice. All of us get elected every two years, but those who are represented in public service, in government jobs, where a union is prescribed as their collective bargaining agent and they become a member of that union, don't have a choice. This would simply allow them, every two years, to have the opportunity to vote on whether or not that entity that represents them is providing the benefits and services that they believe are worth the money that they are being garnished out of their paycheck on a regular basis. That's true, Mr. President, because in this state we have passed legislation which requires the State to collect from their paycheck the portion of money that is submitted to that union organization, and I ask you, Mr. President, in a country where we dumped tea in the harbor because of the taxation that we felt was unfair for the representation we didn't have, whether people who are members of a union should have that right to hold their leadership accountable on a regular basis. So I would urge folks to follow my light as we provide empowerment to those State employees who may feel they need to have a more effective voice in the services provided by their union. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this bill requires all public sector unions to hold recertification elections every two years on whether the union should exist at all. Unions already have regular elections for officers, for various other roles. Members vote to approve or reject proposed contracts and there's already a mechanism in place for a bargaining unit to hold a vote if members do not wish to continue with their current union, and that has, in fact, occurred with some of Maine's public sector unions. This bill is the equivalent of requiring a vote every two years on whether we should have a State Legislature at all or whether we should have a Congress at all, not who should represent us. It's like requiring the Chamber of Commerce or a business organization to hold a vote every two years on whether it should continue to exist. This bill is unnecessary, disruptive, disrespects worker's rights, and is a solution in search of a problem.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I appreciate my colleague's feelings on this. However, I think this really empowers State employees because it gives them the ability to, on a regular basis, vote if they are satisfied with the benefits of the union, the services that are provided to them, and they don't have to always be happy. I think we recognize that there are many people who vote for us who are not satisfied with all of our votes, but they recognize that they have an obligation every two years to make a choice. There are people, Mr. President, because many of these public sector unions have been in place since the 60's, who have spent their entire lives in public service, dedicated to working for the good of the people that they may serve in their public sector jobs, without having that choice. Is that democratic, Mr. President? Is that an opportunity to allow them to have a voice in the direction? I think not, Mr. President, and I ask you all to consider, as we weigh some of these issues before us where we have heard time and time again the importance of listening to the people that we represent, whether or not this is an opportunity for us to have the courage to vote the way we believe is right or whether we're going to hunker down to the demands of the union interest that are trying to exert their efforts in the legislative process. Thank you, Mr. President.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Ought Not to Pass Report. The Chair is in error again. The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### **ROLL CALL (#277)**

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

**NAYS:** Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, GRATWICK, HILL, JACKSON, KATZ, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

**EXCUSED:** Senators: CARPENTER, LIBBY

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

The Majority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on **TRANSPORTATION** on Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"

S.P. 122 L.D. 381

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

Signed:

Senators:

COLLINS of York  
ROSEN of Hancock

Representatives:

McLEAN of Gorham  
AUSTIN of Skowhegan  
BRYANT of Windham  
GRANT of Gardiner  
PARRY of Arundel  
PERKINS of Oakland  
SCHNECK of Bangor  
SHEATS of Auburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-238)**.

Signed:

Senator:

MIRAMANT of Knox

Representatives:

CEBRA of Naples  
GILLWAY of Searsport

Reports **READ**.

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

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, last year I was contacted by a constituent and small business owner whose delivery driver, her daughter, had been pulled over for having a lighted sign on the car. She was surprised, as was I, to learn that current statute prohibits vehicles from having a lighted sign on a public way unless the sign is for identification purposes on a truck, tractor truck, semi-trailer, or on taxis. I think we're all aware that there

are plenty of other vehicles, however, that do utilize lighted signs, and those are food delivery cars. It is an accepted business practice for delivery cars to utilize lighted signs. They provide the driver with a measure of safety and their customers the ability to identify the delivery worker. It is time to update Maine's statute to reflect current practice and ensure consistent enforcement of our transportation laws. I have subsequently learned that other states have successfully implemented laws to safely incorporate current practice by businesses with food delivery cars, specifying white lights only, specifying dimensions and that illumination may only occur at nighttime and during a delivery. These are commonsense measures and that would safely allow our Maine small businesses to continue offering this critical service to their customers, so I hope you will join me in opposing the pending motion.

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

Senator **DION:** Good morning, Mr. President. Ladies and gentlemen of the Senate, seriously. This is what it's come to. Right. Pizza cars. I was an active duty police officer for some time and I thought I was pretty active in the realm of traffic enforcement. I could dissect an automobile or a commercial truck quickly and make appropriate decisions about enforcement. Never once did a car with a sign of X Pizza come to my attention. As a matter of fact, for those of us who actually work the road through even the most diverse weather, the sign of surviving a snowstorm was seeing such a vehicle coming down a state highway. We knew the end was in sight because at least somebody was going to get their delivery. The roads were returning to normal. I can't believe that, with all the issues we confront as a Chamber, this is it. This is what it's come down to, whether or not we should actually have a vote on the right of a small business person to make a modest adjustment to their vehicle with a light. There're a lot of other things that sheriffs and troopers and cops on the beat are taking a look at and I dare say, if it is against the law, I failed my exam in Title 29, the Motor Vehicle Code. I thought there were many other chapters of more significant priority and I would much be in better light with my citizens should I appear in traffic tribunal with a real case. I would hang my head if somehow I was compelled by circumstance to actually present a violation of this particular objection that this bill intends to address. So I would hope that we could find some glimmer of humor in the fact that the bill has gotten this far and that we do away with it as quickly as I would do away with the delivery. Thank you.

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

Senator **COLLINS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, looking at this bill you say to yourself it is a frivolous bill, but in today's society drivers have so many modes of being distracted while operating a motor vehicle it seems like every weekend you read about an accident where somebody crossed the center line or whatever and there are fatalities as a result of that accident. You can see by the report that it is a 10 - 3 report. The majority of the committee members decided, you know, all we need now is another source of driver distraction. I can envision somebody driving down the road and they see a car coming the other way with a pizza sign on top of

the roof with a phone number and he's trying to write down the phone number to order pizza. I think it's ridiculous. The bill shouldn't even be here. I hope you follow my light of Ought Not to Pass. Thank you.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I can understand what the Transportation Committee would be thinking here. I served on that committee for a long time and I think my initial reaction would have been the same, and I think the good comments made by the good Senator from York about distraction has merit. However, I think that the biggest thing we have to overcome here is the obstacles that are put in front of small businesses. They really do struggle and what's a more small, small business than the delivery people. I think now along the highway we see signs that are flashing, allowed to flash once every - twice every minute or once every 24 seconds, whatever the new rule is. I think we have those and people need to be able to pay attention to the driving, and certainly distracted driving is something I'm very concerned about. But in this case, I don't think it rises to that level, although I understand what the committee is thinking. I would ask us to look at it from the small business point of view. They struggle. They struggle and they struggle. What can we do to help them out? I think this is one little thing that we could do. So I'll urge you to oppose the motion.

**THE PRESIDENT:** The pending question before the Senate is Acceptance of the Majority Ought Not to Pass Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#278)**

YEAS: Senators: COLLINS, CUSHING, CYRWAY, HAMPER, KATZ, LANGLEY, MASON, ROSEN, VOLK, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARSON, CHENETTE, CHIPMAN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KEIM, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME

EXCUSED: Senators: CARPENTER, LIBBY

10 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 2 Senators being excused, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report **FAILED**.

The Minority **OUGHT TO PASS AS AMENDED** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-238) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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**Divided Report**

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Simplify the Licensing Process for Off-site Catering"

S.P. 538 L.D. 1543

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-234)**.

Signed:

Senators:

MASON of Androscoggin  
CARPENTER of Aroostook  
COLLINS of York

Representatives:

LUCHINI of Ellsworth  
CASÁS of Rockport  
DILLINGHAM of Oxford  
FARRIN of Norridgewock  
HANINGTON of Lincoln  
HICKMAN of Winthrop  
MONAGHAN of Cape Elizabeth  
SCHNECK of Bangor  
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 "B" (S-235)**.

Signed:

Representative:

LONGSTAFF of Waterville

Reports **READ**.

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-234) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-234)**.

Sent down for concurrence.

Ordered sent down forthwith.

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

**Emergency Measure**

An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists

H.P. 1098 L.D. 1594  
(C "A" H-355)

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**ENACTORS**

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

**Emergency Measure**

An Act To Improve the Enforcement of Maine's Lobster Laws  
S.P. 190 L.D. 575  
(C "A" S-200)

This being an Emergency Measure and having received the affirmative vote of 32 Members of the Senate, with 1 Senator having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**Acts**

An Act To Amend the Percentage of Votes Needed for Condominium Governance

H.P. 214 L.D. 281  
(C "A" H-430)

An Act To Promote and Encourage the Sustainability of the Elver Fishery

H.P. 219 L.D. 286  
(C "A" H-426)

An Act To Clarify the Application of the Statute of Limitations under Article 3-A of the Uniform Commercial Code

H.P. 377 L.D. 533  
(C "A" H-431)

An Act To Amend the Laws Governing the Membership of the Advisory Committee on College Savings

H.P. 418 L.D. 602  
(C "A" H-419)

An Act To Amend the Law Regarding Nontransmission Alternatives Investigations Required for Proposed Transmission Lines and Projects

H.P. 535 L.D. 755  
(C "A" H-424)

An Act To Limit the Exclusion of a Patient from Eligibility for an Organ Transplant Based on Medical Marijuana Use

H.P. 544 L.D. 764  
(H "A" H-427 to C "A" H-328)

An Act To Protect Homeowners from Improper Foreclosure Fees

S.P. 350 L.D. 1047  
(C "A" S-198)

**Emergency Measure**

\_\_\_\_\_  
An Act Relating to the Use and Leasing of Public Reserved Lands  
H.P. 789 L.D. 1126  
(C "A" H-417)  
\_\_\_\_\_

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

**Emergency Measure**

\_\_\_\_\_  
An Act To Amend the Electricians' Examining Board Licensing Laws  
S.P. 556 L.D. 1583  
(C "A" S-211)  
\_\_\_\_\_

This being an Emergency Measure and having received the affirmative vote of 33 Members of the Senate, with no Senator having voted in the negative, and 33 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act To Increase the Penalties for Hunting Deer over Bait  
H.P. 761 L.D. 1083  
(H "A" H-411 to C "A" H-148)

An Act To Increase Transparency in Cooperative Agreements  
within the Department of Agriculture, Conservation and Forestry  
H.P. 839 L.D. 1203  
(C "A" H-418)

An Act To Adopt the Interstate Medical Licensure Compact  
S.P. 467 L.D. 1359  
(C "A" S-208)

An Act Regarding State Hiring and Retention for Persons with  
Disabilities  
S.P. 469 L.D. 1361

An Act To Remove Barriers to Workforce Development in Alcohol  
and Drug Counseling  
H.P. 955 L.D. 1376  
(C "A" H-422)

An Act To Ensure Integrity of For-profit Colleges and Universities  
S.P. 482 L.D. 1404  
(C "A" S-204)

An Act To Authorize the Revocation, Suspension or Denial of a  
Guide License under Specified Circumstances  
S.P. 518 L.D. 1489  
(C "A" S-206)

An Act To Amend the Election Laws Relating to Party  
Qualification  
H.P. 1082 L.D. 1571  
(C "A" H-439)

An Act To Implement Recommendations of the Government  
Oversight Committee To Improve the Efficiency and Effectiveness  
of Legislative Reviews of Tax Expenditures  
H.P. 1083 L.D. 1572

An Act To Clarify and Enhance Maine's Wildlife Laws  
H.P. 1087 L.D. 1580  
(C "A" H-425)

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

An Act To Update the Scheduling Guidelines for Review of  
Agencies or Independent Agencies under the State Government  
Evaluation Act  
H.P. 1127 L.D. 1634

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

Ordered sent down forthwith.

An Act To Require Schools To Submit Pest Management Activity  
Logs and Inspection Results to the Board of Pesticides Control for  
the Purposes of Providing Information to the Public

H.P. 130 L.D. 174  
(C "A" H-374)

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

An Act To Encourage Living Kidney Donation in Maine  
H.P. 638 L.D. 910  
(C "A" H-420)

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

An Act To Restore Public Health Nursing Services  
S.P. 362 L.D. 1108  
(C "A" S-155)

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

An Act Regarding MaineCare Coverage for Telehealth Services  
S.P. 515 L.D. 1485  
(C "A" S-205)

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

**Resolve**

Resolve, To Establish the Working Group To Restore Judicial  
Discretion  
S.P. 97 L.D. 309  
(H "A" H-449 to C "A" S-191)

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

**ORDERS OF THE DAY**

**Unfinished Business**

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/5/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues" (EMERGENCY)  
S.P. 512 L.D. 1466

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-186)** (7 members)

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

Tabled - June 5, 2017, by Senator **BRAKEY** of Androscoggin

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

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

Senator **DIAMOND:** Thank you, Mr. President. May I pose a parliamentary inquiry?

**THE PRESIDENT:** The Senator may proceed.

Senator **DIAMOND:** Is this in the position, has a roll call been asked for?

**THE PRESIDENT:** It has not.

Senator **DIAMOND:** Thank you, Mr. President.

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

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The Senator from Cumberland, Senator **DIAMOND**, requested and received leave of the Senate to be excused from voting pursuant to Senate Rule 401.3.

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The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#279)**

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

WHITTEMORE, WOODSOME,  
PRESIDENT THIBODEAU

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

EXCUSED: Senators: **CARPENTER, DIAMOND, LIBBY**

18 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 3 Senators being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **PREVAILED**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/7/17) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"  
S.P. 277 L.D. 831

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (6 members)

Tabled - June 7, 2017, by Senator **VOLK** of Cumberland

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-210) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

SENATE REPORT - from the Committee on **JUDICIARY** on Resolve, To Establish the Commission To Create a Plan for the Establishment of a Probate Court System with Full-time Judges  
S.P. 423 L.D. 1260

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-231)**

Tabled - June 9, 2017, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT**

Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-231) **READ** and **ADOPTED**.

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

Sent down for concurrence.

\_\_\_\_\_  
Off Record Remarks  
\_\_\_\_\_

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

SENATE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Encourage Broadband Coverage in Rural Maine"  
S.P. 477 L.D. 1399

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-223)** (9 members)

Minority - **Ought Not to Pass** (4 members)

Tabled - June 9, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

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

Bill **READ ONCE**.

Committee Amendment "A" (S-223) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

An Act To Reduce the License Fee for High-stakes Beano  
H.P. 755 L.D. 1077  
(C "A" H-366)

Tabled - June 9, 2017, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT** in concurrence

(In House, **PASSED TO BE ENACTED**.)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#280)**

YEAS: Senators: BELLOWS, BRAKEY, CARSON, CHENETTE, CHIPMAN, DIAMOND, DILL, DION, GRATWICK, JACKSON, MAKER, MILLETT, MIRAMANT, SAVIELLO, VITELLI, WOODSOME

NAYS: Senators: BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DOW, HAMPER, HILL, KATZ, KEIM, LANGLEY, MASON, ROSEN, VOLK, WHITTEMORE, PRESIDENT THIBODEAU

EXCUSED: Senators: CARPENTER, LIBBY

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, with 2 Senators being excused, **FAILED ENACTMENT**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

An Act Regarding the Maternal and Infant Death Review Panel  
S.P. 366 L.D. 1112

Tabled - June 9, 2017, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT** in concurrence

(In House, **PASSED TO BE ENACTED**.)

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

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

Senator **BELLOWS**: Thank you, Mr. President. I have a question through the Chair.

**THE PRESIDENT**: The Senator may proceed.

Senator **BELLOWS**: Thank you, Mr. President. Does this bill, and its language or interpretation, seek or allow this panel to review or obtain information about women's access to abortion in the state of Maine?

**THE PRESIDENT**: The Senator from Kennebec, Senator Bellows, has requested or posed a question through the Chair. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Thank you, Mr. President. No, to my understanding this is only about gathering information on unintentional, unplanned, deaths.

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

Senator **BELLOWS**: Thank you, Mr. President. I appreciate that answer and I appreciate that the record shows that neither the text of the bill nor the intent of the Legislature today is to permit the panel or any staff to access or view any information, health information, or medical records related to abortion. However, I cannot accept that this bill, as amended, strikes a key privacy protection that was established when the powers of this panel were expanded in 2009. The privacy protection in existing law reads, quote from statute, "Prior to accessing medical records, the panel coordinator shall obtain permission in all cases for access to those records from the family." The motion before us that approves striking out that language so that the government official appointed under this bill could obtain access to health information and medical records without the individual's or the family's consent. I believe that gives too much power to a government official and for that reason I will be voting no on the pending motion.

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

Senator **BRAKEY**: Thank you, Mr. President. I have a lot of respect for the position of my colleague from Kennebec County as someone who's, myself, also very concerned about privacy rights and civil liberties. I respect that. I will say that in this legislation we worked very hard to strike a balance here. The individual who has access to these medical records must be an actual - you know - have an actual medical license and that any data that is shared beyond that person is depersonalized, de-identified. So the personal details connected to any individual goes no further than that medical professional. So just for anyone who would like to know.

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

Senator **SAVIELLO**: Thank you, Mr. President. Ladies and gentlemen of the Senate, unfortunately, I'm one who suffered through a loss of an infant, a stillborn. We searched for answers

and when this bill was first introduced a number of years ago I was a strong supporter of it because it gives an opportunity for those medical people to provide some solutions, some answers, some understanding. That's why I'll support the bill, because of the way that the names and so forth are protected, because if you've gone through that loss you look for answers. This is a place you can get some of those. Thank you very much, Mr. President.

**THE PRESIDENT**: The pending question before the Senate is Enactment of L.D. 1112. If you are in favor of Final Enactment you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

#### ROLL CALL (#281)

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

NAYS: Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, VITELLI

EXCUSED: Senators: CARPENTER, LIBBY

27 Senators having voted in the affirmative and 6 Senators having voted in the negative, with 2 Senators being excused, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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Off Record Remarks

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

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On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Tuesday, June 13, 2017 at 10:00 in the morning.