

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

In Senate Chamber
Tuesday
June 16, 2015

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

Prayer by Reverend Rick Stoops, First United Pentecostal Church
in Augusta.

REVEREND STOOPS: Heavenly Father, we give You praise and
honor today. We are so thankful to be living in the greatest nation
in the world. Lord, we're especially thankful to be living in the
great state of Maine. I pray today that You would touch each one
of our Senators. I pray that You'd give them wisdom,
understanding, peace. I pray, God, that every decision would be
made in Your favor and in Your smile. I pray for strength for
them. I pray for protection and blessing upon their families. We
ask all of this in the wonderful name of Jesus. Amen.

Pledge of Allegiance led by Senator Thomas B. Saviello of
Franklin County.

Reading of the Journal of Monday, June 15, 2015.

Doctor of the day, Diane Zavotsky, MD of Embden.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Require That 5 Percent of Signatures on a Direct
Initiative of Legislation Come from Each County
S.P. 272 L.D. 742
(C "A" S-129)

In Senate, June 8, 2015, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-129).**

Comes from the House, **PASSED TO BE ENGROSSED AS
AMENDED BY COMMITTEE AMENDMENT "A" (S-129) AS
AMENDED BY HOUSE AMENDMENT "A" (H-417)** thereto, in
NON-CONCURRENCE.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND
HUMAN SERVICES** on Bill "An Act Regarding Patient-directed
Care at the End of Life"

S.P. 452 L.D. 1270

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

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

In Senate, June 15, 2015, on motion by Senator **BRAKEY** of
Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ**
and **ACCEPTED.**

Comes from the House, the Minority **OUGHT TO PASS** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED**, in **NON-CONCURRENCE.**

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

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

On motion by Senator **BRAKEY** of Androscoggin, **TABLED** until
Later in Today's Session, pending the motion by same Senator to
INSIST. (Roll Call Ordered)

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **ENERGY,
UTILITIES AND TECHNOLOGY** on Bill "An Act To Secure the
Maine Electrical Grid from Long-term Blackouts"

S.P. 496 L.D. 1363

Report "A" - **Ought Not to Pass** (7 members)

Report "B" - **Ought to Pass as Amended by Committee
Amendment "A" (S-215)** (5 members)

Report "C" - **Ought to Pass as Amended by Committee
Amendment "B" (S-216)** (1 member)

In Senate, June 10, 2015, on motion by Senator **WOODSOME** of
York, Report "A" **OUGHT NOT TO PASS** **READ** and
ACCEPTED.

In House, June 11, 2015, Report "**B**" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-215)**, in **NON-CONCURRENCE**.

In Senate, June 11, 2015, on motion by Senator **WOODSOME** of York, **INSISTED**.

Comes from the House, **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

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

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, when I spoke the other day about this I could only speak of what was in front of us. We worked so hard with the utilities and listened to their concerns, gave them choices about how to deal with this, heard that they planned to deal with it, heard that there were different methods, and we didn't tell them which. We finally just said that this is so important. At any moment this grid could generate enough power to eliminate our transformers and plunge us into darkness. Many of you know about this. You've been seeing it on TV. You are learning more about it. I was willing to let it go. It was okay that it was moved on, but it's so important to the House that they asked for a Committee of Conference. I would also like to have a Committee of Conference. I'd like to just have you look at this and realize how important it could be at some point. That point could be any time. It's the strangest thing. We build up this technology. We begin to understand what it does. Suddenly there's an "ah ha" and we find out that we can really cause some damage with the simplest event. We don't need to live in fear or anything else. We just need to say we've discovered how important it is. We need to put something in place to deal with it. I would like to request that Committee of Conference and just give us a chance to look at it. It only says that they have five years to figure out the best way, listen to all the experts, put something in place. Just protect our grid from this sometime in five years and tell us how they did it. That's not onerous. That's not hard. It's not hard to figure out. Thank you for letting me speak.

On motion by Senator **BURNS** of Washington, 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 Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, I forgot one thing. I hate to drag any of this on. The House didn't like the way you were looking at it either and they sent it back to us differently. Not appropriate? Okay, thanks.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from York, Senator Woodsome to Insist. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

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

NAYS: Senators: ALFOND, BREEN, BURNS, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

19 Senators having voted in the affirmative and 16 Senators having voted in the negative, the motion by Senator **WOODSOME** of York to **INSIST PREVAILED**.

Off Record Remarks

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Today Assigned matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Patient-directed Care at the End of Life"

S.P. 452 L.D. 1270

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

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

Tabled - June 16, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **INSIST** (Roll Call Ordered)

(In Senate, June 15, 2015, on motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, June 15, 2015, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

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

NAYS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO

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

(See action later today.)

COMMUNICATIONS

The Following Communication: S.C. 445

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 15, 2015

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

Dear Secretary Priest:

In reference to the action of the Senate on June 12, 2015 in which it Insisted and Asked for a Committee of Conference on L.D. 1430, "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red" (S.P. 538) I am pleased to appoint the following as conferees on the part of the Senate:

Senator Paul T. Davis, Sr. of Piscataquis
Senator Scott W. Cyrway of Kennebec
Senator David E. Dutremble of York

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

With reference to the action of the Senate whereby it **INSISTED** and **ASKED** for a **COMMITTEE OF CONFERENCE** on the disagreeing action of the two branches of the legislature on:

Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red "
S.P. 538 L.D. 1430
(C "A" S-244)

The Chair appointed as conferee on the part of the Senate the following:

Senator **PATRICK** of Oxford replacing Senator **DUTREMBLE** of York

The Following Communication: S.C. 440

**MAINE DAIRY PROMOTION BOARD
333 CONY ROAD
AUGUSTA, MAINE 04330**

June 10, 2015

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

Dear President Thibodeau:

Enclosed for your review is the calendar year 2014 Audit Report of the Maine Dairy Promotion Board, prepared by Austin Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin Associates or myself. Austin Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler, CFCS
Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 441

**MAINE DAIRY AND NUTRITION COUNCIL
333 CONY ROAD
AUGUSTA, MAINE 04330**

June 10, 2015

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

Dear President Thibodeau:

Enclosed for your review is the calendar year 2014 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

If you have any questions regarding this report, please don't hesitate to contact either Austin Associates or myself. Austin Associates can be reached at their office in Auburn at 783-9111 and I can be reached at our office in Augusta at 287-3621.

Sincerely,

S/Cheryl L. Beyeler
CFCS Executive Director

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 438

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

12 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2-A of the Constitution of the State of Maine, I am hereby executing line-item vetoes of a number of allocations contained within LD 856, "An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs." These vetoes are included on the attached sheet.

I appreciate the effort to think outside the box and utilize existing resources to train Mainers for high-wage, in-demand jobs. As with many programs, we often fund them for lengthy periods of time without measuring their effectiveness. I am flat funding this initiative over the biennium with the intent of examining the results after year one. If the program has exhibited a positive return to the Maine taxpayer, I will revisit the issue of providing more resources to this program.

Sincerely,

S/Paul R. LePage
Governor

READ and with accompanying papers ORDERED PLACED ON FILE.

Pursuant to Article IV, Part Third, Section 2-A, the accompanying line item vetoes on:

An Act To Amend the Competitive Skills Scholarship Program To Allow for Participation in Early College and Career and Technical Education Programs

S.P. 300 L.D. 856
(C "A" S-224)

The accompanying line item veto:

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Services Activity 0852

Initiative: Allocates funds for tuition costs associated with expanding the Competitive Skills Scholarship Program to include eligible full-time secondary students at public secondary schools.

COMPETITIVE SKILLS SCHOLARSHIP FUND

	2015-16	2016-17
All Other	\$35,000	\$131,600 \$35,000

COMPETITIVE SKILLS SCHOLARSHIP FUND TOTAL

	\$35,000	\$35,000
--	----------	----------

TOTAL

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#239)

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

NAYS: Senators: BRAKEY, EDGEComb

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, it was the vote of the Senate that the line item of the Governor be **OVERRIDDEN**.

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

LD 856 - the accompanying line item veto:

Employment Services Activity 0852

Initiative: Allocates funds for one CareerCenter Consultant position beginning in fiscal year 2015-16 and an additional CareerCenter Consultant position beginning in fiscal year 2016-17 to support the additional workload associated with expanding the Competitive Skills Scholarship Program to include certain full-time secondary students at public secondary schools.

Personal Services \$45,111 ~~\$121,096~~ \$45,111

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#240)

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

NAYS: Senators: BRAKEY, EDGECOMB

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, it was the vote of the Senate that the line item of the Governor be **OVERRIDDEN**.

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

LD 856 - the accompanying line item veto:

Employment Services Activity 0852

Initiative: Allocates funds for one CareerCenter Consultant position beginning in fiscal year 2015-16 and an additional CareerCenter Consultant position beginning in fiscal year 2016-17 to support the additional workload associated with expanding the Competitive Skills Scholarship Program to include certain full-time secondary students at public secondary schools.

All Other \$19,750 ~~\$39,500~~ \$19,750

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#241)

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

NAYS: Senators: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, it was the vote of the Senate that the line item of the Governor be **OVERRIDDEN**.

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

LD 856 - the accompanying line item veto:

Employment Services Activity 0852

Initiative: Allocates funds for one CareerCenter Consultant position beginning in fiscal year 2015-16 and an additional CareerCenter Consultant position beginning in fiscal year 2016-17 to support the additional workload associated with expanding the Competitive Skills Scholarship Program to include certain full-time secondary students at public secondary schools.

COMPETITIVE SKILLS SCHOLARSHIP FUND \$64,861 ~~\$160,596~~ \$64,861

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#242)

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

NAYS: Senators: BRAKEY

34 Senators having voted in the affirmative and 1 Senators having voted in the negative, it was the vote of the Senate that the line item of the Governor be **OVERRIDDEN**.

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

LD 856 - the accompanying line item veto:

Employment Services Activity 0852

Initiative: Allocates funds for one CareerCenter Consultant position beginning in fiscal year 2015-16 and an additional CareerCenter Consultant position beginning in fiscal year 2016-17 to support the additional workload associated with expanding the Competitive Skills Scholarship Program to include certain full-time secondary students at public secondary schools.

COMPETITIVE SKILLS SCHOLARSHIP FUND		
\$99,861	\$202,196	\$99,861

The President laid before the Senate the following: "Shall this Section become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2-A, of the Constitution, a vote of yes will be in favor of the Section; a vote of no will be in favor of sustaining the line item of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#243)

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

NAYS: Senators: BRAKEY, EDGECOMB

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, it was the vote of the Senate that the line item of the Governor be **OVERRIDDEN**.

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

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (4/16/15) matter:

JOINT ORDER - Expression of Legislative Sentiment Recognizing Donna Dwyer of Gray
SLS 288

Tabled - April 16, 2015, by Senator **BREEN** of Cumberland

Pending - motion by same Senator to **PASS**

(In Senate, April 16, 2015, **READ**.)

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 rise today to honor Donna Dwyer, Executive Director of My Place Teen Center in the city of Westbrook. Maine Biz Magazine recently named Donna Dwyer its 2015 Non-Profit Business Leader of the Year. In 1996 Westbrook community leaders were shocked by a local teen's suicide and were further alarmed by the results of a local drug and alcohol survey given to area youth. The leaders started a community dialog on how best to keep the city's 1,700 teens safe and decided to create an afterschool teen drop-in center. It was the city's first no barrier program for all kids, regardless of socio economic status or background. The Teen Center has operated continuously since 1996 and has moved into larger space to accommodate increased participation. It now serves annually approximately 500 at-risk youth who are disabled, homeless, food insecure, cognitively delayed, low income, and immigrants and refugees age 10 to 18. This comes out to roughly 60 to 90 teens a day and 14,500 meals every year. Donna Dwyer joined My Place Teen Center in 2011 and has transformed the aging space in which the program is located. With support from Hannaford, the Camelia Warren Community Association, and the Next Gen Foundation, Ms. Dwyer was able not only to complete needed roof repairs and upgrades to siding and insulation, she was able to retire the 40 year mortgage on the building. Idexx Labs has donated a van and computers and Unum has donated used furniture for the computer room where children do homework, create resumes, and study. Since Ms. Dwyer started at My Place Teen Center she has acquired \$200,000 in corporate in-kind goods and services and secured more than \$1.3 million in donations and

gifts. In order to provide healthy meals to the many children who visit every day, Ms. Dwyer has developed a solid partnership with Good Shepherd Food Bank of Auburn. This relationship goes a long way in getting donated food, including fresh produce, to hungry children and teens in Westbrook. Betsy Richards, Manager of Community Relations at Idexx, said correctly, "The My Place Teen Center is a terrific space for young people, providing at-risk youth a connection to caring adults, a safe and secure environment, and empowerment to make better choices about their lives. We are lucky that Westbrook has this teen center. It makes us a better community." With all that Donna Dwyer has brought to the center, we are lucky to have her in Westbrook as well. Thank you, Mr. President.

On motion by Senator **BREEN** of Cumberland, **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is pleased to recognize in the Chamber today with us Donna Dwyer. Would she please rise and accept the greetings of the Maine Senate.

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

Senator **BREEN:** Thank you, Mr. President. Ms. Dwyer is visiting with Governor LePage this morning and I suspect she might be on the second floor, so hopefully she'll join us soon. Thank you.

The Following Communication: S.C. 442

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

12 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 294, "An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 294 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

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

The accompanying Bill:

An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner

S.P. 108 L.D. 294

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#244)

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

NAYS: Senators: None

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

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

The Following Communication: S.C. 443

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

12 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 814, "An Act To Update the Maine Veterinary Practice Act."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 814 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Update the Maine Veterinary Practice Act
S.P. 288 L.D. 814

Off Record Remarks

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#245)

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

NAYS: Senators: None

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

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

The Following Communication: S.C. 444

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

12 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 849, "Resolve, Directing the Department of Inland Fisheries and Wildlife to Examine the Use of an Antler Point Restriction System To Increase the Age, Size and Number of Antlered Deer in Maine."

This resolve directs the Department of Inland Fisheries and Wildlife to examine information from other states regarding the use of an antler point restriction system and to submit a report on this issue to the Legislature by January 15, 2016. As the Legislature is well aware, I, generally, do not support resolves or

studies, as these efforts are typically an intrusion by the Legislature on the Executive Branch's prerogative to administer State government. Instead of seeking to commandeer the Executive Branch, the Legislature should actually provide the resources that would be needed to undertake this work. Better yet, the Legislature should utilize its own legislative staff to examine this issue.

For these reasons, I return LD 849 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 Resolve:

Resolve, Directing the Department of Inland Fisheries and Wildlife To Examine the Use of an Antler Point Restriction System To Increase the Age, Size and Number of Antlered Deer in Maine
S.P. 298 L.D. 849

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#246)

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

NAYS: Senators: BRAKEY, EDGECOMB, MCCORMICK, VOLK, WILLETTE

30 Senators having voted in the affirmative and 5 Senators having voted in the negative, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Resolve become law notwithstanding the objections of the Governor.

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

The Following Communication: S.C. 446

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

15 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 255, "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest."

This bill seeks to amend Maine's law regarding shellfish aquaculture permits, whereby municipalities that have adopted ordinances meeting State statutory requirements may issue aquaculture permits for sites on land between the high- and low-water marks. The underlying law has been on the books in some form since 1911. In all that time, the Department of Marine Resources is unaware of any municipality adopting a local ordinance to engage in this practice. Perhaps, instead of strengthening this law, the Legislature should be contemplating a repeal of this unnecessary statute, as the Department of Marine Resources already has the statutory authority to lease the intertidal zone and the protection of the associated gear is already included in this law.

Nevertheless, this bill seeks to strengthen this vestigial law by completely excluding any economic activity within a shellfish aquaculture permit site other than shellfish aquaculture. Under this proposed bill, merely "disturbing" shellfish within the intertidal zone will result in a civil violation. Municipalities are not equipped to administer this type of permitting and the conflicts that will arise. It is better left to the Department of Marine Resources.

Our marine resources belong to the people of Maine. For these reasons, I return LD 255 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest
S.P. 93 L.D. 255

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

The Following Communication: S.C. 447

STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR

15 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 378, "An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 378 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin

S.P. 146 L.D. 378

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#247)

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

NAYS: Senators: None

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

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

The Following Communication: S.C. 448

STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR

15 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 649, "Resolve, To Ensure That MaineCare-eligible Children Have Equal Access to Providers of Dental, Hearing and Vision Services."

This resolve requires the Department of Health and Human Services to consult with no fewer than 16 distinct interested parties in order to develop a comprehensive strategy to address disparities in MaineCare children's access to certain healthcare services. The resolve is incredibly broad in scope: the Department has to evaluate the level of disparity by type of service and geographic location; must figure out why disparities exist and how to remedy them; and must generate pilot project ideas for good measure. Since the resolve is not of an emergency nature, the Department will have approximately three months to perform this work—a completely unrealistic length of time.

Let me make it simple. To the extent that access is a problem, it is because providers do not want to accept low Medicaid reimbursement. If the Legislature wishes to fix the problem, it should fund third-party Medicaid rate studies to establish appropriate reimbursement, then provide funding for the higher rates. Unfunded mandates like this resolve get the Legislature nowhere nearer its goal.

For these reasons, I return LD 649 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 Resolve:

Resolve, To Ensure That MaineCare-eligible Children Have Equal Access to Providers of Dental, Hearing and Vision Services
S.P. 242 L.D. 649

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, very briefly. The motion before us would direct the Department of Human Services to evaluate MaineCare reimbursement services for a number of procedures for children. Due to flat and declining reimbursement rates over time, many providers in rural Maine and in urban Maine are finding it increasingly difficult to provide services for this group of people. I talked to a lot of providers about this issue and the common thread among providers that I have spoken with is this: all feel a moral obligation to serve MaineCare eligible children, but the State's reimbursement for these services is making it increasingly untenable for their financial calculation and years of compounded reimbursement rate reductions have forced many providers to discontinue service to MaineCare eligible populations. The bill before us directs the Department to develop a comprehensive strategy on addressing inequities in quality and access to dental, hearing, and vision care for MaineCare eligible children. This is a smart bill that sets us on a path for correcting this inequality that exists in rural and urban Maine among MaineCare eligible children. I'd ask you to join me in voting to Override this veto and I thank you, Mr. President.

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

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

On motion by Senator **MASON** of Androscoggin, the Senate **RECONSIDERED** whereby it **INSISTED** on :

Bill "An Act Regarding Patient-directed Care at the End of Life"
S.P. 452 L.D. 1270

(In Senate, June 15, 2015, on motion by Senator **BRAKEY** of Androscoggin, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED.**)

(In House, June 15, 2015, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE.**)

(In Senate, June 16, 2015, on motion by Senator **BRAKEY** of Androscoggin, **INSISTED.**)

Same Senator moved the Senate **INSIST.**

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#248)

YEAS: Senators: **BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, LANGLEY, LIBBY, MASON, MCCORMICK, SAVIELLO, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU**

NAYS: Senators: **ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, WOODSOME**

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

Sent down for concurrence.

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Licensed Children's Programs"
H.P. 927 L.D. 1365

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

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

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

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

The Committee on **JUDICIARY** on Bill "An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential"
H.P. 247 L.D. 360

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

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

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

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

The Committee on **JUDICIARY** on Bill "An Act To Amend the Law Regarding Medical Examiners"

H.P. 700 L.D. 1005

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

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

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

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

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Unauthorized Distribution of Certain Private Images"

H.P. 460 L.D. 679

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-430)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-430)**.

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

READ ONCE.

Committee Amendment "A" (H-430) **READ** and **ADOPTED**, in concurrence.

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

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

The Committee on **JUDICIARY** on Bill "An Act To Protect Consumers against Residential Real Estate Title Defects"
H.P. 215 L.D. 321

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-425)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-425)**.

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

READ ONCE.

Committee Amendment "A" (H-425) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Include Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders"

H.P. 982 L.D. 1438

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-424)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-424)**.

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

READ ONCE.

Committee Amendment "A" (H-424) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **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 To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production"

H.P. 206 L.D. 312

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

Signed:

Senators:

EDGEComb of Aroostook
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
EDGEComb of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-408)**.

Signed:

Senator:

DILL of Penobscot

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
NOON of Sanford
SAUCIER of Presque Isle

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-408)**.

Reports **READ**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated" H.P. 653 L.D. 950

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

Signed:

Senators:

JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship

GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-413)**.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn
SHERMAN of Hodgdon

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

Reports **READ**.

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

On motion by Senator **JOHNSON** of Lincoln, 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 (#249)

YEAS: Senators: BURNS, COLLINS, CYRWAY, DAVIS, EDGEComb, MASON, MIRAMANT, WHITTEMORE

NAYS: Senators: ALFOND, BAKER, BRAKEY, BREEN, CUSHING, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** 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 To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions"
H.P. 698 L.D. 1003

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-381)**.

Signed:

Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
WARREN of Hallowell

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

Signed:

Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
SHERMAN of Hodgdon

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-381)**.

Reports **READ**.

Senator **BURNS** of Washington 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: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is really a very straightforward matter. It's whether a business should be getting in our business or not. The question is whether an employer has the right to discriminate in terms of the decision whether to employ someone

and whether to fire someone and how to treat them as an employee based on the personal, private healthcare decisions that they make, or their family members make, about having a family, about having children, reproductive health decisions. This is not about insurance. It has no mandate on insurance coverage. It's simply a matter that if someone isn't living the lifestyle that employer supports, but they are making their own private, personal decisions, should that employer have the right to fire someone on those grounds. I would submit to you that, just as we have protections against discrimination on the basis of sex, we have protections against discrimination on the basis of pregnancy, we should have discrimination protection against treating people wrong in the workplace because of their personal, private health decisions. Please join me in opposing the pending motion. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I would agree. This is a straightforward proposal and it would require that people who opt for whatever method reproduction education be held in a special class, have special consideration. I don't think that's necessary. I don't think it's a problem now and I would encourage you to support the pending motion. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#250)

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

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BURNS** of Washington 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 Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"
H.P. 99 L.D. 141

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

Signed:

Senator:
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-401)**.

Signed:

Senators:
VOLK of Cumberland
CUSHING of Penobscot

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create and Sustain Jobs through Development of Cooperatives"
H.P. 886 L.D. 1300

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-396)**.

Signed:

Senators:
CUSHING of Penobscot
PATRICK of Oxford

Representatives:
HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford
WARD of Dedham

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

Signed:

Senator:
VOLK of Cumberland

Representatives:
AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan

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-396)**.

Reports **READ**.

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

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, this bill supports employee owned businesses and cooperatives. I think, going forward within the state of Maine, if we don't have large amounts of economic development in rural Maine the idea of having employee owned businesses is something that I think we should look at helping out a lot more. This bill adds conversion to employee ownership as an eligible financing need in the small enterprise growth program. It creates a cooperative development grants program. I think where our economy is I really think this is a good idea. I think the time is now and I would ask that you oppose the motion and move on to the Ought to Pass. Thank you.

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

Senator **VOLK**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I'll make this brief. Sometimes we have bills that come before us and we find out, we hear testimony, from various people such as, in this case, the Small Business Authority as well as FAME and DECD. They say, "Hey, ya, this is a great idea." Sometimes this is a wonderful option, particularly for family owned businesses where the owners are ready to retire and they can't find anyone to purchase the business. It represents their life's work. Closing the business and retiring means not only do they lose out on their investment but they put people out of work. The best option, if they can't find a purchaser, is to sell to their employees. Occasionally what we hear is, "Ya, this is something that we're already working on, we're already able to do, but we probably could do more." That was the case with this bill. Cooperatives can be a wonderful option. I know in my own district Moody's Collision is a cooperative, owned, I believe, half by Shawn Moody, or maybe 51% by Shawn Moody, and then some by his employees. The Small Business Administration has pledged to us that they are going to do some more educating on this. FAME has pledged to us that they are already able to put together these sorts of deals. I'm satisfied with that. I don't believe that this bill is necessary. If you read the amendment, it got watered down tremendously to the point where it really doesn't do anything at this point other than allow us to pass paper. I would ask that you support the Ought Not to Pass Report. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#251)

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

NAYS: Senators: ALFOND, BREEN, CUSHING, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

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

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

READ ONCE.

Committee Amendment "A" (H-396) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for a Lieutenant Governor and Change the Line of Succession for Governor
H.P. 965 L.D. 1418

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

Signed:

Senator:
LIBBY of Androscoggin

Representatives:
MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
GREENWOOD of Wales
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-427).**

Signed:

Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Representatives:
PICKETT of Dixfield
TURNER of Burlington

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

Reports **READ**.

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

On motion by Senator **ALFOND** 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 (#252)

YEAS: Senators: BRAKEY, BURNS, COLLINS, DAVIS, EDGEComb, HAMPER, LANGLEY, MASON, MCCORMICK, VOLK, WHITTEMORE, WILLETTE

NAYS: Senators: ALFOND, BAKER, BREEN, CUSHING, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

12 Senators having voted in the affirmative and 23 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Divided Report

Seven members of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Funding for Head Start Services"

H.P. 723 L.D. 1054

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-403)**.

Signed:

Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senator:
McCORMICK of Kennebec

Representatives:
SANDERSON of Chelsea
VACHON of Scarborough

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-404)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representative:
MALABY of Hancock

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)** READ and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-403)**.

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404)**, in **NON-CONCURRENCE**.

On motion by Senator **HASKELL** 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 (#253)

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

NAYS: Senators: ALFOND, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** Report "C" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404)**, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "B" (H-404) **READ** and **ADOPTED**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-404)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate

Ought to Pass As Amended

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Correct and Clarify Maine's Fish and Wildlife Laws"

S.P. 423 L.D. 1196

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-267)**.

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

READ ONCE.

Committee Amendment "A" (S-267) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Strengthen Maine's Fisheries Laws"
S.P. 525 L.D. 1410

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-265)**.

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

READ ONCE.

Committee Amendment "A" (S-265) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align Municipal General Assistance Programs with the Immigration Status Policies of the Department of Health and Human Services"

S.P. 137 L.D. 369

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-271)**.

Signed:

Senator:
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY 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" (S-272)**.

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-272)** Report.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Promote Equity in Business Opportunity for Tobacco Specialty Stores"
S.P. 295 L.D. 821

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
VACHON of Scarborough

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

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

STUCKEY of Portland

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

On motion by Senator **HASKELL** 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 Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would urge you to vote against the pending motion so we could go on to defeat this piece of legislation. The concept of now being able to drink in a cigar bar sounds like a lot of fun. One of the reasons that we put no smoking provisions in many of our establishments, including bars and including restaurants, is the health reasons. The smoking of cigars in these, what are now, cigar lounges was an attempt to allow people that were going to purchase premier tobacco products to be able to have an opportunity to try them. What this bill does is allows them to sell liquor now in those cigar bars so that they can enjoy a scotch while they're smoking their cigar and, to me, it's simply another step forward into creating a bar where people can smoke. It's true that in this legislation, and I'm sure you'll hear that from the proponents, you have to have 60% of your gross sales from tobacco. They really are staying focused on tobacco. As the Maine Medical Association said in their testimony, this is a thinly veiled attempt to roll back the protection against smoking in public places, a protection for which so many in Maine worked hard on in order to promote the health of Maine people. I concur with that opinion and ask you to vote against the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought to Pass motion. This is an incredibly modest proposal. This is about cigar lounges being able to just create an enjoyable atmosphere for their customers. As the Senator from Cumberland did point out, there are restrictions on this and these restrictions are significant. Sixty percent of their revenue must come from tobacco and tobacco related products. The fear that we're going to be creating bars is unfounded. If a majority of their revenue has to be coming from tobacco, that's not going to be an issue. I think the fundamental question here is: when are we going to stop trying to protect adults from themselves? This is a

really modest proposal. All we're doing is allowing adults over the age of 21 in a privately owned business if they would like to have a cigar and have a conversation with their colleagues and have some alcohol with that. Why do we need to get in the way and try to micromanage these personal decisions? Thank you very much. I hope this Body will support the Ought to Pass as Amended motion.

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

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to remind everyone that this practice is legal in two different establishments in the state. This is a leveling of the playing field. As far as the 60% on the tobacco sales, also there is a prohibition on the sale of cigarettes and the consumption of cigarettes in the cigar lounges that this would affect. Make no mistake about it, the sale of cigarettes is where the largest profit margin is, so by restricting it down to pipe tobacco and cigars we've, essentially, very restricted the sales that can be done within the cigar lounge. I want to tell you again, it is legal already in two different locations in the state. Just simply trying to allow some small businesses to expand their product lines. Thank you, Mr. President.

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I do believe this is definitely a small business bill. I have a couple of businesses in my area that would benefit. We're talking about legal age to get involved in this at 21. We're talking about legal consumption of alcohol. We're talking about a legal choice if somebody wants to smoke a cigar. I understand the concerns, but I think also people need to make that choice. I would ask that we support the Ought to Pass. Again, I think it's the smallest of businesses that will benefit from this and I would appreciate your consideration. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this. We're making slow progress against smoking. I think we do not want to go backward in this arena. We can allow people to, people can now smoke at home. They can drink at home. I think that, obviously, will continue, but we should not be giving public license to this. Thank you, sir.

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

Senator **PATRICK:** Thank you, Mr. President. I'd like to pose a question to the Body to anyone who may answer.

THE PRESIDENT: The Senator may pose his question.

Senator **PATRICK:** Thank you, Mr. President. I was wondering, if this is going to be monitored for the 60% sale of specialty cigars, who is going to monitor this and how often is this going to

be done? Is this going to be done on a rolling average or is this going to be done on yearly average? I'm a little confused. Thank you.

THE PRESIDENT: The Senator from Oxford, Senator Patrick poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Oxford, Senator Hamper.

Senator **HAMPER:** Thank you, Mr. President. I rise to answer the question. That would be done by Maine Revenue Services on an annual basis.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Majority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#254)

YEAS: Senators: BAKER, BRAKEY, COLLINS, CUSHING, DIAMOND, DUTREMBLE, HAMPER, HILL, KATZ, LANGLEY, MASON, MCCORMICK, MIRAMANT, ROSEN, SAVIELLO, VALENTINO, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, BURNS, CYRWAY, DAVIS, DILL, EDGECOMB, GERZOFISKY, GRATWICK, HASKELL, JOHNSON, LIBBY, MILLETT, PATRICK, VOLK

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-262) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a 180-day Residency Requirement for Welfare Benefits"

S.P. 363 L.D. 1037

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

Signed:

Senator:
HASKELL of Cumberland

Representatives:
GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY 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-263)**.

Signed:

Senators:
BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

Reports **READ**.

Senator **BRAKEY** of Androscoggin moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Make the State's Standard for Lead Exposure in Children Consistent with the Federal Standard" S.P. 387 L.D. 1115

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-270)**.

Signed:

Senators:
BRAKEY of Androscoggin
HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolntonville
HAMANN of South Portland
HYMANSON of York
MALABY of Hancock
PETERSON of Rumford
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Senator:

McCORMICK of Kennebec

Representatives:

HEAD of Bethel
SANDERSON of Chelsea

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (S-270) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Help Stabilize Homeless Shelters in Maine"
S.P. 172 L.D. 443

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-273)**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay

MASTRACCIO of Sanford
WARD of Dedham

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

Signed:

Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

Reports **READ**.

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

Committee Amendment "A" (S-273) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Help Facilitate New Career Opportunities and Attract Major Private Investment"

S.P. 539 L.D. 1431

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

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-255)**.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

Reports **READ**.

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

On motion by Senator **PATRICK** of Oxford, 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 Oxford, Senator Patrick.

Senator **PATRICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I'm standing in opposition to this motion because this is the wrong economic development strategy for Maine. This is unrealistic and ineffective. We all want to attract companies that bring tens of millions in investments and hundreds of jobs. The question is about the best strategy to do that and strengthen our economy. This approach is the economic development lottery. It's not a plan. It's not a strategy. It's not realistic. It's let's hope that we can offer enough honey, give away enough taxpayer dollars and goodies, and someone big will fly here. I believe it's pie in the sky. The worst part about the bill, Mr. President, is the Right to Work proposal. The Right to Work provisions in this bill are clearly illegal and would be preempted by federal law. It is very clear in the National Labor Relations Act that you can only create Right to Work for a state as a whole. You cannot create Right to Work in municipalities, counties, and such jurisdictions of a state. This issue has gone before the courts several times and the case law is crystal clear on it. I'm sad to say that this bill has been before the committee again and we, as the committee, asked if the sponsor or anyone would be willing to strike the Right to Work provision out of the bill and it was a negative response. I think we've attested at least three times on the Right to Work and I would ask the membership to follow my light and vote in opposition to the Ought to Pass. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a bill and an issue that we seem to be debating sort of biannually here in Augusta. I don't think it's an issue that's going away, by the way. Twenty-five other states have now passed Right to Work provisions. I recognize the reluctance in the hearts and minds of legislators for Maine to join them, but how significant would it be for us to be the only state in the Northeast to have Right to Work. This bill is not just Right to Work and the Right to Work would only be in two designated areas in the entire state: the Loring Airforce Base and the decommissioned base at Brunswick Landing. It's very limited. It certainly could be called Right to Work light. It would only be in the event of a \$25 million or more project. That's a significant project. There are a lot of other business incentives that go along with it. I know I'm not going to change hearts and minds. We just

do want to continue, and we will continue, to have this discussion because I feel we're losing out. We have heard over and over again, this is my third term on the Labor, Commerce, Research and Economic Development Committee, about the fact that the site development folks, when they are looking at particularly manufacturing, you don't even make the cut unless you're on that list of states that have Right to Work. We don't even get that first glance. It's pretty undeniable and, in my opinion, we are going to continue to not make that list and not even be in the running. Forget about our high energy costs. Forget about our geographic location. That is something that these site location experts keep a running tabulation of. Labor unions, at one point, played a very important role and I think they still can play an important role in providing services to their members. At this point in time we have so many labor laws on our books that the role of protecting the worker is really, in my view, pretty unnecessary. As we're seeing in the 25 other states where this is permitted, in some places union membership is actually increased and in many, many of them their wages are extremely competitive with the wages that our manufacturing employees are being paid, if not even higher. That's all I'm going to say and I urge you to accept the Ought to Pass Report. Thank you.

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

Senator **GERZOFSKY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to this legislation. I don't think that comes as any surprise to anybody. We recently dealt with legislation that was very similar to this, but it was also very dissimilar because it had nothing about Right to Work for Less. I can't support any legislation that's going to have part of the legislation Right to Work for Less because I don't think that's the direction this state should ever go in. We want to create these good, high wage jobs for a career for our youth. We want to create these kinds of jobs that the people of Maine can create a career out of. They can stay here, live here, pay taxes here. Those are the kinds of jobs that we should be trying to concentrate on. I think that this bill, as it was mentioned earlier, without that section in here, would probably fare much better. I represent a community that has a closed military base and we certainly haven't seen fit to try and support this kind of legislation because the Right to Work for Less clause in the past legislatures and in this legislature. I think that we have a history in this legislature of trying to create some jobs that are going to be long term jobs with a future, not short term jobs, and not legislation that takes up a lot of space on print but actually does something to attract businesses, to make it more viable for our companies that want to expand here in Maine, to create that pool of capital that this bill is looking to do, I think is very important for Maine to work on and I think we've had other vehicles to do that with and we've supported those. On this bill, I can't support it for the best reason I've got, which is the Right to Work for Less. Thank you very much, Mr. President, for your time.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#255)

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

NAYS: Senators: ALFOND, BAKER, BREEN, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO

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 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 **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Repeal the Maine Clean Election Act and Direct the Savings To Be Used for the State's Contribution toward the Costs of Education Funding"

S.P. 465 L.D. 1290

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

Signed:

Senators:

CYRWAY of Kennebec
COLLINS of York
PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth
GOLDEN of Lewiston
HANINGTON of Lincoln
KINNEY of Limington
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SAUCIER of Presque Isle
SCHNECK of Bangor

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-266)**.

Signed:

Representatives:

DILLINGHAM of Oxford
TURNER of Burlington

Reports **READ**.

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

Sent down for concurrence.

Divided Report

Five members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Reduce the Penalties for Certain Drug Offenses"

S.P. 46 L.D. 113

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-268)**.

Signed:

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

Three members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "B" (S-269)**.

Signed:

Senator:

GERZOFISKY of Cumberland

Representatives:

NADEAU of Winslow
WARREN of Hallowell

Reports **READ**.

Senator **ROSEN** of Hancock moved the Senate **ACCEPT** Report **"B" OUGHT NOT TO PASS.**

On motion by Senator **ALFOND** 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 Kennebec, Senator Katz.

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion because I rise in opposition to the current state of the law. We all know people, Mr. President, maybe they're a family member, maybe it's the neighbor around the block, or the guy just back from the Army, from combat, who have become addicted to a narcotic drug. Maybe it's because they had surgery and the pain killers they were given became overwhelming. Maybe it's because for other reasons a doctor has over prescribed and a person has become addicted. Maybe they've got PTSD from having served our country overseas. In any event, Mr. President, becoming addicted is not morally wrong. Under the current state of the law, when we catch them we treat them the same as we do child abusers, bank robbers, and people convicted of aggravated assault. We make felons out of them. We order for them the scarlet letter that they will wear the rest of their lives on their jerseys, the "F". On every job application you disclose that you are a convicted felon, good luck ever getting a good job. If you are the veteran, you risk a dishonorable discharge. You won't be able to get any GI benefits. You won't be able to hunt and there will be a wide area of life that you will be forever prevented from enjoying. Even the federal government, which has really cracked down on drug offenses, doesn't charge people with first offense narcotic possession with a felony. They make it a misdemeanor. This isn't being soft on crime. If someone were just convicted of a misdemeanor they still face up to a year in jail in the state of Maine. They still can be put on probation and they still will have a misdemeanor conviction for the rest of their life, but to label them with the scarlet "F" puts obstacles in front of them every single day for the rest of their life that makes it more likely that they will reoffend. I urge my colleagues, Mr. President, to vote no on the pending motion and move on to another report. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate what Senator Katz is trying to do and I'm on the other side. I'm not the defense attorney. I've worked hard through my years as a law enforcement officer and as a DARE officer to help our families be safe. As you know, prescription drugs have just gone up to the roof as far as drug dealing and usage, as well as other drugs, harmful drugs, that are out there. I worked in the courts in the last two years before I came here and I experienced a lot of drug issues. Right now, as it stands, a lot of them have gotten on a deferred disposition and if they stay away from, or not get caught, using drugs in that year their drug case goes away. I think that that's a good deterrent, but I don't think reducing our drug charges is going to help. We've got to make things harder instead of softer when it comes to these situations to help our kids be safe at home. We can't just go and say, "Ya, it's okay. We'll just lower it down and it's not that

bad." We have kids in the schools that I've worked with that are worried about going home. They see their parents doing drugs at home. They don't know what to do. We have to look at what is best for our families. If you don't do it you won't have that problem. Ninety percent of our people in jail are because of either alcohol or drugs. We wouldn't have them in jail and you wouldn't have them looking through the glass window at their kids and their parents and their daughter or their wife. It's so sad when you see that inmate in there trying to touch his baby because of drug use. We have to put a stop to it and we have to put this first. Be hard, or harder, on the crimes than softer. We can't tolerate it. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, that's tough because I can understand the good Senator's argument and he had a good chance at that during his career and it hasn't really been helping. More people are getting hooked on prescription drugs by injuries and experiencing the intense nature of our new drugs for pain killers. It's leading them off into directions that they wouldn't have expected. These are not the ones who are buying illegal drugs and getting hooked. They're not the only ones. There is a whole mix. Toughening up, we had a meeting earlier in the session where prosecutors, law enforcement, defense attorneys got together, and a lot of you were there, and talked about how the mandatory minimums were really hurting the situation. It's throwing a lot of people that deserved a break, that saw the error of their ways on their first offense, and yet they were powerless to treat them with some compassion unless they did some kind of jerry-rigging to make the system work against what's written in law. They asked that we try to find ways to make the system more flexible, so it honors the officer on the street who used to have, and used, that flexibility for the kid that he knew who was making one mistake and needed a break that time, and the same at the court level when we knew people. We don't know everybody now. This gives us a chance to say it's serious. A year in jail, possibly. Big fines that you probably are not in a good position to pay because of the road you're going down. There's a lot that's dumped on your shoulders, but you walk away, if you do it right, with a misdemeanor. Many people do and can talk their way out and prove their worth and contribution to society and say, "Wow, was I grateful for that chance that all those people gave to me, the ones that thought that hard was the way to go, the ones that thought soft was the way to go, but they came together. I got a chance and I can be productive and contribute." I think that's what this does. It doesn't let it go very far. You do it again and you're going to have that felony. Then I can see the good Senator's argument. I would like to move on and have a little compassion. Thank you.

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

Senator **GERZOFSKY:** Thank you once again, Mr. President. Ladies and gentlemen of the Senate, I've been on a committee most of my legislative career, this committee, the Criminal Justice and Public Safety Committee. I've been around the country to many forums on criminal justice and public safety. I hear from law enforcement at all these forums and all the hearings we have

here in Augusta, "We only implement what you tell us to do because you want to come in every year and get tougher and tougher and tougher on sentencing their crimes." We had a great thing going when we continually, every year, created more and more mandatory minimum sentences. We did such a good job at that that we not only filled up all our jails but our prisons too. We weren't getting any bang for our buck. We came in here and we talked about that, Mr. President. I learned a long time ago that we're not going to arrest our way out of some of these problems. We're going to treat our way out of these problems. We're going to be smarter on crime, smarter on drug addiction, smarter in trying to solve these problems than just taking the old get a sludge hammer and beat them over the head kind of thing, ruining people's lives because they made a simple mistake. Don't make any mistake about this. Nobody gets a free ride, but you don't have to get the time on the first offense. You can get the dime. You can do something about treating people. You can do something about changing lives. Not just changing their location and not doing anything to change their attitude towards an addiction that some of them might have, or some of them might be experimenting to see. We created a criminal code back in the 1960s. This state has never looked back at that criminal code and all the changes we've made to it. As much legislation that we've put in to try and get the Body convinced to look back at our criminal code and see how some of these laws are actually working today, we haven't done that. This bill is the first most comprehensive bill I've seen come through the legislature in the right form. Not this motion that I'm opposing, but this bill. I think that we should try to work at solving the problems in a smarter way and helping our constituents in a smarter and better way and try to hold people accountable in a much, much smarter way. I hope that we can defeat this motion and get on to ones that will make a major difference in the state of Maine. Thank you very much, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Colleagues of the Senate, I rise today in support of the pending motion. I realize that those who serve our community in many capacities have struggled with this problem for decades. It's not a simple solution, but I, like my colleague from Kennebec who dedicated his career to educating our youth about the dangers of drugs, feel that it is unwise to make changes of this nature. As I read this bill, Mr. President, it seeks to amend the criminal code by striking language that defines trafficking of certain amounts of schedule W and X drugs. As I look at the list, it's disturbing to see the high potency drugs that are listed in those schedules. This downgrades felony level trafficking, furnishing, possession, and hypodermic needles. This is not just about whether somebody possesses, Mr. President, but I believe that this is also related to those who are in the business of distributing drugs. Maybe it is somebody who has had a difficulty. I have an extended family member who went down that road. He struggled through rehab several times. He's now doing well. This weekend we will be celebrating his 1 year anniversary of being clean and sober. It was a choice that he made, Mr. President. He's not proud of a lot of the things that he did in his time in possession and under the influence of narcotics. It's a very heinous process for people who are addicted to that. He's made the decision to climb out of that. I'm proud of him. I'm proud of anyone that makes some of those

tough choices in life, but I don't believe, when we start to look at our criminal code, that lowering the standards, and requiring people to pay less of a debt, encourages the type of behavior that's necessary to have a productive life in society. In addition to those crimes that were reflected on by the good Senator from Kennebec, the sponsor of this bill, we also put people in jail for robbing banks and stealing cars and other things where they have an intent and we've had people argue that sometimes there are personality quirks that cause them to do that. I'm not an expert. I'm not a psychologist. All I know is that we don't send the proper message to our young people when we're spending so much time on promoting safe driving and we're doing road stops for alcohol and for seatbelts. I think it's unfortunate if we send the wrong message to our young people that the crime of possessing and using drugs, and more importantly the heinous act of distributing those, should have lesser penalties in this state. Thank you, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, just very briefly. I, like the good Senator from Penobscot, Senator Cushing, have a relative who made bad choices when young. Suffered consequences at that time. Has not repeated and this must be 12 to 15 years ago. Because of that "F", that scarlet "F" on his label, he's functioning in our society at a much lower level than he could ordinarily be functioning at. This is someone who's much brighter, much more able than I. He could be doing a much better job than I, were he here. I think that, given this chance, he would be a very different person and contributing a great deal more to our society. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the pending motion. I think we've heard a lot of reasons why, for and against this legislation. I want to just focus on a couple of reasons why, as a fiscal conservative, I think this is good policy. When we look at the cost to Maine taxpayers for our current system, arresting and housing people in jails for addiction costs hundreds of millions of dollars for little return on investment. In the big picture, Maine's criminal justice system costs taxpayers an estimated \$571 million per year. That's accounting for law enforcement, adjudication, and corrections. This includes more than \$153 million on corrections alone. It costs between \$110 and \$130 a day to incarcerate an individual in Maine's jails and prisons. When you focus specifically on drug law offences, the total cost of punishment, that's law enforcement, adjudication, and corrections, was nearly \$60 million in 2010 alone. Also consider that of all drug arrests in 2012 78.9% were possession violations, not the sale and manufacture of drugs. The rise in drug arrests has not curbed the use of drugs. According to the Maine Office of Substance Abuse between 2004 and 2013 the number of Mainers seeking drug treatment for opiates jumped from 2,291 to 4,801 people. Treatment costs the taxpayers much less and gets better results. As long as the demand for illicit drugs exists there will always be supplies to fill the need. Locking up addicts, and even dealers, cannot logically lower addiction rates. Investing in treatment rather than incarceration is the

smarter use of tax dollars. People with felony convictions, even non-violent drug convictions, face lifetime barriers to employment and education, leaving them with few opportunities. For many, this inevitably leads back to the criminal justice system. Most employers require applicants disclose whether or not they have a felony conviction and many will not consider hiring those that do. Many higher education institutions, including the entire University of Maine System, require applicants disclose felony convictions. We should be very clear that this bill does not make possession of drugs legal. The bill simply seeks to bring the penalty back in line with other possession offenses. In doing so, L.D. 113 will help Mainers beat addiction, help them get a second chance at life. Once branded felons, Mainers face permanent barriers to obtaining employment, housing, and other crucial services. Down grading low level drug offenses will help free up resources to invest in treatment and prevention programs and better support Mainers on the path to recovery. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, when you talk about cost we're talking about cost of our families and our kids, the cost of our lives, the cost of being safe, the cost from being broke into, the cost of being possibly someone under the influence of a drug or alcohol coming at you in another vehicle. We're talking about cost that is not right there, that you can grab and see. We're talking crime. We're talking about situations where they did make a choice. They made a choice to risk someone else's life or their own. When they use drugs within a family they're risking everybody in that home. This is serious. To make the crimes lighter, we are just devastating our families because they're going to take that and they're going to do it again and again and again because they don't see the problem with it. We've got to make it serious. We have things in place. When they go into court, believe me, the judge, the DAs, the lawyers, they will work it so that they will try to get the best treatment they can possibly get for that individual in the case that happens. Also there is probation and parole. They have councilors. They have many things in place right now. Lowering crime itself is not going to help. You need to have safety nets there and if we don't we're going to be harming ourselves, our families, our kids. Take the time. Follow my light, please. You're going to actually be helping your families and your communities. Thank you.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I find myself at a troubling spot, having to disagree with my good friend from Northern Kennebec, Senator Cyrway. I am a defense attorney. I'm also now a politician. This summer I'm going to try to sell used cars and do the trifecta of unpopular professions. Maybe I'm not as good a defense attorney as I like to think I am because to suggest that people who are charged with felony drug possession on first offenses always get a deferred disposition just isn't so. It's up to the discretion of the prosecutor to agree to even go along with such a disposition. Sometimes prosecutors do it and sometimes prosecutors don't. To suggest that we are somehow being soft on crime by saying, "Ya, you're going to have a criminal conviction but it's not going to

follow you the rest of your life," I don't think is being soft on crime. I urge you to vote in favor of the pending motion if you think the way we're doing things now is working out well. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate the effort that the good Senator from Kennebec, Senator Katz, has been engaged in here in bringing this bill forward. What you see in front of you now in the amendment is a far cry, I think, from what was originally intended. There was a lot of work done in this committee and I had the opportunity to set through that entire process and entire presentation. I think we ought to keep in mind though what we're talking about here. We're talking about methamphetamines. We're talking about Oxycodone, Hydrocodone, Heroin. We're talking about really serious, serious drugs. The effort here is to reduce some of those possessions from felonies to misdemeanors. I want to read just a very brief quote from what the Director of the Maine Enforcement had to say in regards to these proposals. "Weakening the drug laws will negatively impact the tools available to law enforcement in combating trafficking and the safety of our communities." That's just a small excerpt out of his testimony against this bill and I would encourage any of you who have a question about that to go in and read the 20 or 30 different testimonies that are in there and what the committee presented to us. Ladies and gentlemen, we have an epidemic in this state right now with drug abuse and drug overdose, death by drugs. In fact, I'll read something that the good Senator passed out for you to take a look at. The second paragraph, "Maine has one of the highest opioid addiction rates in the nation." We can't ignore that. We have to deal with it. We have to meet it head on. This is not the time to weaken our drug laws. Each and every one of these laws has been vetted by the Criminal Justice and Public Safety Committee and by this Chamber and the other Chamber.

First and foremost, no judge, no prosecutor, and no drug enforcement agent, as far as I'm concerned, is going to ignore the fact that if somebody is caught in possession of one pill, this is their first time, this is their first offense, there's no background, there's no history, there's no indication that this is a problem. They are not going to ignore that fact. They are going to take that into consideration. That's why we have all those levels. I'm a former drug enforcement officer, in charge of a drug unit. I dealt with that every day. I know what I'm talking about. You take those things into consideration. If the circumstances don't warrant, that person doesn't get charged or if they get charged there are reasonable means available through the court system to deal with it and make sure that they aren't penalized for something that they shouldn't be. Very often these possession charges lead to the real culprits that I've been hearing about today, the people who are dispensing and selling and providing the drugs. It's a very important means to a very important end, I would submit.

Another testimony we had was from the Attorney General's Office, Assistant AG Marchese, suggesting that this would strip our law enforcement officers and prosecutors of some of the most effective tools that we have to combat the drug dealers who are in the process of poisoning our society and our communities as they distribute to our citizens. She went on to say that we do all recognize that we need a balance between prevention and

enforcement. I think all of us here agree with that. She said that hollowing out the components of one side of the solution is not the answer to the problem. We have to work on both sides, but we can't do away with one side in order to compensate the other. I've always been consistent in supporting both sides of this measure. I believe in aggressive prosecution but I also believe in rehabilitation and support. I put my words into practice. I'm in the process of putting together a half-way house for women who are addicted to substances. It's not just talk. We can't ignore the other side of the equation, not considering what we are facing. We listened to the Criminal Law Advisory Committee who opposed this. That's made up of prosecutors and defense attorneys. They are opposed to watering down the drug laws that we have, that we've already vetted.

This legislature was asked for seven new drug agents, which was a great reduction in what we were asked the last term. I believe in the previous term it was 22 agents. We saw fit, at least to this point, to give only four new drug agents. On the other side of the equation we've seen fit to provide two more drug courts to deal with the problems that folks are encountering, those who really are entrapped in substance abuse and wish to get off substance abuse. These drug courts are going to go a long ways to helping these folks. Again, we need to make sure that both sides of the equation are balanced here. I would submit to you that if we continue to try to water down the penalties for serious drug possession and trafficking that we are going to take away an important side to that equation. I would strongly urge you to support the report that's on the board right now and let's move on. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#256)

YEAS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, HAMPER, MASON, MCCORMICK, ROSEN, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BRAKEY, BREEN, DILL, DUTREMBLE, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WILLETTE

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** Report "B" **OUGHT NOT TO PASS FAILED.**

Senate at Ease.

Senate called to order by the President.

On motion by Senator **ROSEN** of Hancock, Report "**C**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-269) ACCEPTED.**

READ ONCE.

Committee Amendment "B" (S-269) **READ** and **ADOPTED.**

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-269).**

Sent down for concurrence.

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

Off Record Remarks

ENACTORS

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

Emergency Measure

An Act To Establish Transportation Network Company Insurance
H.P. 934 L.D. 1379
(C "A" H-397)

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

Ordered sent down forthwith.

Emergency Resolve

Resolve, To Establish a Commission To Study Transportation Funding Reform

H.P. 482 L.D. 706
(C "A" H-223)

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

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

H.P. 775 L.D. 1124
(C "A" H-406)

Acts

An Act To Expand Access To Lifesaving Opioid Overdose Medication

H.P. 98 L.D. 140
(H "A" H-278 to C "A" H-248)

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.

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

Resolve

Resolve, To Develop a Pilot Program for Medication-assisted Recovery in a Rural Community at least 30 Miles from Bangor

S.P. 193 L.D. 524
(C "A" S-203)

An Act To Amend the Laws Governing the Issuance of Bonds and To Effectuate the Issuance of Bonds To Support Maine's Natural Resource-based Economy

S.P. 508 L.D. 1378
(C "A" S-247)

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

Ordered sent down forthwith.

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

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

Resolve

PAPERS FROM THE HOUSE

Resolve, Authorizing the Commissioner of Administrative and Financial Services To Sell or Lease the Interests of the State in Certain Real Property Located in Bangor, Orono and Thomaston

S.P. 262 L.D. 732
(S "A" S-214 to C "A" S-186)

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

H.P. 176 L.D. 244

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

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-395)** (7 members)

Ordered sent down forthwith.

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

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

In House, June 12, 2015, 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-395)**.

ENACTORS

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

In Senate, June 15, 2015, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Acts

Comes from the House, that Body **INSISTED**.

An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms

H.P. 413 L.D. 600
(C "A" H-389)

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

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

COMMUNICATIONS

The Following Communication: S.C. 451

**STATE OF MAINE
127TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

June 15, 2015

The Honorable Heather Priest
Secretary of the Senate
3 State House Station
Augusta, ME 04333

Dear Secretary Priest:

Pursuant to my authority under Title 10, MRSA, Chapter 1-A, § 11, I have appointed Randy Levesque of Lisbon to serve as the member who is active in the organized labor community of the Citizen Trade Policy Commission, replacing Jay Wadleigh.

Please contact my office if you have any questions regarding this appointment.

Sincerely,

S/Mark W. Eves
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 236

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

June 15, 2015

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Invest in Maine Companies" (S.P. 401) (L.D. 1132)

The House voted today to insist on its former action whereby it accepted the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on

Bill "An Act To Expand Opportunities for Economic Development in Maine" (S.P. 497) (L.D. 1364)

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish a Secure Internet-based Background Check Center for Providers of Long-term Care, Child Care and In-home and Community-based Services"
S.P. 541 L.D. 1439

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-274).**

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

READ ONCE.

Committee Amendment "A" (S-274) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Establish a Comprehensive Hunting License"
H.P. 844 L.D. 1226

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

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

COREY of Windham
LYFORD of Eddington
MARTIN of Sinclair
SHORT 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-431)**.

Signed:

Representatives:

SHAW of Standish
ALLEY of Beals
CRAFTS of Lisbon
HILLIARD of Belgrade
REED of Carmel
WOOD of Greene

(Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought Not To Pass** Report.)

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.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify and Simplify the Licensing and Registration Provisions of the Inland Fisheries and Wildlife Laws"

H.P. 958 L.D. 1409

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-435)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-435)**.

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

READ ONCE.

Committee Amendment "A" (H-435) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act Concerning Electronic Monitoring and Increased Bail for Certain Crimes Involving Violence"

H.P. 793 L.D. 1155

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-436)**.

Signed:

Representative:

NADEAU of Winslow

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

Reports **READ**.

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

An Act To Improve Disclosure Procedures
S.P. 180 L.D. 451
(C "A" S-259)

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

An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking
S.P. 305 L.D. 861

ENACTORS

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

An Act To Ensure Confidentiality of Personally Identifying Information for Professional Investigators, Investigative Assistants and Dependents of Deployed Members of the Military
S.P. 354 L.D. 1014
(C "A" S-261)

Emergency Resolve

Resolve, Regarding Legislative Review of Portions of Chapter 2: Standards for Qualifications of Assigned Counsel, a Late-filed Major Substantive Rule of the Maine Commission on Indigent Legal Services

H.P. 582 L.D. 851
(C "A" H-412)

An Act To Update Maine's Family Law
S.P. 358 L.D. 1017
(C "A" S-254)

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

An Act To Address the Detrimental Effects of Abandoned Property
S.P. 430 L.D. 1203
(C "A" S-260)

Ordered sent down forthwith.

An Act To Provide Expedited Court Review of Child Visitation Provisions for Military Personnel on Duty out of State
H.P. 895 L.D. 1317
(C "A" H-411)

An Act To Prohibit Unauthorized Custody Transfers of Children
H.P. 911 L.D. 1342
(C "A" H-410)

**Pursuant to Constitution
Public Land**

Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

H.P. 970 L.D. 1424
(H "A" H-422 to C "A" H-407)

An Act To Amend the Laws Governing Law Enforcement's Access to, and Access to Information about, Certain Persons in Hospitals and Mental Health Facilities
H.P. 978 L.D. 1434
(C "A" H-409)

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

In accordance with the provisions of Article IX, Section 23 of the Constitution, this requires the affirmative vote of two-thirds of the entire elected Membership of the Senate, 34 Senators having voted in the affirmative and no Senators having voted in the negative, and 34 being more than two-thirds of the entire elected Membership of the Senate, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

Ordered sent down forthwith.

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

Acts

An Act To Require Child-resistant Packaging for Nicotine Liquid Containers

H.P. 290 L.D. 423
(C "A" H-405)

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 989

ORDERED, the Senate concurring, that Bill, "An Act To Extend the Funding Period for Landfill Closure Costs," H.P. 404, L.D. 580, and all its accompanying papers, be recalled from the Governor's desk to the House.

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

READ and **PASSED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

JOINT ORDER - Establishing a Work Group To Plan the Transition to Funding Fifty-five Percent of Education Costs and One Hundred Percent of Special Education Costs as Mandated by the Voters at Referendum

S.P. 529
(S "B" S-246 to S "A" S-208)

In Senate, June 15, 2015, **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246)**, thereto.

Comes from the House, **PASSED**, in **NON-CONCURRENCE**.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Make Technical Changes to the Sex Offender Registration and Notification Acts of 1999 and 2013"

H.P. 773 L.D. 1112

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

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

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

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders

H.P. 751 L.D. 1090

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-438)**.

Signed:

Senators:

BRAKEY of Androscoggin
HASKELL of Cumberland
McCORMICK of Kennebec

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HEAD of Bethel
MALABY of Hancock
PETERSON of Rumford
SANDERSON of Chelsea
STUCKEY of Portland
VACHON of Scarborough

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

Signed:

Representative:

HYMANSON of York

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-438)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-438) **READ** and **ADOPTED**, in concurrence.

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

Off Record Remarks

Senate at Ease.

Senate called to order by the President.

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess
Senate called to order by the President.

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

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/13/15) matter:

Bill "An Act To Promote Industrial Hemp" (EMERGENCY)
H.P. 7 L.D. 4

Tabled - May 13, 2015, by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, April 28, 2015, **PASSED TO BE ENACTED**, in concurrence.)

(In House, May 12, 2015, Veto **OVERRIDDEN** and the Bill **PASSED TO BE ENACTED**, notwithstanding the objections of the Governor.)

(In Senate, May 13, 2015, Veto Communication (H.C. 141) **READ** and **ORDERED PLACED ON FILE.**)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#257)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, THIBODEAU, WHITEMORE

28 Senators having voted in the affirmative and 7 Senators having voted in the negative, and 28 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/15) matter:

HOUSE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide Reasonable Accommodations for School Attendance for Children with Disabilities for Whom Medical Marijuana Has Been Recommended"

H.P. 381 L.D. 557

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-207)** (11 members)

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

Tabled - May 29, 2015, by Senator **LANGLEY** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, May 28, 2015, 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-207).**)

(In Senate, May 29, 2015, Reports **READ**.)

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today to support the Ought to Pass Report on L.D. 557 and I want to take this opportunity to share the story of a constituent of mine. Her name is Cyndimae Meehan and she lives in Auburn. In June 2002, at 10 months old, she was diagnosed with Dravet Syndrome, a severe epilepsy disorder. Cyndimae and her mother have tried every available pharmaceutical option for her epilepsy, to no avail. Pharmaceuticals and prolonged seizures hampered Cyndimae's development. There have been times she has had to relearn to walk and talk and eat after prolonged status seizures. Pre-Cannabis Cyndimae often had thousands of seizures a day. Most of them show as slow wave spikes on her EEG and clinically she had hundreds of myoclonic jerks a day and many life threatening generalized clonic seizures, known as GTCs. These full generalized tonic-clonic seizures significantly impact her breathing, her cardiac rate, and perfusion and her overall survival. At high risk for sudden unexplained death after seizure, that's what it's called, Cyndimae sleeps on a cardiac monitor that alarms to wake her Mom. At her worst, Cyndimae has had GTC seizures lasting several hours and upwards of hundreds a day. In good control with pharmaceuticals she would regularly have four to ten GTC seizures a day. No pharmaceutical has ever effectively stopped Cyndimae's seizures. The longer a seizure lasts the greater the potential for further brain damage. Thankfully Cyndimae's mother found one medicine that does work, medical cannabis. Not only does it stop her seizures, it does so faster than any pharmaceutical has ever stopped them. Additionally, on a maintenance dose, Cyndimae is having some zero seizure days. A zero seizure day has been unheard of for Cyndimae prior to having access to this medicine. Typically any illness would result in hospitalization, but when she has a cold she has one or two breakthroughs a day that her medicine stops within seconds. Medical cannabis has given Cyndimae her life back and allowed her to be a kid again.

A child who needs a particular medicine to live and function is not normally prohibited from having access to that medicine while at school. Before cannabis gave her her life back, Cyndimae had to travel with far more dangerous medications, including, and I may mispronounce some of these because they're medical terms, Versed, a powerful anesthesia drug; Diazepam, an opium derivative and powerful benzodiazepine; and Primidone, a phenobarbital precursor. All of these medications, in even small doses, are far more dangerous than the marijuana oil that Cyndimae takes orally, yet these medications are not prohibited in school when administered by a responsible adult. Cyndimae's cannabis oil is prohibited.

This bill remedies that problem and makes reasonable provisions, including reasonable restrictions, so Cyndimae can go to school without risking her life. It establishes that only a parent, guardian, or another designated primary caregiver may possess and administer the medical cannabis for a minor in a school. That means the minor is not handling it and it also means that the school staff is not storing or administering it. It also restricts the

medicine to a non-smokable form so it does not disturb anyone else.

I've heard objects from some, including, "What about Marinol?" Marinol is an FDA approved synthetic cannabinoid. It is often marketed as a legal pharmaceutical alternative to natural cannabis. It has been asked, "Why can't Cyndimae and children like her with epilepsy conditions use Marinol?" Marinol contains synthetic THC, a psycho-active compound found in cannabis, and it is useful for certain cancer patients and AIDS patients. Marinol does not, however, contain CBD, which is the compound found in natural cannabis that helps epilepsy patients. Marinol would not help children like Cyndimae.

I believe this is reasonable legislation to ensure every child can go to school. Please join me in voting Ought to Pass and supporting Cyndimae so that her Mom does not need to choose between her child's safety and her education. Thank you very much.

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

READ ONCE.

Committee Amendment "A" (H-207) **READ**.

Senator **BURNS** of Washington requested a Roll Call.

Senate at Ease.

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

On motion by Senator **CUSHING** of Penobscot, the Senate **RECONSIDERED** whereby it **ACCEPTED** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of this motion. We, in the Education Committee, worked very hard on this legislation. We had at least four work sessions on it to narrowly define this as much as possible. In the end, for all of us, as it was a unanimous report, I believe, it was about making sure no child is denied access to public education, that they can be provided with the medication that will allow them to participate as fully as possible. We had the testimony in support of this from the Maine School Management Association and the Maine Education Association. We are all in agreement that this is the right thing for Maine and for Maine's students. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'm sorry to cause after-the-fact confusion there about requesting a Roll Call. I have great philosophical and technical and professional objections to us allowing another substance into the schools in this state, a substance that is not condoned by federal law, a substance that is not needed or necessary, and I will not sit here and not let my vote be counted. I intend to vote on each and every one of these and I'll request a Roll Call on each and every one of these. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I concur with Senator Burns and I feel the same way. I want a voice and I believe we are really making important steps here in our state and we're being taken advantage of by other states and it's very evident here with all these bills. I'm going to make my voice be heard as well. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Accept the Majority Ought to Pass as Amended Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#258)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, KATZ, SAVIELLO, THIBODEAU, WHITTEMORE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-207) **READ.**

On motion by Senator **LANGLEY** of Hancock, Senate Amendment "A" (S-148) to Committee Amendment "A" (H-207) **READ.**

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, this amendment corrects a mistake that was done in the drafting of the bill by our analyst. We had lots of moving parts over the four work sessions that we had. This amendment clarifies a paragraph in which the word "disability" had been in the original bill and then this changes it to "a student who has a written certification for medical use of marijuana" and it was just something clerical. It should have come across in the Committee Amendment and when my good Senate colleague asked a question during the amendment review we found out that this had been missed. It's just a chance to make the bill correct from what we voted on in the committee. Thank you very much.

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 Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. I understand the reason for the Roll Call, but I wanted to make sure that this Body knows that if this were to fail that the definition that was in the bill would then put this in reference to special needs students because of the definition of disability. It just clarifies that definition. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley to Adopt Senate Amendment "A" (S-148) to Committee Amendment "A" (H-207). A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#259)

YEAS: Senators: ALFOND, BAKER, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, THIBODEAU, WHITTEMORE

27 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator **LANGLEY** of Hancock to **ADOPT** Senate Amendment "A" (S-148) to Committee Amendment "A" (H-207) **PREVAILED**.

Committee Amendment "A" (H-207) as Amended by Senate Amendment "A" (S-148) 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-207) AS AMENDED BY SENATE AMENDMENT "A" (S-148)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/29/15) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove from the Maine Medical Use of Marijuana Act the Requirement That a Patient's Medical Condition Be Debilitating"

H.P. 22 L.D. 23

Majority - **Ought to Pass** (12 members)

Minority - **Ought Not to Pass** (1 member)

Tabled - May 29, 2015, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence

(In House, May 28, 2015, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.)

(In Senate, May 29, 2015, Reports **READ**.)

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion on L.D. 23 and I hope this Body will join me on this issue. As Chairman for the Health and Human Services Committee, I'm proud to report that we arrived at a strong, bi-partisan, report on this legislation with 12 Republicans and Democrats signing on to the Ought to Pass Report. Under current law, the Legislature or DHHS must approve the use of medical cannabis for any new condition before it can be recommended by a medical provider to a patient. L.D. 23 removes the State's role in preapproving conditions and allows that decision to be made by the medical community. The Department of Health and Human Services testified in support of this legislation. Ken Albert, Direct and Chief Operating Officer of the Maine CDC, stated, "The Department welcomes this opportunity to remove itself from the medical provider/patient relationship." There are certain conditions for which medical cannabis is not currently allowed under state law, but for which medical cannabis could have significant health benefits for some

patients, as some doctors believe. These conditions include Tourette Syndrome, Parkinson's Disease, obsessive/compulsive disorder, anorexia nervosa, neuropathy, autism spectrum disorder, sickle cell disease, decompensated cirrhosis, traumatic brain injury, and osteoarthritis, among others. If L.D. 23 is rejected patients with these conditions will continue to be prohibited from getting the care they need. This legislation restores the doctor/patient relationship by allowing doctors to make appropriate decisions about whether medical marijuana is a recommended treatment for their patient's condition. Mr. President, I invite the Body to join with me and the Department of Health and Human Services in supporting this commonsense bill and please follow my light on the Ought to Pass motion. Thank you very much.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I want to reiterate or reaffirm the Department's position here. Medical marijuana has been the law in the state of Maine for quite a while and the Department of Health and Human Services has done a very good job of being measured, careful, and professional in their approach to how they control and manage this program. If I were to add anything at all to Senator Brakey's comments I would simply continue that what the Department said is that they do not want to erode or make meaningless a cornerstone of the program, and that is the treatment of medical conditions that require the certification of a medical provider. Thank you.

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

Senator **GRATWICK:** Thank you, Mr. President. Ladies and gentlemen, I rise in major opposition to L.D. 23. I think this is an ill-considered, very poor bill and, alas, I do disagree with my good colleague from Androscoggin. This is not a good, commonsense bill. This is a nonsense bill. This bill makes no sense whatsoever. Specifically, we need to have rules and regulations about the medicines that are prescribed by healthcare providers, specifically when you go to your healthcare provider you want to know that the medicines you've been given have been used and looked at by the FDA, the Federal Drug Administration, which does good, controlled trials, or has stood up to standards in the medical literature, that is controlled data and controlled trials. You do not want your doctor to go pick a medicine off the shelf and say, "Well, this looks like a good medicine for today. Let's try it. It's a pretty pink elixir." This is going back to the 17th Century. This is putting medicine back a long way. The Federal Drug Administration exists for a very good reason. You have to remember that all medicines have the potential of benefit, presumably, but they also have the potential of harm. You really need to know what those are and it's really important that a prescribing physician or provider knows the therapeutic indications, potential side effects, the drug interactions. These are all essential things when you go to your healthcare provider. I think medicine should be given for specific indications only. One of the great sadness's of our life is that marijuana is a Title 1 drug and has not been well studied. That's because of a political decision in Washington. Nothing we can do anything about right here now. If we're going to use it, and you want to have a certain

assurance, it does need to have the laws in Washington changed and I think that's not going to occur for some time. In the meantime, we should not be just expanding the indication for medication because, "I said so." I'm a licensed physician and because I said so. I may be right, but, most assuredly, I can be wrong as well. One indication just mentioned for marijuana is osteoarthritis. It turns out I find that particularly irritating because that's the field that I deal with and there is no published literature whatsoever. Zero. No literature whatsoever to pull that out of the hat. Of course, it may make people feel better if they get the THC and they relax, but that's not the issue here. We should not be going down this particular way. I would strongly urge people to vote against this. I think we need a limited number of indications for any medicine and those should be decided by the FDA, working in concert with controlled data and controlled clinical trials. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to commend Senator Gratwick for the great speech he just gave. This is a nonsense bill. I can't imagine putting DHHS and marijuana in the same sentence. This is ridiculous. It makes me sick to my stomach to think that marijuana has gotten so important that we put that ahead of our children and our lives and our safety. Proponents of this legislation have argued that marijuana is less addictive, less harmful than alcohol. I find this argument irrelevant. This legislation has nothing to do with alcohol. To say that one substance should become legal simply because another already is is ridiculous. The fact of the matter is marijuana is a dangerous substance. We, as members of the Maine State Senate, should not take steps that encourage the use of this harmful drug. The popularity of this particular concern is that it enables and causes, or produces, a high. That's basically what everybody's looking for. As a result, many times people consume more in order to feel the effects faster, which can lead to disastrous results.

According to the National Institute of Health, marijuana has both short-term and long-term effects on the brain. In the short-term, side effects include altered senses, altered sense of time, changes in mood, impaired body movement, difficulty with thinking and problem solving, and impaired memory. In the long-term, marijuana affects brain development, which is especially harmful to young people whose brains are still developing. One study found that people who started smoking marijuana heavily in their teens, and had an ongoing cannabis use disorder, lost an average of 8 I.Q. points between ages 13 and 38. Long-term use has also been linked to mental illness, such as temporary hallucinations and temporary paranoia and anxiety, depression, and suicidal thoughts. Marijuana doesn't just affect the brain. It can cause breathing problems, increased heartrate which increases the chance of heart attacks, and problems with child development during and after pregnancy.

Finally, according to the NIH, when compared to non-users, heavy marijuana users reported lower life satisfaction, poor mental health, poor physical health, more relationship problems, and less academic and career success. Does that sound like the type of life we want for our Maine people? Dr. Gratwick was right. This is the man by the wagon wheel selling his elixir drug in the Old West. This is the cure-all. Is that the cure-all we want? We need a medical doctor in the house and not the caregiver.

I hope the state of Maine can see just what is happening to our state right here and now. It is beyond my imagination how bad we can make things. This is just beyond what I can imagine. Open your eyes, ladies and gentlemen. This is where the paint hits the road. I will tell you right now you are setting the stage for the state of Maine for failure. I listened to these bills and suggested that these we kill because this is California and "Colorweedo" working on us right now. I say "Colorweedo" not Colorado. It is really getting out of control. I can't imagine how much money has been put into these bills right here today, trying to get these approved. I beg all of you to think hard when you push that button because this is what you're setting the stage for the rest of our lives. This is going to be a very important time. I can't stress enough, from law enforcement, how much I've fought to stop drug abuse and all we do is take these and just pass them. This is ridiculous. This is the time to be an adult and think about our children. What are we doing? It's not just about us, we're thinking about what they're going to be having to deal with. We don't want people breaking into our houses, getting into harsher and harder drugs because this is approved, and weakening our society as far as our crimes. What are we doing to this state? We're going to have a loose cannon here. We are basically wielding a gun loosely and just putting pot out there in our society carelessly. It's time we take a stand and stop marijuana. Stop it now. I beg of you, really think hard and fast and push that button against marijuana. Thank you, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, wonderful thoughts from some wonderful and caring men on both sides of me here and, since most of our science is anecdotal about marijuana because the policy was formed on the basis of a Hollywood movie that had someone smoke pot and murder someone, it's not hard to see the confusion. It's not hard to see that the only country that's allowed some research is a scientist in Israel who has discovered in his 86 years, I believe, you can fact check that in this month's National Geographic, so many cannabinoids that he tries to name them for all the uses that he's found for benefit to the body that he wished he had another lifetime just to do more research on marijuana. He thinks it's going to have so many benefits. We passed the hemp bill, which has so many medical benefits. It has the ability to grow without pesticides and herbicides and fertilizers and build up the soil while creating healthy oils that we need, that we get from fish and others but in a great quantity. It has so many health benefits. People are finding, as my colleague, Senator Brakey, had talked about, proof. The only way you can get proof from using this is by doing it. My Senator neighbor, Senator Gratwick, makes some great points about his business, but if you think about his business, he says that there might be some things about marijuana that we don't know. The way that medicine has gone it has taken things about many of these medications that we do know. Since they allow advertising of them, you can now read about them. If you want to read about this botox, now it's for helping psoriasis because they need to make more money with it. That's all. When they didn't have enough ways to treat kids with ADHD, which for the most part are males with a lot of energy, instead of sending out to the playground, they drug them. We ran out of drugs. We started

treating them with antidepressants known to cause suicide. No problem, got away with that. Anecdotally, all the science we have. At my bar, the people that came in and got drunk and beat each other up, broke up my furniture, I had to call the police. Nothing but problems. They went home, they came in and cashed their mill checks and spent it all on alcohol. The "pot" had sat in the corner, listened to music, and thanked me for a great place to come and sit down. Anecdotally, they were calm and peaceful and they're still happy today. The MDs, the dentists, the professionals that are doing every job around you and smoke it appropriately, or eat it or whatever they do appropriately. It's growing all around us while we waste our tax dollars sending out the National Guard, wasting fuel to go find small patches of marijuana, and call that justice or reasonable law enforcement. Let's take it out of there. Let's take our kids out of going to places to find pot, which they might try or might not. We might give them a pass on making them a felon over it. Let's take them out of the places they have to go get it, where they are also selling coke and meth and everything else. The guy says, "Here, try this now." If it was legal they might get a taste of it, but, boy, we're going to try and keep them from doing it like we do with alcohol. Make it age appropriate, keep it out of their hands, and keep them out of the hands of the people that sell drugs that are harmful to all of us and push to go out and do other things that create really bad crimes. There are many reasons, and your reasons and you're caring, and I know you all care about the people of this state. I know you well now to know that. I want you to know that when people disagree with you it's not because they haven't thought this through. I wish we had more science so we could be on it. There is science that's beginning to come into place, but I'm glad to talk about the anecdotal parts of it anytime.

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

Senator **MCCORMICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. As we heard, this was a 12-1 report out of committee and I was the one. I agree with a lot of the comments from the good Senator from Penobscot, Senator Gratwick. For those of us who were here when we implemented this medical marijuana act, some of the reasons why some of us supported that was because it was restricted to debilitating medical conditions. There was some control, initially, on where it's going to be administered and who to. Some of the debilitating conditions included cancer, glaucoma, hepatitis C, conditions that produce intractable pain, seizures, nausea, post-traumatic stress disorder; conditions that there was some evidence at that time that responded to medical marijuana. Many of us felt fairly comfortable in passing this legislation. At this point, so soon after enacting this law, to eliminate all of the conditions and make it strictly on my conversation with the doctor on what I may or may not experience for conditions, I think, is too soon. I'll be opposing the pending motion. Thank you, Mr. President.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise in support of the motion. I know I'm not a doctor and I very rarely debate my good colleague from Penobscot, Senator Gratwick, on the merits

of anything, but there is one thing that I know, as an adult, and that I take seriously; what are some of the major scourges in American society today? Vicodin, Percocet, Oxycodone. Almost every week on TV you hear of people breaking into drug stores, going after one of the most addictive drugs known to man. Why do I support this issue? I was one of the ones who actually supported the original medical marijuana legislation and I agree with the good Senator McCormick that I, too, liked it because it was narrowly focused. Since then I have seen many times throughout the last six or seven years where people that I know were affected physically, mentally, and emotionally. Their marriages were devastated, that their bodies were ravaged, that there were many things that I was wondering if these people were suicidal because they had nothing to live for. I'd see them a month or two later on down the road and the next thing I'd know I'd say, "What are you doing? My goodness, for the last two or three years I thought you was on your way out. You lost your marriage. You lost your house. You lost everything." Medical marijuana. I said, "What are you talking about?" I found out one that's fantastic for pain. I found out one that's good for sleep. Others said they found it for this or they found it for that. I'm saying to myself, "My goodness gracious." Originally, when we used to talk about marijuana, it was the scourge of the world. You're looking at it now and we're discussing medical marijuana. I'm not saying legalize marijuana, and maybe down the road people will want to do that, but to expand the uses of medical marijuana, to allow a medical practitioner to have that ability, to me, makes commonsense. Not for everything, but if I'm going to see a doctor and he understands my physical conditions, emotional or mental or whatever it may be, and if he believes there's something there that's going to help me without having the addictive properties that Vicodin, Percocet, Oxycodone, and all the legalized prescription drugs, I'm in favor of that. I could have been in favor of maybe expanding them a lot more, but that's not before us. If this is going to pass, I can live with my doctor making that decision. I might not always agree with all medical doctors and medical boards and dental boards, but I do believe in the ability that my doctor has to do the prescribing that's going to help any patient. I would ask you to support the pending motion. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I want to talk about a couple of things. Number one is, I think you need to make sure that we don't use the word "prescribe" when it comes to this. This is certification that the physician provides. It's a certification. I'm fairly familiar with it since I was the author of the very first medical marijuana bill in 1992 that passed the House and the Senate because of the experience of my daughter when she was seriously ill, during a pregnancy, with ovarian invasive cancer. Had a prematurely born child and probably one of the most invasive kinds of chemotherapy that you can imagine on her body. I can tell you she did not get high from marijuana. What happened when she was able to access small amounts of marijuana was she was able to keep down a little bit of juice or a little bit of water. After you've had a 25 pound tumor removed from your gut and you've now gone through five months of chemotherapy, I'm going to tell you, being able to keep a little water or a little juice down doesn't have anything to do with

getting high. This program is in place to provide medical marijuana and we're not talking here about whether or not we're going to do recreational marijuana. We're talking about medical marijuana. I can speak to that from personal experience for a long time. When the program was first set up, and I sat on each one of the task forces and each one of the groups, it was determined that we should begin carefully and this program has begun carefully. That's why there was a limitation. There was also a board put in place in order to add additional conditions. That board only made recommendations to the Legislature. It is the Legislature that has added the one condition that's been added since the beginning; that's PTSD that has been added to the list. I do not believe that the Legislature is the appropriate entity to be making decisions. I believe that is for the medical professionals, those medical professionals who have experience with the use of medical marijuana, and that's why I support this bill, because it removes the decision about which ones would be good and which ones would be bad from this Body and moves it over to the medical professionals, where it belongs. Thank you.

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

Senator **EDGEComb**: Thank you, Mr. President. Ladies and gentlemen of the Senate, on all of these marijuana bill I'll only get up to speak once because I'm generally opposed to marijuana and I think we are moving too fast in a direction to do that. In each of these bills, each time we discuss marijuana, it opens the gate a little bit wider and pretty soon the cows will be out eating grass wherever they may roam. I think I will leave it with you that I'm only going to ask you one question and then I want you to answer. It is not a question I'm posing through the Chair. Do we really want to employ teachers, airplane pilots, truck drivers, ambulance operators, doctors, drill sergeants, and coaches who smoke or ingest marijuana? Thank you.

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

Senator **CUSHING**: Thank you, Mr. President. Colleagues of the Senate, I rise today in opposition to the pending motion. I respect that this is an emotional issue for many people, both in this Chamber and in this state. There is a change that has taken place in the attitude towards this drug. The concern I have, personally, is that as we venture forth in changing our policies as policy makers for this state and its people I wonder if we're reflecting appropriately on the impact that we are having by not first taking care to have the parameters, the appropriate testing, in place, and the means to identify, in conduct with the medical community, what the results may be. As we find with many other drugs that are FDA approved, there are numerous tests, sometimes over long years, to identify what the cause and effect may be on certain ages, certain conditions, or certain body types of the medications. Those medications are also fairly tightly controlled, Mr. President. The potency of those is regulated. There is a chain of custody that only allows the delivery of those through certain means. I'm concerned, Mr. President, that we have a deep divide within our medical profession about the use of this substance. We're exposing our state and its people to risks before we make the appropriate safeguards available. As some of my colleagues alluded to, they supported this. They have given this the opportunity to be rolled out in our state. It's here

now. It's not a question of whether it should be legal or not legal on the state level. We have de facto accepted the ability of citizens of our state to make use of this, and I hope that some of those who are making use of it are doing it in a manner that is relieving suffering and pain in their lives, that it's helping them to lead a more normal life. I can't speak to all of the effects of that or the individuals because I'm not privy to that information. I do ask us to reflect upon whether this is the right time and the right place and if we have properly prepared the safeguards that we are entrusted with working on before we pass this type of major change to a law that still is evolving. Thank you for your time and your consideration.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Washington, Senator Burns.

Senator **BURNS**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I appreciate the debate that I've been listening to and I realize that it's awful easy to stray off course and get away from the issue that's at hand here. I think it's really difficult to speak to some of these issues without expressing where your philosophy and your beliefs are coming from. As we've just heard, we are in the early stages of the law of the land for the state of Maine. That's the proper use of medical marijuana. I have many constituents, as do you, in my area who are engaged in this enterprise. They apparently trust me, even though I'm noted to be somewhat conservative, because they come and talk to me. One thing they've implored me to do before I came down here for this session was to make sure that we didn't loosen regulations but that we tightened regulations on the proper use and dispensing of medical marijuana because they have seen, according to them anecdotally from the inside, abuses and misuses, inappropriate handling of what we have entrusted to many entities across the state to grow and dispense and help people that say they need the services of marijuana to off-set the ramifications of their diseases. I don't necessarily accept that whole philosophy, but, again, it's the law. Other people do accept it. Other people can testify anecdotally how it's necessary. I've accepted that, but I also accept the need to be very careful in how we regulate or deregulate.

You heard a lot of passion here about this and you hear people talking about many different aspects that maybe aren't exactly germane to what's up on the board behind the President, but you have to understand that some people have dealt with this for many years. This isn't new. This is something that some people have dealt with through their professions for decades. They've seen some of the abuses and the misuses. Some of those in the room who deal with emergency medical services see things the rest of us don't see. They see some of the human carnage that takes place. It's hard for us to have a perspective, it's hard for us to see that through their eyes unless you're actually there and you see that carnage. I've seen the carnage. Ladies and gentlemen, I've seen a lot of the carnage. I can't think of a particular addict that I've interviewed, or a dealer that I've interviewed, that didn't start out with marijuana. I've seen those that use just marijuana. They aren't able to keep a vehicle in a two lane highway because they're under the influence of it. I know that doesn't have to do with what's on the board, but that's where my philosophy springs from. I've seen a lot of innocent pot users who bought their supply from people that weren't nice people. They weren't nice people at all. In fact, they were in it for the money and they would do anything necessary in order to

get that money. They prey on people who think that they need this substance to get by in life.

I think people choose to believe what they already know and already believe and want to support their philosophy. When it comes to science, I think there are an awful lot of people who are ignoring the science that's coming out every day as far as the effects and the impact that this particular substance is having, and will have, on our young people. You can choose not to accept that, that's your choice, but we, as a state, I hope, would be wiser. I think we would do well to slow down, to pay attention to the science, to see what's happening in other places or other states, rather than to open the floodgates, because I think that's what we're on the precipice of doing, opening the floodgates. I agree with one of the statements that was made here a few minutes ago. Once it's opened it's pretty hard to shut it. You can't turn it back. These are my children and my grandchildren, as well as yours, that we're talking about. I'm going to vote probably fairly consistently with all these that come along because of my philosophy, because of my experience, because of what I've seen, and because of what I've been learning in the last couple of years from what's been going on in other states, and I'm hoping that we don't go down that same path here in the state of Maine, but I'm fearing what I'm seeing this term, this session, is an indication that we're trying to. I hope we're not. I would implore you, as has already been said, to think hard about all of the issues that we're facing here this afternoon and who we represent, who we're responsible to, who is depending upon us. We've already set, in my opinion, a very poor example for our young people with the way we abuse alcohol; not the way we use it, but the way we abuse alcohol in this state. Why do we want to go down the same avenue and give the message to them that there's another substance that they can use because we like it and we support it. Good luck with it. I always think of the adage, "Fools rush in where angels fear to tread." 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, just very briefly. From my point of view, it is a very important part of medical care, because this is under the guise of medical care, is a principle that medicine should be evidence-based these days. It's a very important thing to remember; evidence-based. You do not want to go to a provider and say, "Well, I think this is good. I read this in Lady's Home Journal." That's bad. It has to be evidence-based and that implies that there's data, control trials, placebo controlled trials. That's what you want medicine to be. Fifty or a hundred years ago there was very little about medicine. It was that way. We're moving better in that way and you really want now for you and in a hundred years you want it to be even better based on data. That's point one. Two, it seems to be that the anecdotal medicine is the medicine of the past because everybody knows that the placebo effect is 33%. I can give anybody anything here and 33% of you are going to get better. If that's the way you want to practice medicine fine, go head, but that should not be what we, as legislators, are doing here. If you come to me for pneumonia you want to know that you're having a medicine that's been shown to be effective. If you come for arthritis or whatever, if you come to me for a debilitating problem you want to know how I'm going to make up my mind what the right treatment is. How can I tell that this is a good treatment? Grape juice is great or this

medicine, phenylbutazone, is poor. How do you want me to know? I'm going to have to look at the medical literature and I'm going to have to examine that data in order to give you an appropriate opinion. Without research you simply cannot make that. I come back to the basic point, without research or without data, simply labeling it as "debilitating" disease does not allow you to make an accurate enough diagnosis. In one sense or another, I think we're really passing judgment on the integrity of the growing scientific basis of American medicine. It sure is not perfect these days, but it's better than it was 100 years ago. I very much hope it's going to be better 100 years from now. We need to have evidence-based not anecdotal. Thank you again, sir.

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

Senator **BRAKEY:** Thank you, Mr. President. I just rise to say I very much appreciate the comments of my colleague from Penobscot, Senator Gratwick. I just would like to echo some of the comments from the Senator from Knox, Senator Miramant, that it's very difficult to have evidence-based trials when the federal government has had the posture that it's had. We operate with the best evidence that we have. I'll say, going back to my constituent, Cyndimae Meehan, and seeing videos of her seizures and seeing the quick turnaround for her; knowing that she's gone from days having hundreds of seizures a day to, after being recommended by two doctors because that's what you need if you're a minor, you need two doctors to recommend it, days where she has no seizures a day. That's evidence for me. In the absence of, because of federal government policy, these clinical trials and everything we would ideally like to have, that's the evidence we have to go on. While I agree that there's a saying, "When you go to war you don't go to war with the Army that you want to have, you go to war with the Army that you have." The Army that we have is the data we have because the federal government has been standing in the way of doing the real evidence-based research on this. What we have is the cases of real people that we can see. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Majority Ought to Pass Report, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#260)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFOSKY, HASKELL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO, WILLETTE

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, GRATWICK, HAMPER, HILL, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS** Report, in concurrence, **FAILED**.

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

Sent down for concurrence.

Off Record Remarks

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/15) matter:

An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act

H.P. 384 L.D. 560
(C "A" H-330)

Tabled - June 11, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-330)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED**.)

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion on L.D. 560, An Act Regarding Patient Information Under the Maine Medical Use of Marijuana Act. This bill received unanimous support from the Health and Human Services Committee after amending it with input from the department. The Health and Human Services Committee is made up, as you all know, 13 members, Republicans and Democrats, Conservatives, Liberals, and everything in between. Every member of that committee supported this bill. This bill prohibits DHHS from storing or retaining in electronic format or requiring healthcare providers to transmit over the internet personally identifying patient information related to the Maine Medical Use of Marijuana Act, including the name, address, and date of birth. This is a simple privacy issue.

As many can imagine, for a multitude of reasons, there is an understandable interest from many patients in maintaining their privacy, as would be the case in many medical records, but in this case especially so because of the posture with the federal government. DHHS has the technological capability to implement this. As we worked through this bill, as a committee, for many hours and over the course of several days we got to a place where everyone agreed to this and the department had no objection to the final version. Mr. President, I hope the Body will join me in passing this simple privacy protection for patients. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is not a simple privacy issue. I think this is more of a complicated issue. I think this is more an issue of who is using marijuana. This is a cover up. I'm tired of hearing all these excuses of why we should use marijuana and how we can hide it and how we can get away with it and how we can pretend we're doctors and how we can pretend we're nurses and caregivers. This is important stuff and we have no evidence that this actually works. Now we're going to try to avoid from having privacy issues about marijuana. This is where it's all leading to, folks. We have to make a decision and we can't keep doing this and making our lives to the point where marijuana is going to control our society. Once you get a hold of the drug, it controls you. That's a simple fact on any drug. We're allowing it to happen to our state. I cannot believe, if we vote for this, that this is the way to go. I can't believe that even a person can consider this to be okay. Senator Gratwick said it right. This is nonsense. This is not a medication. It's not a medication that is proven. Thank you for listening and I hope you go against this bill. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. I wish to pose a question through the Chair.

THE PRESIDENT PRO TEMPORE: The Senator may pose her question.

Senator **VOLK:** Thank you, Mr. President. In looking at the testimony that's posted on-line, the Department of Health and Human Services seemed to sort of be neither for nor against because the original version of this bill was a concept draft. I'm wondering whether or not this is something the department supports in its current form.

THE PRESIDENT PRO TEMPORE: The Senator from Cumberland, Senator Volk poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. We worked with the department. We spent several hours together working through this bill to get it to a place where the department and the committee was comfortable. The department, on the final version

of the bill, the version that's before us, had no objection any more to the version that the committee reported out.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I'm concerned that we are, again, establishing a policy here and setting a precedent that is somewhat troubling. I recognize that there are federal regulations to protect the privacy of patient information. I certainly respect the desire of anyone to have their medical history protected so it cannot be an embarrassment or used in any way that may be adverse to them or in any way to threaten or hold them in a situation where they would be forced or coerced into doing something to prevent revelation of certain medical conditions. I do, however, Mr. President, have concerns when we establish a precedent here regarding a product that, again, is not being appropriately tested, without the regimens in place to assure that the potency that is being delivered is of the necessary quantity and appropriate nature for the individuals. I'm concerned when we are not holding people accountable for their participation in growing or in consuming a product that doesn't flow through some of the same safety considerations that we require other pharmaceuticals and medications, compounds and so forth, that are provided to people for their care and for the treatment of any chronic or other conditions that they may have. I think it's very important that we reflect on this. I can appreciate the department feeling that they are put in an awkward position. I think many of us feel in this debate we're being put in an awkward position. Even those who are supporters are, I'm sure, feeling some pressure and I respect that they have their reasons, but I just don't think it is appropriate, Mr. President, that at this point we launch off on a system that has not been appropriately addressed from its foundation. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I appreciate the thoughtful commentary of my colleague from Penobscot, Senator Cushing. I just wanted to clarify that having the records of patients and keeping that information private and DHHS not keeping that, that's already the policy. What this bill is, it's not a debate about whether or not the Department of Health and Human Services should be protecting the privacy of patients or not, or should be keeping records of patients or not. This is already the policy. All this bill does is fix some potential oversights in the implementation of that policy with some of the technology that's used at the department. That's all this does. If we want to debate whether or not we should be having this policy or not, that's a valid debate, but I would suggest that I think that's somewhat outside the scope of this bill because that's already the policy and this is just shoring up some of the glitches in that policy. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#261)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, VOLK, WILLETTE

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, EDGECOMB, HAMPER, HILL, LANGLEY, ROSEN, THIBODEAU, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/15) matter:

An Act To Permit Medical Marijuana Cultivation by Incapacitated Adults

H.P. 505 L.D. 752
(C "A" H-331)

Tabled - June 11, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-331)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED**.)

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion for L.D. 752, An Act to Permit Medical Marijuana Cultivation by Incapacitated Adults. This bill received unanimous support from the Health and Human Services Committee. Again, 13 Republicans and Democrats all supported this bill after intensive work on it. This bill allows a qualifying patient under the Maine Medical Use of Marijuana Act who is an incapacitated adult to possess and cultivate medicinal cannabis for his or her own use with the strong requirement that the patient's legal guardian, or the person to whom the patient has granted power of attorney for healthcare decisions, is

designated as the patient's primary caregiver. Also that primary caregiver must supervise the patient in any cultivation. The original bill did not include those protections. The Department of Health and Human Services raised concerns about the lack of those protections and so some of this amendment around the supervision by the patient's legal guardian came from an amendment suggested by the department and we felt, as a committee, that that was adequate and that those were thoughtful protections to put in place. Under current law, to qualify as a patient you must have a debilitating condition. Apparently, that will remain the case. These individuals are truly sick and suffering. This bill gives them an opportunity for relief and puts strong restrictions in place to protect them. Again, it must be supervised by their legal guardian or individual granted power of attorney who is their designated caregiver. I hope the Body will join me in passing this unanimous report. Thank you very much.

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

Senator **CUSHING:** Thank you, Mr. President. I rise to ask a question to anyone who may answer.

THE PRESIDENT PRO TEMPORE: The Senator may pose his question.

Senator **CUSHING:** Thank you, Mr. President. I'm wondering if the individuals listed as recipients under this bill are currently prohibited or in any way denied the ability to access medical marijuana or be provided with the certification necessary in order to possess that?

THE PRESIDENT PRO TEMPORE: The Senator from Penobscot, Senator Cushing poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Thank you for the question. The answer is, they are not restricted to the ability to be able to take the medication. What they are restricted from doing is going into the location where the growing is occurring. This is the thing that we wanted to change. It seemed to be a very simple thing. These are family caregivers. Just to be able to say there's a certain part of the house you can't even walk into because that's where the plant is located didn't seem to make sense. That's why we did it. There are a number of different activities that an incapacitated adult in Maine could legally do and it just seemed as though there was no reason to restrict them from doing it. The answer to your question is yes, there is a restriction that we are looking to take care of with this bill. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#262)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WILLETTE

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, EDGEComb, HAMPER, HILL, LANGLEY, ROSEN, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/11/15) matter:

An Act Relating to Marijuana Testing Facilities
H.P. 728 L.D. 1059
(C "A" H-345)

Tabled - June 11, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED.**)

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

Senate at Ease.

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

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

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

An Act Relating to Marijuana Testing Facilities

H.P. 728 L.D. 1059
(C "A" H-345)

Tabled - June 16, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-345)**, in concurrence.)

(In House, June 10, 2015, **PASSED TO BE ENACTED.**)

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise before you one more time. This is another marijuana bill, for testing. It just allows more grow operations and I'd like to see it FDA regulated. Certainly, if that was the case and it was in there, that might be something. Just to say we're going to test it and we're going to tell you what chemicals are it and no spray chemicals and that sort of thing. This is just another way to have a grow operation and make it justified. There is no justifiable cause to allow marijuana in our society. I've seen too much tragedy, too much conflict, and too many children harmed because of loss of families and being put in jail, being put in treatment centers, and some, tragically, taking their lives. Marijuana is a big part of the problem. I have seen so much that you can't imagine. I have other law enforcement officers here as well that have seen as much, or probably even more than what I have seen. We have to voice our opinion because many civilians don't see what we see in law enforcement, just like I haven't seen what's in an operating room or I haven't seen what happens in catastrophes where firefighters maybe have to go in a burning building. I'm saying to you, from our experience or my experience, that there are tragedies out there. I had a situation where a young child was in my classroom and she put a question in my DARE box. I said, "Well, I'll speak to you after class," because she mentioned she'd like to know what happened to her Mom. I found out later that she was hooked on marijuana to the point where she got very serious and she didn't know what to do and she also got to the point where she was out of control with it and she was a nurse. She needed to go to a treatment center, a treatment center for more than a month, or at least a month, and she didn't dare to tell her daughter why she was there because she would lose her job or her certification. She had her daughter stay with the grandparents. The daughter was crying every day, wondering where her Mom was. She asked her DARE officer where she was. I had the opportunity to try to find out and then we got her to go visit her Mom and she's always thanked me ever since and her Mom finally got rehab and she's totally against marijuana now. I get a hug from her every time I see her.

I'm telling you right now, that's just a small smidgen of what happens. Marijuana has ruined family's lives, ruined children's lives. It affects the brain. Anybody that knows about computers, there are megabytes and gigabytes. When you turn the computer on and you type up on the screen and you put the words there, that's the megabytes. Then you want to save it and it goes into the hard drive, the gigabytes. Basically, your brain's like the

computer and if you smoke marijuana it shuts that off so you can't save it. You can't save that information. I can't tell you how many kids have smoked marijuana that flunk out because they can't save information and remember it for a test. Straight F's. The parents say, "What's happened to my child? I can't reason with them. I tell them something or I'm saying what's going on and they go 'I dunno'." Guess what? They flunk out of school and then where do they go? They into the drug scene and it gets worse. Then I see them behind bars. It's sad and we're going to allow that to happen to our state. This is getting ridiculous. Don't let it happen and ruin our state. We're talking about thousands of people here that are going to be affected. It's not just saving one. We're talking thousands. I am begging you to, please, vote no on these bills. Thank you.

THE PRESIDENT PRO TEMPORE: The Chair would remind the membership to debate the matter at hand, which is the marijuana testing facilities bill, L.D. 1059. The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, on this bill it would be great to have some scientific knowledge and testing. What we just heard was more anecdotal evidence. I already talked about it. I don't need to go into it again. It's what we have. Here's a chance to get some information about what we're really using and prescribing right now. This is not about horror stories that are unsubstantiated and anecdotally occur, based on many different addictions and addictive personalities. Those stories are horrible and we have sympathy for all of them. We have a chance to find out if we have organic marijuana that we are licensing for dispensaries to give to the approved clients. That's the bill at hand. Let's make sure it's clean, like we like to make sure our food is clean, like we like to make sure all the others. The horror stories. The other comment about giving it to the FDA, would be great. When Washington stops basing our marijuana policy on Reefer Madness and craziness of the 1930s and starts allowing science and basing principles on science, we can start trusting them to do something about marijuana policy. We have years and years of anecdotal evidence that disputes much of what I just heard and I'll continue to stand up for the right to try the many healthy cannabinoids in human bodies for the good that they do. Thank you.

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 Ought to Pass motion on L.D. 1059, An Act Relating to Marijuana Testing Facilities. This bill received a near unanimous support, 12-1, Ought to Pass from the Health and Human Services Committee. Just to dispel some of the things that have been said, this bill does not in any way create more grow operations. I'm not sure where that's coming from. This bill simply authorizes testing facilities. I've often heard concerns from some of my colleagues, and I appreciate these concerns, about the safety of the Maine Medical Marijuana Program. For example, we've heard concerns during another session from one of my colleagues about the lack of labeling on medical marijuana. I share that concern and would also like to see proper testing and labeling become an option for the purpose of patient safety. This legislation will pave the way for that patient protection to take place. This legislation allows for the operation of marijuana

testing facilities which will enable dispensaries and caregivers to have their medicine tested so it can be properly labeled and give patients access to important safety information, including dosage and verification that the medicine is free of harmful pesticides and safe from microbiological contamination. I know that some of my colleagues support the Maine Medical Marijuana Program and some do not. I respect that. I appreciate that. Regardless of that, the program is here. This is the law of the state and it is my hope that, regardless of any individual's views on the program itself, everyone can support increasing patient safety within the program. I hope that my colleagues will join me in supporting the Ought to Pass motion on this bill so that within this program, that is already the law of the state, we can make sure patients are getting the important safety information they need to make proper decisions. Thank you very much.

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

Senator **WOODSOME:** Thank you, Mr. President. I rise seeking knowledge. Where are the testing facilities coming from? Who's going to fund them? Who's going to use them? Who's going to pay for the testing? I don't understand, from the bill here, where the testing facilities are and who's going to be running them and I need that information.

THE PRESIDENT PRO TEMPORE: The Senator from York, Senator Woodsome poses multiple questions through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, we did have several different laboratories services who are currently existing, private businesses, organizations who do other types of laboratory testing, who came to speak during the hearing who are interested in knowing what the standards would be, whether they would have the appropriate personnel and ability, and wanted to weigh in on what kinds of standards should be put in place. These would be private businesses. This is nothing that the state pays for. The language of the Committee Amendment goes on to talk about, and there are a couple of pages here, exactly what the testing facilities would do. They need to be licensed by the department under this subsection. They have to be ISO/IEC 17025 certified. That's a standard for testing laboratories that requires a whole variety of pieces of information to be available. They require qualified technicians, adequate facilities, third-party inspections, appropriate blanks, spikes, duplicates, third-party proficiency standards, calibrates, comprehensive documentation of daily use of standard operating procedures, safety instrument and equipment repair. If you've ever done any kind of ISO certification, you'll recognize those as being the standards that are used in certification for these laboratories. It goes on to talk about the fact that they are not to be used to test one's own. In other words, if you are a caregiver grower you can't have a testing facility and say, "Hey, I've got this stuff of my own." Unlike many products that are sold, you can say, "My soap is the best. It's the soapiest and we tested it so we know." This is to be independent study and there are quite a few standards here for the testing of those and I think that the importance of this bill is exactly what the good Senator from Androscoggin was saying, the concern about making sure that if we are going to do testing

and labeling that it be done appropriately, legally, and under the right kinds of constraints. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Colleagues of the Senate, I rise with concerns in regards to the pending motion. I certainly respect that there was diligence done at the committee in seeking this out. Again, we're dealing with a topic that still has a long way to go and I think that for Maine to launch off from this course, particularly in light of some of the other actions that we are considering today, that it would be imprudent to pass the current legislation until we have some recognized standards that are not just Maine standards but comply with some of the other national efforts that may be in place. I respectfully ask that you follow my light in opposing the current motion. Thank you, Mr. President.

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 pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#263)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGEComb, HAMPER, THIBODEAU, WHITTEMORE

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/12/15) matter:

An Act To Provide Legal Protection to Hospitals where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana
S.P. 17 L.D. 35
(C "A" S-220)

Tabled - June 12, 2015, by Senator **CUSHING** of Penobscot

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-220).**)

(In House, June 11, 2015, **PASSED TO BE ENACTED.**)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the Ought to Pass motion for L.D. 35, An Act to Provide Legal Protection to Hospitals Where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana. The title itself is pretty self-explanatory. This bill would provide legal protection from state law to hospitals and officers, board members, agents, and employees of hospitals when the use of smokeless forms of medical marijuana occurs in the hospital by admitted patients who are certified to do so under the Maine Medical Use of Marijuana Act. This bill imposes no mandate. It does not require hospitals to adopt any policy. Furthermore, it requires that the only forms of medical cannabis that are protected under this policy must be smokeless forms and also vaporless forms, so as not to disturb others. That includes a variety of forms, including tinctures, oils, edibles, salves, forms where there's going to be nothing going in the air that's going to disturb anyone else. Currently, when it comes to medical cannabis used by patients with serious debilitating conditions, many hospitals are forced to operate under a "don't ask, don't tell" policy. The curtain has to be pulled back on cancer patients and young people with epilepsy as they take their medicine. I do need to say, as you can imagine, I have had many floor speeches to prepare today, so I'm at the point where I need to go a little off the cuff. If I ramble I hope you will forgive me.

This is actually, of the bills we've heard today in and around this topic, the first and the only bill we're hearing where I'm actually the sponsor of this bill. I sponsored this legislation because of that constituent I mentioned earlier in one of my previous speeches on one of the previous bills, Cyndimae Meehan who has Dravet Syndrome. Hundreds of seizures a day. Nothing, and I repeat, nothing, all the pharmaceuticals they tried did not work for her. The only thing they found that worked for her in terms of reducing the number of seizures she had a day, and the severity of those seizures, was medical cannabis, particularly strains high in CDD, which is a non-psychoactive component, and low in THC. THC is what we often think of when we think of, that's the psychoactive component that we think of when people are using it for other purposes. We're talking about strains where getting high is not the goal, as some may have suggested is the goal when people are using this medicine. For Cyndimae Meehan, whenever she gets sick and her mother has to check her into a hospital, whether her illness is related to her Dravet Syndrome or not, it is a life-threatening decision to check her into a hospital because under current law they are in violation of the law for her to have access to her medicine at a hospital. A hospital is a place where you're supposed to go to get better, but she is legally prohibited from having access to her medicine. When they have to make that decision of whether or not to check her into a hospital, whether it be for a cold or the flu or something

related to her condition, her Mom has to make a very difficult choice. Often that has meant having to hide the fact in the hospital that she was giving her daughter the medicine that she needs to survive. Some doctors have been great about it when implementing this "don't ask, don't tell" policy, having it go on behind the curtain, and saying "Hey, if we don't see it, go ahead and do it." Unfortunately, we really like our medical professionals, as they are treating patients, to have the option to know what the substances are that are in this person's body that they are treating as they make these medical decisions. They can weigh those decisions.

This is a bill that has been amended very much since the initial bill. The Maine Hospital Association had some trepidation about the initial bill, as it was drafted. We have amended it and stripped out any mandates that were initially a part of it. All we're doing is allowing them the freedom, the hospitals, if they choose to make allowance for this. Again, there's no mandate, no legislative prescription, just giving hospitals the protection to make that choice. I would very strongly encourage the Body to support patients like young Cyndimae Meehan, who struggles with severe epilepsy, and support this motion. Thank you very much.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I understand there's going to be a few cases that are very serious and that it may or may not work, but I'm concerned, when going into a hospital, that they have given medication that is not proven, not studied, and is highly abused. A medicine that is subjected to being abused. We've had a doctor in this area that started out with 35 patients using marijuana and when it got legalized it went up to 2,000 and 3,000 patients. I can't imagine that they are all serious situations. From what I hear, many of them complain, "Oh, I've got a sore thumb," or "I've got a headache," and these sorts of things. This is supposed to be the elixir that is taking care of every little ailment that they have. This is not the Old West and wielding it around and then allowing it to go in the hospital and use drugs such as marijuana and saying it's okay. I'll be darned if I take my kid to a hospital that's going to allow, to start, abusing marijuana in a facility. I want some proof that this is going to be working. I tip my hat off to Dr. Gratwick for mentioning how this is nonsense, using drugs that are not proven. I hope that you don't push that button and say it's okay to put in a hospital. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I always like to point this out and I must be going senile in my young age because I did not point it out when I stood up for the first time, but I just did want to point out that this was unanimously recommended by the Health and Human Services Committee. We worked this bill at least three or four times. Spent a lot of time on this bill. We got to a place where every single member of the committee, Republicans and Democrats, including Dr. Hymanson, a neurologist and a member of our committee, was comfortable with this policy after the in-depth work and study we did into this. We're putting no mandate down, just creating the space for

hospitals to be able to develop a policy if they so choose. Thank you very much.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, the choice of what healthcare system to use is up to the patient, but when they go into hospitals they lose some of that choice. This is a great way to be able to continue to use things that have proven to be effective. This is non-psychoactive medicine that the Senator is talking about. This is just something that stops seizures. There are other uses for marijuana and there are other uses for naturopathic and homeopathic medicines that people are choosing to use and it's better when the doctors have all the information. That's all this bill is about. It's happening now and I would request that you support this bill. Thank you.

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 pending question before the Senate is Enactment, in concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#264)

YEAS: Senators: ALFOND, BRAKEY, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFSKY, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, VOLK, WILLETTE, WOODSOME

NAYS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, GRATWICK, HAMPER, LANGLEY, THIBODEAU, WHITTEMORE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Increase Government Efficiency"

S.P. 446 L.D. 1241

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-276).**

Signed:

Senators:

BURNS of Washington
VOLK of Cumberland
JOHNSON of Lincoln

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representatives:

GUERIN of Glenburn
MOONEN of Portland

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (S-276) **READ** and **ADOPTED.**

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Strengthen the Protections for Senior Citizens in the State" (EMERGENCY)

S.P. 454 L.D. 1272

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-277)**.

Signed:

Senators:

BURNS of Washington
VOLK of Cumberland
JOHNSON of Lincoln

Representatives:

HOBBS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-278)**.

Signed:

Representative:

GUERIN of Glenburn

Reports **READ**.

On motion by Senator **BURNS** of Washington, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-277)** Report **ACCEPTED**.

READ ONCE.

Committee Amendment "A" (S-277) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Support Municipal Volunteers" (EMERGENCY)

H.P. 339 L.D. 500
(C "A" H-376)

In Senate, June 10, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-376) AS AMENDED BY HOUSE AMENDMENT "A" (H-418)** thereto, in **NON-CONCURRENCE**.

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **EDGECOMB** for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Establish a Local Food Producers and Processors to Consumers Pilot Program"

S.P. 506 L.D. 1376

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-284)**.

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

READ ONCE.

Committee Amendment "A" (S-284) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator **WHITTEMORE** for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Clarify Who May Authorize Repairs in a Burying Ground"

S.P. 307 L.D. 862

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-285)**.

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

READ ONCE.

Committee Amendment "A" (S-285) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production"

H.P. 206 L.D. 312

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-408)** (6 members)

In House, June 15, 2015, 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-408)**.

In Senate, June 16, 2015, on motion by Senator **EDGECOMB** of Aroostook, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **EDGECOMB** of Aroostook, the Senate **ADHERED**.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Prohibit Discrimination by Employers and Protect the Privacy of an Applicant for Employment, an Employee or an Employee's Dependents Regarding Reproductive Health Decisions"

H.P. 698 L.D. 1003

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-381)** (7 members)

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

In House, June 12, 2015, 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-381)**.

In Senate, June 16, 2015, on motion by Senator **BURNS** of Washington, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

Comes from the House, that Body **INSISTED**.

On motion by Senator **BURNS** of Washington, the Senate **ADHERED**.

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

COMMUNICATIONS

The Following Communication: S.C. 454

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 16, 2015

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

Dear Secretary Priest:

In reference to the action of the Senate on June 12, 2015 in which it Insisted and Asked for a Committee of Conference on L.D. 1430, "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red" (S.P 538) Senator Paul T. Davis, Sr., Senator Scott W. Cyrway, and Senator David E. Dutremble were appointed. This letter serves the purpose of replacing the original appointment letter. I am pleased to appoint the following individuals to the Committee of Conference on L.D. 1430.

Senator Paul T. Davis, Sr. of Piscataquis
Senator Scott W. Cyrway of Kennebec
Senator John L. Patrick of Oxford

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and **ORDERED PLACED ON FILE**.

Senate at Ease.

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

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

June 16, 2015

Off Record Remarks

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

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Amend the Tax Laws"
S.P. 526 L.D. 1411

Dear Secretary Priest:

In Senate, June 10, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241).**

Senate Paper 298, Legislative Document 849, "Resolve, Directing the Department of Inland Fisheries and Wildlife To Examine the Use of an Antler Point Restriction System To Increase the Age, Size and Number of Antlered Deer in Maine," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241) AS AMENDED BY HOUSE AMENDMENT "A" (H-452)** thereto, in **NON-CONCURRENCE.**

91 voted in favor and 58 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Senator **MCCORMICK** of Kennebec moved the Senate **RECEDE** and **CONCUR.**

Sincerely,

S/Robert B. Hunt
Clerk of the House

Senate at Ease.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 238

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **MCCORMICK** of Kennebec to **RECEDE** and **CONCUR.**

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

June 16, 2015

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

The Honorable Heather J.R. Priest
Secretary of the Senate
127th Maine Legislature
Augusta, Maine 04333

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

Dear Secretary Priest:

COMMUNICATIONS

The Following Communication: H.C. 237

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass Report of the Committee on Health and Human Services on Bill "An Act Regarding Patient-directed Care at the End of Life" (S.P. 452) (L.D. 1270) and Passage to be Engrossed.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Laws Governing the Filing of Wage Statements by Employers and To Clarify the Statute of Limitations under the Maine Workers' Compensation Act of 1992"

S.P. 391 L.D. 1119

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-286).**

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

READ ONCE.

Committee Amendment "A" (S-286) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Food Self-sufficiency for the People of the State"

H.P. 877 L.D. 1291

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-447).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-447).**

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

READ ONCE.

Committee Amendment "A" (H-447) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **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 Consolidate the Investigation of Out-of-home Child Abuse and Neglect"

H.P. 977 L.D. 1432

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-453).**

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-453).**

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

READ ONCE.

Committee Amendment "A" (H-453) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish the Affordable Heating from Maine's Forests Fund" (EMERGENCY)

H.P. 949 L.D. 1397

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

Signed:

Senators:

WOODSOME of York

HILL of York

MASON of Androscoggin

Representatives:

DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
DUNPHY of Embden
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
O'CONNOR of Berwick
RYKERSON of Kittery

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-455)**.

Signed:

Representative:

WADSWORTH of Hiram

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

Reports **READ**.

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

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess

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

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

COMMUNICATIONS

The Following Communication: H.C. 234

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

June 15, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th 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 1176, "An Act To Prohibit the Sale and Possession of Powdered Alcohol in the State."

This bill is further evidence that the Legislature simply does not understand the real challenges facing the State of Maine. Proponents of this bill claim that they aim to keep our children safe from the harmful potential of high alcohol content. But, as I write this letter, the illegal drug epidemic in Maine is as bad as it has ever been – and it's getting worse. Instead of addressing understaffing at the Department of Public Safety to put more drug enforcement agents on the streets and target the real drug problem, this bill would levy fines on hikers visiting the State of Maine if they simply possess powdered alcohol they lawfully purchased in other states.

The State already has the ability to prevent the sale of powdered alcohol. The Bureau of Alcoholic Beverages and Lottery Operations and the State Liquor and Lottery Commission take seriously their respective roles of proposing and listing products with alcohol content for sale to legal drinking-age adults. Both the Bureau and the Commission have indicated that they would not permit the sale of powdered alcohol in Maine. Therefore, the new element this bill introduces is the ability of the State to fine businesses and individuals for possession of a product.

It is outrageous that the Legislature would rather impose fines on tourists than take action to stop the flow of illegal drugs into our State. For these reasons, I return LD 1176 unsigned and vetoed and I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Prohibit the Sale and Possession of Powdered Alcohol in the State

H.P. 808 L.D. 1176

Comes from the House, 108 members having voted in the affirmative and 39 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law 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? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#265)

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

NAYS: Senator: BRAKEY

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

The Following Communication: H.C. 233

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

June 15, 2015

The 127th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 127th 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 829, "An Act To Amend the Trespass Laws Pertaining to Railroad Property."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills

out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 829 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Trespass Laws Pertaining to Railroad Property (EMERGENCY)

H.P. 563 L.D. 829

Comes from the House, 123 members having voted in the affirmative and 23 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law 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? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#266)

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

NAYS: Senators: None

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

The Following Communication: H.C. 235

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

June 15, 2015

ROLL CALL (#267)

The 127th Legislature of the State of Maine
State House
Augusta, Maine

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

Dear Honorable Members of the 127th Legislature:

NAYS: Senators: None

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 1320, "An Act To Amend the Laws Relating to Motor Vehicles."

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

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1320 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Relating to Motor Vehicles
H.P. 898 L.D. 1320

Comes from the House, 112 members having voted in the affirmative and 34 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law 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? In accordance with Article IV, Part Third, Section 2, of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand Options for the Prevention of Domestic Violence"

H.P. 760 L.D. 1100

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

Signed:

Senators:
ROSEN of Hancock
BURNS of Washington

Representatives:
FOWLE of Vassalboro
CHENETTE of Saco
DAVITT of Hampden
GERRISH of Lebanon
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-441)**.

Signed:

Senator:
GERZOFISKY of Cumberland

Representative:
NADEAU of Winslow

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Improve the Transparency of Decision-making Bodies of Publicly Funded Hospitals"

H.P. 424 L.D. 611

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

Signed:

Senators:
BURNS of Washington
VOLK of Cumberland

Representatives:
GINZLER of Bridgton
GUERIN of Glenburn
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-444)**.

Signed:

Senator:
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Promote Privacy in Social Media"

H.P. 467 L.D. 686

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-440)**.

Signed:

Senators:
BURNS of Washington
JOHNSON of Lincoln

Representatives:
HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
GUERIN of Glenburn
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Senator:
VOLK of Cumberland

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-440)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-440) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations
H.P. 612 L.D. 893

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-414)**.

Signed:

Senators:

- BURNS of Washington
- JOHNSON of Lincoln
- VOLK of Cumberland

Representatives:

- HOBBINS of Saco
- EVANGELOS of Friendship
- GINZLER of Bridgton
- HERRICK of Paris
- McCREIGHT of Harpswell
- MONAGHAN of Cape Elizabeth
- MOONEN of Portland
- SHERMAN of Hodgdon
- WARREN of Hallowell

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

Signed:

Representative:

- GUERIN of Glenburn

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414) AND HOUSE AMENDMENT "A" (H-434)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-414) **READ** and **ADOPTED**, in concurrence.

House Amendment "A" (H-434) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-414) AND HOUSE AMENDMENT "A" (H-434)**, in concurrence.

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

COMMUNICATIONS

The Following Communication: S.C. 455

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE GOVERNOR**

16 June 2015

The 127th Legislature of the State of Maine
State House
Augusta, ME

Dear Honorable Members of the 127th 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 782, "An Act To Improve the Quality of Life of Persons with Serious Illnesses."

Palliative care is medical care that is focused on the patient's quality of life. I have no opposition whatsoever to this valuable and beneficial type of medical treatment. However, I'm opposed to setting up a government council to consult with and advise another government entity on palliative care initiatives, analyze the palliative care now being provided, and make recommendations for improvement in an annual report.

An existing government entity, the Maine Hospice Council, now provides "continued development and delivery of high quality hospice and palliative care to all Mainers" and educates "both professionals and laypersons in the best practices of hospice and palliative care medicine." The Council's mission overlaps greatly with the palliative care initiatives of this bill. Indeed, the proposed 14-member council would include the executive director of the Maine Hospice Council, as well as three persons she appoints.

With this bill, another permanent governmental entity will be set up, with the Maine people paying members' expenses, and it will continue to exist long after its usefulness has evaporated. Not every well-intended idea must take up permanent residence in the halls of government. For these reasons, I return LD 782 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and **ORDERED PLACED ON FILE**.

The accompanying Bill:

An Act To Improve the Quality of Life of Persons with Serious Illnesses

S.P. 280 L.D. 782

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#268)

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

NAYS: Senators: None

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

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

ORDERS OF THE DAY

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

Bill "An Act To Amend the Tax Laws" S.P. 526 L.D. 1411

Tabled - June 16, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **MCCORMICK** of Kennebec to **RECEDE** and **CONCUR**.

(In Senate, June 10, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241).**)

(In House, June 16, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-241) AS AMENDED BY HOUSE AMENDMENT "A" (H-452)** thereto, in **NON-CONCURRENCE**.)

On motion by Senator **MCCORMICK** of Kennebec, the Senate **RECEDED** and **CONCURRED**.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Promote Academic Opportunities for Maine Youth during Summer Months"

H.P. 286 L.D. 419

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-450).**

Signed:

Senator: MILLETT of Cumberland

Representatives:

- KORNFIELD of Bangor
- DAUGHTRY of Brunswick
- FARNSWORTH of Portland
- HUBBELL of Bar Harbor
- MAKER of Calais
- McCLELLAN of Raymond
- PIERCE of Falmouth
- POULIOT of Augusta
- STEARNS of Guilford
- TIPPING-SPITZ of Orono

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

Signed:

Senators: LANGLEY of Hancock
EDGEComb of Aroostook

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-450).**

Reports **READ.**

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

READ ONCE.

Committee Amendment "A" (H-450) **READ** and **ADOPTED**, in concurrence.

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

Senate at Ease.

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

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

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2016 and June 30, 2017"

H.P. 702 L.D. 1019

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-415)**.

Signed:

Senators:

HAMPER of Oxford
KATZ of Kennebec
VALENTINO of York

Representatives:

ROTUNDO of Lewiston
FREY of Bangor
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
SANBORN of Gorham

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (H-416)**.

Signed:

Representatives:

NUTTING of Oakland
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415) AS AMENDED BY HOUSE AMENDMENTS "A" (H-439) AND "B" (H-448)** thereto.

Reports **READ**.

On motion by Senator **HAMPER** of Oxford, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-415) **READ**.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "A" (S-287) to Committee Amendment "A" (H-415) **READ**.

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

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this budget got started the first week in January, five months and one week ago. We divided it into committee reports and sent it out to various committees, getting started with public hearings on the budget the third week in February in order to keep things moving forward, knowing full well that the taxation portion was going to be the hardest part to overcome. We finished up public hearings in March and since then there's been a load of compromising. A lot of work by the committee. A lot of work by the policy committees. We listened and we put it together as best as we possibly could. Here is the final product for your perusal this evening. As a birthday present, I'd really appreciate it if we could get this thing done tonight. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much, Mr. President. I just wanted to clarify. Are we talking about the amendment that was just offered or is the discussion on the Majority Report that we are accepting?

THE PRESIDENT: For clarification, I believe that we are now discussing Senate Amendment "A".

On motion by Senator **HAMPER** of Oxford, Senate Amendment "A" (S-287) to Committee Amendment "A" (H-415) **ADOPTED**.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "B" (S-288) to Committee Amendment "A" (H-415) **READ.**

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

Senator **HAMPER:** Thank you, Mr. President. I'll keep my remarks to this amendment. This is a technical amendment to a portion of the budget, to Part BBBB, which is the 'put ME to work program.' Basically it's a technical amendment. Three different changes that clarify the language. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today to lend my full support to this amendment to the Majority budget. As we are all aware, the Appropriations Committee did not reach a unanimous recommendation. This amendment decreases the income tax rates for all taxpayers in a fair and equitable way. It makes changes to General Assistance formulas and to the welfare cliff plus adds additional money to support Maine's emergency shelter infrastructure. It expands upon what we did in the Majority budget by further increasing the Homestead Exemption and instead of capping the exemption on military pensions it removed it entirely.

I also rise today to lend my support to the budget that we have before us, but in true Maine tradition I must start this speech with a story. When I was first elected to the other Body eleven years ago it was early in the morning before session and I was alone in the Chamber when the head of Taxation walked in. For all of us old timers, we can remember when we actually got a printed copy of the budget. I walked up to him with my budget in hand and asked him a question on the elderly tax deferral credit. He took one look at my budget, that was all color coded, highlighted, and tabbed, and asked, with surprise, "Did you actually read that?" I responded that we were told in caucus last night to read the budget and see if we had any questions. Almost laughing at me, he said, "I'm really impressed, but no one actually reads the budget." Well I am here to say that the Appropriations Committee not only read the 700 pages of the budget, but we agonized over every line that went into the budget. Why? Because the budget is not about the individual members of the Committee, it is for the Maine people. That is why I am proud of the work done on the budget and the end product.

I have been fortunate to work side-by-side with two highly respected Senators. I want to commend the good Senate Chair from Oxford. Even though we have served together in the Legislature for 11 years, I have never had the opportunity to serve on a committee with him. I found we worked extremely well together. We both liked to start on time, think in a very linear way, and like to get to the point very quickly, although he would say that I use a lot more words than he does to get to the point. I have also been fortunate to previously serve on the Workforce Committee with the good Senator from Kennebec and he always brings a wealth of negotiating skills, steadiness, and intellect to every discussion and debate.

I support the Majority Report and the amendment that is offered and I wish to mention a few of the good things that are in this. This is a real meat and potatoes budget. It provides an additional \$80 million for K-12 education; \$8 million for the Community Colleges; \$9.4 million for the U Maine System; and

\$10 million for the Maine State Grant Program to increase grants from \$1,000 to \$1,500. The budget helps lower individual property taxes by increasing the Homestead Exemption for all Maine homeowners, both young and old, and preserving revenue sharing to the towns. It creates a higher exemption for those who receive military pensions. It preserves Drugs for the Elderly and Medicaid savings plans. It funds wait lists for those with disabilities, increases funding for nursing homes, health homes, and primary care physicians. It increases the estate tax exemption so that Maine now follows the federal exemption of \$5.5 million, allowing more families to preserve family farms and homesteads. The budget also rejected the proposal of taxing non-profits. We rejected the expansion of the sales tax to hundreds of new services and items, and we rejected the elimination of itemized deductions such as the mortgage interest deduction.

These are the items that you will read about in the paper tomorrow, but there are over 700 pages of other items in this budget just as important to other agencies, committees, and Maine people. Items for courts and public safety; such as four new drug agents, two new Assistant Attorney General drug prosecutors, ten new Assistant District Attorneys, two new judges, two new law clerks, and additional marshals for court security. It protects vital forest services, sets reasonable limits on timber harvesting on public lands, and preserves our forest rangers and their duties. It extends the authority of the Department of Corrections to keep our county jails operational until a longer term solution is found, and establishes a wage parity program for our workers in the Department of Corrections. This budget not only follows our Constitutional obligation to have a balanced budget, but it does not create a hole that needs to be funded by those who come after. That is why I am asking each of my colleagues to vote in support of the budget. The budget is not about getting everything I want or what you want. We were elected to work together to find a common ground.

Before closing I would be remiss if I did not acknowledge the work of others. I want to thank all of you, each and every one of you in this Chamber, for the tremendous amount of work you did in your committees to get Appropriations factual detailed report backs. I want to thank the OFPR staff and the staff of both the Democrat and Republican offices for the thousands of hours they worked on the budget. I also want to take a moment to thank Leadership on both sides of the aisle for their willingness to stay at the table and work out a compromise amendment. Most importantly, I want to thank the President of the Senate. If it was not for his strength, perseverance, and leadership when times became extremely difficult and negative we would not be in this posture today. He held steady and weathered the storm. I want you to know that I stand here today, albeit in silence due to protocol, but please note I am applauding you Mr. President.

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

Senator **KATZ:** Thank you very much, Mr. President. Men and women of the Senate, I, too, join in rising in support of the pending motion and particularly want to emphasize the last point that my good friend, the Senator from York, made about your leadership, Mr. President, over the last several weeks in the face of some storms that, frankly, were completely unnecessary. Thank you for your leadership. I also want to thank my colleagues in the Senate on the Appropriations Committee.

Senator Hamper for his solid leadership throughout these many months. His values that he was never willing to move away from and for his sense of humor. Also to my good friend from York, Senator Valentino, for her dogged advocacy for what she believes in, her pragmatism, and her incredible organization. To pass a two-thirds budget at the best of times isn't easy. This is my second time on the Appropriations Committee. The first time was in the 125th when one party controlled all three branches here, if you will. Even then it wasn't easy. In a divided government it's even more so. With two political parties, 186 individual legislators, trying to find that right balance has been allusive. Every two years it seems we play out our version of Goldilocks and the Three Bears, trying to find a soup that's not too hot, not too cold, but just right. I think that we can all agree that, although this soup took way too long to cook, we are getting it right. I hope all of my colleagues in the Chamber will support this motion. Thank you, Mr. President.

On motion by Senator **HAMPER** of Oxford, Senate Amendment "B" (S-288) to Committee Amendment "A" (H-415) **ADOPTED**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "C" (S-289) to Committee Amendment "A" (H-415) **READ**.

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

Senator **VOLK:** Thank you, Mr. President. I am very aware that it's getting late and all of my colleagues here in the Senate are tired. I just want to speak for a few moments about why this amendment is important to me. My family and I started attending a church in Portland about ten years ago and one of the things that attracted us to that church was the diversity that we found there. The diversity was mostly found in a number of people who had come from Burundi Congo and Rwanda. We learned about their stories and what brought them here. The thing that most impressed me was how driven they were to succeed and how hard they worked to learn our language, learn our customs, adapt to our weather conditions even. I cannot imagine going from living in Africa to living in Maine, where we have a six or seven month winter. Yet they were happy to be here and just felt so blessed to be safe. I was incredibly impressed by that.

Over that period of time I've been able to watch as their families have grown, as they've established lives here. They've all gone to work as soon as they were able to. They've all learned English. Their children have come over from Africa, if they were separated initially. They've been successful. They've graduated from high school. If they had the ability to afford it, they've gone on to school. Usually it's SMCC because they're living at home. Then they transfer to USM. Some of the adults even have gone back to school.

It strikes me that, considering the workforce issues that we face in this state, a frightening statistic is that over the next two decades the ratio of seniors to prime working age adults, which is 25 to 64, in Maine will increase by 93%. If you think we have a problem now, 20 years from now we'll have an even bigger problem. I've done my part. I had four children. Unfortunately, those children, two of them, have basically already left the state and I don't see either one of them returning and that makes me sad. We need to figure out how we are going to attract people to our state. How are we going to grow our workforce when we're not, frankly, having enough babies? This is one way that we're

going to be able to do it. I feel like encouraging these asylees to create lives here in Maine, to invest in our communities, is an investment in our future, particularly when you see that they're actually sending their children at a faster rate than Maine-born children are going to college. I'm not alone in this. The Maine Chamber of Commerce also supports doing what we can to help these people remain here in Maine so that they can be a part of our workforce going forward and a part of our educational institutions.

I do offer this amendment which would allow them to obtain GA for up to 24 months and that gives them enough time, and with a little bit of security buffer, so that they are able to get through their application process, get through the immigration process if that's what they're going through, and get their work permit and be able to get themselves out of poverty. I guarantee you that more often than not they are doing that at a higher rate than a lot of our native Mainers. I applaud them for that. I understand the way that a lot of amendments go regarding the budget and I have no illusions and I look forward to continuing this conversation at a later date.

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

Senator **ALFOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I first want to thank the good Senator from Cumberland, Senator Volk, for putting this amendment in. It takes a ton of courage, it takes commitment, it takes personal stories, and it takes a vision to put an amendment like this because her words exemplify a lot of things that I'm going to say, but also what our state is facing. Before I begin, just imagine, and you don't have to imagine but just think about it, in your community in a couple of weeks a thousand people being homeless. A thousand people being homeless. What would you be doing right now? You'd be doing everything you possibly could to make sure that we come up with a solution. This is what this amendment is doing. It is a solution to a crisis that our state is going to be facing within weeks. Recently our state's economist, Amanda Rector, came out and said something that I thought was incredibly provocative. She said, "Look, our rankings. They surprise us all. What do you think our rankings, our Poor's economic rankings, being 47th in the country means?" She said, "Our state's population is too old." She hit it right on the head. She said exactly what we all know. We have a shortage of skilled workers in our state. I'll ask all of you: what is our plan, what is our blueprint, to attract talent to Maine? Tell me anything that we have done, are going to do, that is attracting talent to Maine. We have hundreds and hundreds of immigrants coming to our state and they want to be here. They want to start their lives. They are fleeing from their countries, being persecuted, horrible, horrible situations. They are coming to our state because they want to be here. They want to be in our state. They want to send their children to our schools. They want to start businesses. This is not just me talking. Go to Lewiston. Go to Portland. Go to Bangor. Go to rural parts of our state. They are starting their businesses. They're starting their future because they want to be in the state of Maine.

There are some things that we can't fix. I wish we could. Under federal law, for six months they can't work. What are we going to do about it? Are we going to put our head in the sand and say tough luck? Are we going to do something together? I think tonight, in this amendment, provides an opportunity, not just

an opportunity short-term but to shock all the pundits out these who said there's no way you can tackle welfare reform like this, there's no way. The sides are too separate. There's no way. Democrats think this way. Republicans think this way. When I look at the 34 of you I think of Mainers. I think of Mainers all thinking one way. Our future, our economy, our health, our compassion. Look folks, this doesn't have to be a hard decision. I know a lot of you are spiritual. I know a lot of you have strong family roots here in Maine. I know a lot of you think about our state all the time. Tonight, with this amendment, we have something that we can do together. We can do together for our future. We can do together for our economy. I would just hope that when you think about what you're going to press tonight you think about your family's history. Not one of us came here without a history. History from Europe. History from wherever your family has come from. We have an opportunity to make Maine a welcoming place. This is an opportunity to do that and I hope that we can do it together tonight. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of this motion. I, too, want to thank the good Senator from Cumberland for this proposed amendment. While back in the Education Committee, we heard hours of incredible, compelling testimony from new Mainers in support of a bill sponsored by Representative Espling. I'm going to read some of her testimony that she offered. "We offer ministry to help immigrants with immigration paperwork. We offer a household goods ministry and clothing ministry, often helping immigrants move from the shelter into an apartment with a few basics. Our Sunday school includes an English as a Second Language class. I believe in what our immigrants and new Americans have to offer our Maine economy. New Mainers have a positive impact on Maine's economy in helping Maine's employers meet their workforce needs." That, indeed, is the crux of the issue that we face over and over again in the Education Committee. We have been tasked with developing a workforce that will help grow our economy and this is an important, incredibly critical aspect of that. We also had testimony in support of this from the Department of Labor saying, and this is for the New Mainer's Center, "The Center's primary focus is working with educated immigrants and refugees who need guidance and advice regarding their various career options and who lack the requisite job readiness skills necessary to be competitive in Maine's workforce." This amendment before us provides us a way to help these passionate, dedicated, motivated new Mainers become a part of our community. Thank you, Mr. President.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, a couple of things I heard today really have struck me. I will join the crowd and thank the good Senator from Cumberland for putting this forward. I can't refer to another amendment that has not been suggested here yet, but I will tell you that I'm interested in seeing this budget pass. I'm interested in making sure we do all we can. We have come so far and I'm in a position where, while I might prefer some other

avenue, I would be glad to compromise in order to be able to see us move forward, as a group. I want to talk a little bit about maybe my experience. My grandmother on my mother's side came here from Ireland in the Potato Famine. Maybe some of you have heard that story from some of your grandparents or relatives. They came to Canada. That was the quickest route for them. A lot of them migrated south. She migrated all the way south to West Stewartstown, New Hampshire, which is probably this far over the Canadian border. Not very far. She never became a citizen here. She always thought voting was for men, not for women, so I didn't get all of my political opinions from her. There are a lot of folks who came that way.

There are a lot of folks who came here from Canada. There are still a lot of folks living here who have emigrated from Canada. My first husband was a Frenchman. His folks came over here to work. That was the time, and I can remember seeing some of these, there were old signs in stores that said no French need apply, or no Italians need apply. That was the way people were treated then. Up on Munjoy Hill in my city there was a dividing line and two Catholic churches, one that the French went to and one that the Italians went to. Hard to imagine we were so divided then. There are stories and many of us know some of these stories from our past.

I went to Deering High School and about one-third of my class was Jewish. We learned a lot about Jewish history, which was fascinating to me because it was not something that kind of came down through the family. They learned about the M.S. St. Louis that left Germany in 1939 with immigrants who were fleeing from Nazi oppression and they fled to Cuba first and were refused because Cuba had changed their rules. They tried to land here. They thought it was going to be a very nice trip across the water. It turned out to be a great tragedy for those people because they were turned away from the United States as well. When they went back, they finally had to go back because they were not allowed to land anywhere here, many of them ended up, as the story goes, in concentration camps where they were killed. These people died. They went back to the persecution that they came from. We don't want to repeat any of that and nobody here intends to repeat any of that.

I think what we need to do now is remember that all of us came from somewhere. All of us came from somewhere. There are some great people who have come to our community and we've had a lot of these stories in front of us, passed around on our tables, but I would tell you, as I look at these faces, I want you to know these are my neighbors. These are people I know. I know them personally. I know their children. I've been to the schools where they go to school. These are real people with real lives and real difficulties and real talents to bring to us. I'm hoping that we're going to be able to move forward. I'm hoping that we're going to make sure that, as we provide these services, we're not doing it for folks who were here illegally, and this bill does that, but to make sure those people who are lawfully present here, who have done things the way they're supposed to do them, who have received the paperwork that they need to receive and are simply waiting for our federal partners to act, would be able to stay fed and housed until they are able to go to work and contribute to our community. Asylum seekers who are coming here have been fleeing unsafe and very dangerous conditions. They've already suffered unfathomable hardships. They want to come here for a path to what we have and participate in the American Dream. I really hope you will join me in supporting this amendment in order

to see if we can't give a hand out and a hand up to this great group of people. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise this evening to speak in favor of this pending amendment. I speak partly in my own voice and partly in the voice of Representative Craig Hickman from the House. I think we share a common concern. I believe, and I think we all do, that every person in this Chamber is a proud American. Our ancestors come from different places. They practice different faiths. They eat different meals. We share one nation and one set of ideals. We share a belief in the greatness of our country, a belief that what makes us a great nation isn't our sameness but our diversity. Today, for example, in the hallway of this great building we saw of Maine's diversity. There are people here who hail from Mangola, from Burundi, from Canada, from Mexico, the Democratic Republic of Congo, Congo Brazzaville, from Ireland, Djibouti, Rwanda, Somalia, and many others I don't even know. To quote Representative Hickman, "These people hail from the continent of my ancestors, who did not come to these shores by choice, ancestors who did not come to these shores fleeing anything. Still I love America more than any other country on earth and I wish to be nowhere else." We all hear, and I think we know very well, the words: "Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed, to me. I lift my lamp beside the golden door." I'm certain, Mr. President, that every person here knows that these closing lines from Emma Lazarus' 1883 sonnet entitled "New Colossus" are emblazoned on a bronze plaque on the pedestal of the Statue of Liberty, placed there in 1903. Mr. President, we are a nation of immigrants. Let us never forget. As Thomas Jefferson challenged us, "Shall we refuse the unhappy refugees from distress that hospitality which the savages of the wilderness extended to our fathers arriving this land? Shall oppressed humanity find no asylum among this globe?" We are a nation of immigrants. Let us be reminded by the International Community through the Universal Declaration of Human Rights for which the United States voted that everyone has the right to seek and to enjoy another country's asylum from persecution. Mr. President, we are a nation of immigrants. Let us never forget.

Throughout this conversation we have heard arguments that we can't even afford to take care of our own, we can't help our own disadvantaged, our elderly, and our infirmed, so we can't help these new people. For me, I say why not? Why can't we? From the long perspective of human history, from before the times of the pharaohs to now, in the wealthiest nation ever to exist on earth, can we really claim poverty in good faith? Throughout this conversation we've heard fears like this; they don't look like us, they don't speak our language, they worship differently than we do, they have strange ways, they can't be trusted, they've just come here to take from us, to pick our pockets, to live off the dole. If we haven't walked in their shoes who are we then to judge? Mr. President, men and women here in the Senate, have we forgotten what makes us human? Have we forgotten what makes us humane? Have we forgotten the purpose of our government? Our purpose for existing, the principles that guide us and guard our work in this Chamber are laid out in our State's Constitution. "We have formed the

government of the State of Maine to establish justice, ensure tranquility, promote our common welfare, and secure to ourselves and our prosperity the blessings of liberty." Is not the welfare of all of God's children our common welfare? Is treating all of our residents with fairness and equality, indeed, justice? Is it our responsibility to truly secure the blessings of liberty for those who sought refuge amongst us, fleeing tyranny and civil war?

In closing, I turn script around. I'm not going to call these people we're talking about immigrants or asylum seekers or legal non-citizens. I'm going to call them exactly what they are: human beings seeking a better life in the greatest country on earth. How can we, in good conscience, throw a decent human being out onto the streets because our sometimes cold and insensitive language around welfare cheats, and illegals has been repeated so often that we have lost our ability to see the human beings behind these labels? In order to live with my conscience, I cannot, ought not, and will not vote against human beings who need our help. I cannot, I ought not, and I will not pit them against other human beings who need our help. I cannot, ought not, and will not fear what happens at the ballot box in the next election. Mr. President, it's a privilege to be able to vote on this amendment tonight. I urge us to accept this. Thank you, Mr. President.

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

Senator **LIBBY:** Thank you, Mr. President. Men and women of the Senate, we've spent a lot of time in this Body talking about welfare reform, and the need for more and better welfare reform, year after year after year. We work on compromise legislation that ends up being defeated because of politics. We bring it back here year after year after year. Before us we have a decision to make that is quite out of the scope of welfare reform. We're talking about a hand up for people who have come to this country to work, to pay taxes, to put their kids through school, to raise their families. The motion before us would at least give those folks, who are here legally, a chance to succeed; the same chance that we all have to succeed in this country. I think it's important to think about some of the individuals that may be affected by the failure of this amendment to be attached to the bill before us, some of the folks that are going to have to make very difficult decisions about packing up their lives that they just started to get settled and moving on because the last line of defense has been taken away from them. I represent the City of Lewiston. I proudly represent the city, one of the most diverse communities in the state. It's always been a diverse community. It's a community of immigrants. It has been since its founding. I've come to know a lot of individuals who have fled any number of circumstances to establish their lives in the Lewiston/Auburn area. Folks of lots of different generations, recent immigrants who fled war torn situations in Africa, as well as senior citizens who emigrated from parts of Europe and Canada, leaving very similar situations.

A few folks that I've met had some very powerful stories. One of them is Ms. Pemba. Ms. Pemba is from Magnolia where she was a gospel singer. She recorded a song that was critical of her government and found herself a target. One of her cousins was killed as a result and another seriously injured. She fled to the United States. She got a little bit of assistance and was very grateful for that assistance. I helped her get through that period of time when she was applying for a work permit because, as she

told us over and over again, she was eager to work, ready to work. That little bit of assistance helped her become independent.

Mr. Mwamba came from the Congo. His wife and daughters were raped and a son was beaten by government thugs before he could send them to safety. He made it to the United States. Again, in his situation, a little bit of assistance helped him get his life settled.

Just today another individual's in this State House. Her name is Nemah. She came from Djibouti. In Djibouti America has a military installation that serves as a platform for operations to carry out the war on terrorism. The war on terrorism, as you know, is a conflict where actually a few members of this legislature have served their country and fought. Nemah, who is here today, came here with her husband and they were beneficiaries of general assistance for less than a year. This little bit of assistance allowed them the support they needed to apply for asylum and for that to be granted and for their work permit to be processed. Her husband now has a job at L.L. Bean and has been working there for more than three years. Nemah works for a non-profit organization, helping others who were in her situation. She's working on her college degree and she's pregnant with her first child, who will be an American citizen.

Mr. President, I ask members of the Senate to join us in supporting this amendment to provide for a humane end to the level of assistance that we've been providing immigrants to the state of Maine. Thank you, Mr. President.

Senator **HAMPER** of Oxford moved to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-289) to Committee Amendment "A" (H-415).

On motion by Senator **ALFOND** 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 (#269)

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

NAYS: Senators: ALFOND, BREEN, DILL, GERZOFsky, GRATWICK, HASKELL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VOLK, WOODSOME

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, the motion by Senator **HAMPER** of Oxford to **INDEFINITELY POSTPONE** Senate Amendment "C" (S-289) to Committee Amendment "A" (H-415) **PREVAILED**.

House Amendment "A" (H-439) to Committee Amendment "A" (H-415) **READ**.

Senator **HAMPER** of Oxford moved to **INDEFINITELY POSTPONE** House Amendment "A" (H-439) to Committee Amendment "A" (H-415), in **NON-CONCURRENCE**.

On motion by Senator **ALFOND** 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 (#270)

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

NAYS: Senators: ALFOND, BREEN, DILL, GERZOFsky, GRATWICK, HASKELL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, the motion by Senator **HAMPER** of Oxford to **INDEFINITELY POSTPONE** House Amendment "A" (H-439) to Committee Amendment "A" (H-415), in **NON-CONCURRENCE, PREVAILED**.

House Amendment "B" (H-448) to Committee Amendment "A" (H-415) **READ**.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HAMPER** of Oxford, House Amendment "B" (H-448) to Committee Amendment "A" (H-415) **INDEFINITELY POSTPONED**, in **NON-CONCURRENCE**.

Committee Amendment "A" (H-415) as Amended by Senate Amendments "A" (S-287) and "B" (S-288) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

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

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 (#271)

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

NAYS: Senator: HASKELL

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-415) AS AMENDED BY SENATE AMENDMENTS "A" (S-287) and "B" (S-288)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

The following proceedings were conducted after 12:01a.m., Wednesday, June 17, 2015.

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

ENACTORS

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

Emergency Measure

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2015, June 30, 2016 and June 30, 2017

H.P. 702 L.D. 1019
(S "A" S-287; S "B" S-288
to C "A" H-415)

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

Senator **HAMPER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, a new day. We missed my birthday. That's the way it goes. Now is my opportunity to say a little bit

about the budget. November 5, the die was cast. November 5, 2014 the die was cast. Votes were counted and we were a divided government. We've all, and will continue to, live for another year and a half under the specter of division between the bodies. As I've said many times, House blocks the Senate and the Senate blocks the House. My goodness, just look at the calendar that comes to you every day with the non-concurrent matters in the number ones in the front of the calendar. It's very obvious what we deal with on a daily basis. The budget did not have that option. We had to get it done. Within the committee we found unity where we could and compromised on so much of everything else. When we closed the budget at about 12:10 in the morning on June 6th, a full five weeks after my target date of getting the budget done, I spoke to the committee and I said there was absolutely no need for us to get to the point that we were at and, that late in the game, there was no need for it in a year where there was enough money to take care of what we needed to do, but we got hung up on policy. So much policy. I also told the committee that I could see a way, that there was a way, that I could see it. There was a way for compromise. There was a way for us to bring it together. My hat's off to leadership tonight for bringing that final bit of compromise to the budget process. We reached an agreement. We're at this point tonight. Thank you, leadership, for sticking with the task. There's plenty in this budget for me to like and there's plenty in this budget for me to dislike, as it is with everybody else in this Body. It's not one of those things that can end up on the non-concurrent part of the calendar. We've got to get it done. We've got to run state government. It has to happen.

The Senator from York, Senator Valentino, I've come to very greatly appreciate your abilities over the past six months. Your thoroughness is exemplary. Senator Katz, the Senator from Kennebec, it was good to have legal advice. We had a good team. I just really appreciate my Senate colleagues from the committee. I think we worked together well. I'll wrap it up. Let's get this job done. Let's go home. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I'll be brief. During the last week I think there were a lot of doubts around here, with a divided government, tough issues before us, that we would be able to get to "yes" and fulfill our most basic obligation, to keep government up and running and providing services critical to our citizens. We all know we've lived in the shadow of a shut-down now for weeks, but eventually we were able to get there. I think it's a budget that both parties can take pride in because it has the stamp not only of both parties but I think of each individual in this Chamber on that document. We debated. We argued. We challenged each other the last six months. Despite our differences, despite the distractions, and despite the attacks from without this Chamber, we were able to get our job done and get to "yes". This budget is no more perfect than any one of us in this Chamber who helped form it, but we did our best and I think that we did well. Thank you, Mr. President.

This being an Emergency Measure and having received the affirmative vote of 31 Members of the Senate, with 4 Senators having voted in the negative, and 31 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 for concurrence.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** to Wednesday, June 17, 2015, at 10:00 in the morning.