

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

In Senate Chamber
Tuesday
May 16, 2017

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

Prayer by Reverend Timothy Walmer, Saint Barnabas' Episcopal
Church in Rumford.

REVEREND WALMER: Let us pray. O God, fountain of wisdom,
whose will is good and gracious, and whose law is truth, guide
and bless the Senate of the State of Maine in their deliberations.
Give them grace to listen to opposing points of view, wisdom to
decide among difficult choices, courage to act for the true
wellbeing of the people of this state. Thank You for their service
on our behalf and for the privilege and responsibility such service
carries with it, and make us all active partners in the process of
governing. Amen.

Pledge of Allegiance led by Senator Paul T. Davis Sr. of
Piscataquis County.

Reading of the Journal of Thursday, May 11, 2017.

Doctor of the day, Cathleen London, M.D. of Milbridge.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **VETERANS AND
LEGAL AFFAIRS** on Bill "An Act To Improve Requirements for
Reporting to the Commission on Governmental Ethics and
Election Practices"

H.P. 507 L.D. 716
(S "B" S-57)

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

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

In Senate, May 9, 2017, **PASSED TO BE ENGROSSED AS
AMENDED BY SENATE AMENDMENT "B" (S-57) in NON-
CONCURRENCE.**

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

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#131)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator
having voted in the negative, the motion by Senator **MASON** of
Androscoggin to **INSIST PREVAILED.**

House Paper

Bill "An Act Regarding the Dispensing of Naloxone Hydrochloride
by Pharmacists"

H.P. 1098 L.D. 1594

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

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

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

COMMUNICATIONS

The Following Communication: S.C. 397

**STATE OF MAINE
128TH LEGISLATURE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE**

May 11, 2017

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

Dear Secretary Priest,

Pursuant to my authority under Title 20-A, MRSA, Part 5, Ch. 426, §12304.2-A, I am pleased to appoint the following individuals to the Advisory Committee on Dental Education, effective May 11, 2017:

- Rep. Heather Sirocki of Scarborough to seat 5 as a member of the House of Representatives
- Ms. Rita Fournier of Augusta to seat 11 as a non-voting representative of the Finance Authority of Maine
- Ms. Kalie Hess of Augusta to seat 2 as a representative of a major statewide coalition dedicated to issues related to ambulatory care
- Ms. Claire Berkowitz of Augusta to seat 3 as a representative of a major statewide alliance dedicated to children's issues
- Dr. Jonathan Shenkin of Augusta to seat 1 as a representative of a major statewide organization representing Dentists

If you have any questions, please don't hesitate to contact my office.

Sincerely,

S/Sara Gideon
Speaker of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 399

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

May 12, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating John P. Butera of Waterville for appointment as the Commissioner, Department of Labor.

Pursuant to Title 26, MRSA §1401-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 400

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

May 12, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating Wade E. Merritt of South Portland for appointment as the International Trade Director.

Pursuant to Title 5, MRSA §13070-C, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 401

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

May 12, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating James R. Erwin, Esq. of Yarmouth for reappointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 402

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

May 12, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating Mark R. Gardner of Kittery for reappointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 394

**STATE OF MAINE
ONE HUNDRED AND TWENTY EIGHTH LEGISLATURE
COMMITTEE ON APPROPRIATIONS AND FINANCIAL
AFFAIRS**

May 11, 2017

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

Dear President Thibodeau and Speaker Gideon,

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

L.D. 391 An Act To Provide Funding for Maine Public

Sincerely,

S/Sen. James M. Hamper
Senate Chair

S/Rep. Drew M. Gattine
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 393

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

May 11, 2017

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

Dear President Thibodeau and Speaker Gideon,

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

L.D. 749 An Act To Ensure Municipal Equity for the
Town of Frye Island

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Tori P. Kornfield
House Chair

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: S.C. 398

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

May 12, 2017

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

Dear President Thibodeau and Speaker Gideon,

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

L.D. 976 An Act Regarding Primary Election Contribution Limits and Contribution Limits for Unenrolled Candidates

Sincerely,

S/Sen. Garrett P. Mason
Senate Chair

S/Rep. Louis J. Luchini
House Chair

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

The Following Communication: S.C. 403

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

May 12, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 940 An Act To Increase Student Learning Time

L.D. 1080 An Act To Prevent Economic Hardship in Maine School Administrative District 44

L.D. 1234 An Act To Amend Maine's Truancy Laws by Specifying Penalties for Noncompliance

L.D. 1294 Resolve, To Convene a Study Group To Study Proficiency in Content Areas for Secondary School Graduation Standards

L.D. 1337 An Act To Define "Surrogate" for Student Residency Purposes

L.D. 1371 An Act To Address Costs for Certain Special Education Students (EMERGENCY)

L.D. 1434 An Act To Clarify the Laws Regarding Education in the Unorganized Territories

L.D. 1452 An Act To Ensure Student Privacy in the Digital Age

This is notification of the Committee's action.

Sincerely,

S/Sen. Brian D. Langley
Senate Chair

S/Rep. Tori P. Kornfield
House Chair

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

The Following Communication: S.C. 395

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

May 10, 2017

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

Dear President Thibodeau and Speaker Gideon:

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

L.D. 263 An Act To Provide Additional Assistance for the Elderly and Persons with Disabilities Receiving Food Supplement Program Benefits

- L.D. 264 An Act To Provide to Certain Benefit Recipients Information Regarding Personal Finance Planning and To Distribute Benefits More Frequently
- L.D. 1017 An Act To Strengthen Work Participation in the Temporary Assistance for Needy Families Program
- L.D. 1105 An Act To Promote Independent Living for People with Disabilities
- L.D. 1136 Resolve, Directing the Department of Health and Human Services To Amend Its Rules Regarding Services Provided to Students
- L.D. 1186 Resolve, Directing the Department of Health and Human Services To Develop a Resource Guide for Assistance in Substance Abuse Matters
- L.D. 1272 An Act To Move Administration of the Child and Adult Care Food Program from the Department of Health and Human Services to the Department of Education
- L.D. 1291 An Act To Increase Affordability of and Access to Heat Pumps for Maine Homeowners

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?"

85 voted in favor and 63 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 154

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

May 5, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 365 "An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding."

Current law states that a court must order a criminal background check of each prospective adoptive parent of a child with the exception of a biological parent. I do not know why there is such interest in the Legislative Branch to create exemptions from the background check requirement that is intended to protect children from predators.

I understand that during the public hearing, the committee had the benefit of hearing from a probate court judge. This judge testified in opposition to the bill that "[f]ar too many stepparent background checks have yielded criminal records that include domestic abuse, felony convictions, and DHHS substantiated abuse against a child. We learn of these criminal records despite the petitioner's signed affidavit denying a criminal record."

This is enough to convince me that this bill would place Maine children at risk.

For these reasons, I return LD 365 unsigned and vetoed. I strongly urge the Legislature to sustain it.

This is notification of the Committee's action.

Sincerely,

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

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

The Following Communication: H.C. 161

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

May 11, 2017

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

Dear Secretary Priest:

House Paper 378, Legislative Document 534, "An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding
H.P. 271 L.D. 365

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

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 overriding the veto of the Governor. 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 (#132)

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

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

Off Record Remarks

SENATE PAPERS

Bill "An Act To Protect Persons Who Cultivate, Process, Buy and Sell Hemp" (EMERGENCY)

S.P. 567 L.D. 1611

Presented by Senator MIRAMANT of Knox. Cosponsored by Representative SANDERSON of Chelsea and Senators: DILL of Penobscot, SAVIELLO of Franklin, Representatives: ACKLEY of Monmouth, BLACK of Wilton, CASÁS of Rockport, HARVELL of Farmington, HICKMAN of Winthrop, O'NEIL of Saco.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent down for concurrence.

Bill "An Act To Remove the Reporting Requirement of the Office of Victim Services"

S.P. 564 L.D. 1606

Presented by Senator ROSEN of Hancock. (GOVERNOR'S BILL)

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

Sent down for concurrence.

Bill "An Act To Protect Privacy of Online Customer Personal Information"

S.P. 566 L.D. 1610

Presented by Senator BELLOWS of Kennebec. Cosponsored by Representative CASÁS of Rockport and Senators: HILL of York, MASON of Androscoggin, WOODSOME of York, Representatives: ACKLEY of Monmouth, BERRY of Bowdoinham, GUERIN of Glenburn, HARVELL of Farmington, MOONEN of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

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

Sent down for concurrence.

Bill "An Act To Increase Consumer Prescription Drug Protections"
S.P. 563 L.D. 1605

Presented by Senator VITELLI of Sagadahoc.
Cosponsored by Representatives: GATTINE of Westbrook,
HERBIG of Belfast.
Submitted by the Department of the Attorney General pursuant to
Joint Rule 204.

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

On motion by Senator **KEIM** of Oxford, **REFERRED** to the
Committee on **JUDICIARY**.

Sent down for concurrence.

Bill "An Act To Support Maine's Employers and Encourage
Employers To Hire Young Workers"
S.P. 565 L.D. 1609

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S
BILL)
Cosponsored by Senator: HAMPER of Oxford, Representatives:
TIMBERLAKE of Turner, WINSOR of Norway.

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

Sent down for concurrence.

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

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
on Bill "An Act To Repeal Certain Requirements Concerning the
Sale and Purchase of Firearms"

H.P. 256 L.D. 350

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-137)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-137)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-137) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY**
on Bill "An Act To Amend the Laws on Domestic Violence"
H.P. 368 L.D. 524

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-138)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-138)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-138) **READ** and **ADOPTED**, in
concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on
Bill "An Act To Allow Promotional Allowances by Public Utilities"
H.P. 814 L.D. 1151

Reported that the same **Ought to Pass as Amended by
Committee Amendment "A" (H-151)**.

Comes from the House with the Report **READ** and **ACCEPTED**
and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY
COMMITTEE AMENDMENT "A" (H-151)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-151) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered"

H.P. 738 L.D. 1055

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

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-142)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-142) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **JUDICIARY** on Bill "An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law"

H.P. 324 L.D. 457

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-152)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-152)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-152) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home"

H.P. 581 L.D. 801

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-136)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-136)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-136) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Funds To Encourage Regional Planning and Reorganization"

H.P. 242 L.D. 328

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-150)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-150) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **TRANSPORTATION** on Bill "An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner"

H.P. 724 L.D. 1022

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-153)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-153)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-153) **READ** and **ADOPTED**, in concurrence.

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

Signed:

Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

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

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

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

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

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

Reports **READ**.

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

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Improve the Administration of Election Recounts"
H.P. 230 L.D. 297

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-156)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-156)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-156) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Veterans Service Laws"
H.P. 844 L.D. 1208

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-140)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-140)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-140) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail
H.P. 467 L.D. 676

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Promote Small Diversified Farms and Small Food Producers"
H.P. 584 L.D. 835

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

Representatives:

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

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

Signed:

Representative:

TALBOT ROSS of Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide for a Later Starting Time for High Schools"

H.P. 331 L.D. 468

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

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

GINZLER of Bridgton

SAMPSON of Alfred
TURNER of Burlington

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Establish the Summer Success Program Fund"

H.P. 647 L.D. 919

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

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

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

Comes from the House with the Majority **UGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-113)**.

Reports **READ**.

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

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, for a long time summer learning programs have taken a backseat to more mainstream education reform efforts. Rather than rethink how summers could be used to support student success, policy makers have devoted their time and money to efforts to improve the traditional school day and year. Transcending the punitive and remedial model of summer schools of the past, we are now having the opportunity to look at summer learning's new form as an artful blend of core academic learning, hands-on activities, skill building, art, sports, and meaningful relationships. This new vision stems from a strong desire to use summers more strategically as a natural time of year to pilot innovative partnerships, teaching and assessment strategies while helping youth living in poverty to get a leg-up on their middle class peers. Put simply, our kids need this. Without ongoing opportunities to learn and practice essential skills, kids fall behind on measures of academic achievement over the summer months. Research dating back over 100 years confirms the phenomena often referred to as summer slide. Most youth lose about two months of grade level equivalency in mathematical computations skills over the summer months. More importantly, however, low income youth also lose more than two months in reading achievement despite the fact that their middle class peers make slight gains. This disparity has grave consequences for disadvantaged young people. Differences in child summer learning experiences during his or her elementary school years can impact whether that child ultimately earns a high school diploma and continues on to college. This bill before us, this motion before us, would not support Maine's effort to put this into practice. We have an opportunity to create a summer success program fund that would be dedicated, I mean directed, and administered by the Commissioner of Education and held by the Treasurer of State to encourage the facility of high quality summer success programs. It provides that money paid into the fund may include General Fund appropriations as well as grants, gifts, and other money from any unit of federal, state, or local government, or from any person, firm, partnership, or corporation. It provides that beginning in the fiscal year 2018-19 the Department is required to provide grant funding through a grant application process to cover 90% of the cost of summer success programs in school administrative units with greater than 50% student participation rate in the federal free and reduced price program. That's targeting these funds at those students that really need our help. I ask that you vote against the pending motion so that we can move the Majority Report and make sure more of our children stay on track to succeed in school and in life. Thank you, Mr. President.

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

Senator **LANGLEY:** Thank you, Mr. President. Men and women of the Senate, I couldn't agree with my colleague more. Everything that she has just told you is absolutely true. I think where other members of the committee may have disagreed is if

this is the best way in which to approach this. As you know, there are a lot of summer programs that are out there; 4H, the Y, there are a lot of summer camps, there are a lot of opportunities, and maybe not every student has access to them in that way. What I would propose - I'm sorry that I hadn't brought this up in committee at the time we were working on the bill because, frankly, I didn't know. I developed a relationship with Maine Afterschool Network in working on another bill regarding after school programming. In that conversation, because I named them in an amendment on a bill, we got to talking about after school programming and then summer programming. I would contend that the place to spend time and effort and finances, whether now or in the future, was within a system that's already set up and serving 6,000 students in underserved areas in after school programs. The Maine Afterschool Network is really looking for help to develop their summertime offerings. They have contact with these students. They're in the schools. They know the students and the parents. They've developed partnerships with the Department of Education, Health and Human Services, the Governor's Children Cabinet, the Maine School-Age Care Alliance, the Maine Chamber of Commerce, University of Maine Center for Community Inclusion and Disabilities, and the Maine Parent Federation, and Maine Roads to Quality. Had I done this work while we were working on this particular bill, I think I would have tried to steer us in that direction in supporting our Maine afterschool network. As it turns out, in the recent couple of weeks I've been working on this, they are looking at possibly losing their federal grant for 21st Century Funding for Afterschool Programs. I've long held that that afterschool section of time is where we could do some really good work and I believe that with the folks helping them and working to develop summer school programs I think that would be an efficient way to use a model that's already set up. By no means was my moving of the Minority Ought Not to Pass Report in any way saying that summertime programs are not important. It's extremely important to us. Thank you, men and women of the Senate.

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

Senator **MILLETT:** Thank you, Mr. President. Just briefly, I would thank the good Senator from the Education Committee for bringing this up and I would like to point out that the afterschool network would actually be an organization that could qualify for these grants. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Hancock, Senator Langley, to Accept the Minority Ought Not to Pass Report, 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 (#133)

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

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-113) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Amend the Municipal Subdivision Laws"

H.P. 444 L.D. 628

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

Signed:

Senator:
GRATWICK of Penobscot

Representatives:
TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

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

Signed:

Senators:
SAVIELLO of Franklin
VOLK of Cumberland

Representatives:
CAMPBELL of Orrington
KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

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

Reports **READ**.

On motion by Senator **SAVIELLO** of Franklin, the Minority **OUGHT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Allow a Law Enforcement Agency That Treats a Person with Naloxone Hydrochloride To Bill That Person for That Treatment"

H.P. 76 L.D. 108

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

Signed:

Senator:
CHIPMAN of Cumberland

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-131)**.

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

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

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

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-131) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND
WILDLIFE** on Bill "An Act To Allow Hunters Whose Religion
Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"
H.P. 306 L.D. 426

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
REED of Carmel

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

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

STEARNS of Guilford
THERIAULT of China

WOOD of Greene

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-130)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-130) **READ** and **ADOPTED**, in
concurrence.

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND
WILDLIFE** on Bill "An Act To Require an Operator of an All-terrain
Vehicle Driven on Certain Roads To Have a Driver's License and
Liability Insurance"

H.P. 447 L.D. 631

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

Signed:

Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
REED of Carmel
THERIAULT of China
WOOD of Greene

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

Signed:

Representatives:

NADEAU of Winslow
STEARNS of Guilford

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Reconstitute the Maine Health Exchange Advisory Committee"

H.P. 509 L.D. 718

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

Signed:

Senators:

WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-127)**.

Signed:

Representatives:

LAWRENCE of South Berwick
BROOKS of Lewiston
MELARAGNO of Auburn

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination

H.P. 153 L.D. 197

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-133)**.

Signed:

Senator:

HILL of York

Representatives:

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

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

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-133)**.

Reports **READ**.

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

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

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

Senator **VITELLI:** Thank you, Mr. President. Members of the Senate, L.D. 197 is a big deal. It asks us, and ultimately the voters of our state, to amend our Constitution to enshrine equal rights under the law by barring discrimination based on the sex of the individual. Amending our Constitution is not meant to be undertaken lightly. Indeed, the framers of our national and state constitutions deliberately set a high bar for doing so. Constitutional amendments have, by large, served to improve the functioning of our democracy and to advance us towards an even more perfect union. Such was the case, certainly, with the passage of the 14th, 15th, and 19th Amendments. I stand here to ask that you support taking yet another big step towards greater equality and justice for all. Why do we need this action? First, discrimination does exist. We can see it in a number of ways. Women still earn 78% of what men do. At current rates of change, this wage gap will not close until 2058. Yes, there are a

number of factors contributing to this wage gap, including the education and career choices made by men and women. I have spent my whole career encouraging men and women to find their dreams and work to fulfill their potential, so I have seen how these cultural biases work.

Studies have repeatedly shown, however, that discrimination remains a consistent factor. The face of poverty is still largely female. Women continue to bear responsibility for childcare and, increasingly, eldercare as well. The work of caring for others remains undervalued and unequally borne. Older women are among the poorest of the poor. Violence in the forms of sexual assault, domestic violence, and stalking have always been gendered crimes. We must end these evils of discrimination.

Other manifestations of discrimination are less visible, perhaps. I am the mother of two grown sons. When they were applying for college they, as males, were required to register for the Selective Service Administration in order to be eligible for financial aid. Females were not. While we have not had a draft for many years, it struck me as inherently unfair. Second, words matter. It mattered when the word "male" was added to the Constitution for the first time in the 14th Amendment back in 1868. It took another 70 years before women were granted the right to vote. It has been argued that the 14th Amendment to the U.S. Constitution is sufficient protection. Justice Antonin Scalia, in a 2011 reply to a question about the application of the 14th Amendment to address sex discrimination, said: "Certainly the Constitution does not require discrimination on the basis of sex. The only issue is whether it prohibits it. It does not." It is further argued that we have made laudable progress in passing laws to protect equal rights. We have the Equal Pay Act of 1963 and the Civil Rights Act of 1964 to address sex discrimination in the workplace. We have Title IX to level the playing field in sports and education and the Violence Against Women Act. But as members of this Chamber know, as anyone does who's paying attention to events at the national level, laws can and are repealed, replaced, revised, and rewritten. I'm not a lawyer, but I know that words matter. It matters that in 1988 Maine changed the language in Article I of our Constitution from "all men" to "all people". Yet, it may not be sufficient and it remains untested in the courts in deterring discrimination based on sex. It is time we made it clear that equal rights under the law applies to everyone, regardless of sex. It is time to guarantee that our courts use the highest standard, a constitutional standard, when faced with cases involving sex discrimination. I ask that you vote in support of this measure and help make Maine the 24th state to explicitly prohibit discrimination based on sex. Thank you.

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

Senator **HILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, it saddens me that it's 2017 and we're still fighting for this. I don't understand why. If our Constitution is adequate and an equal rights amendment is not needed, than why did women have to fight so long for voting rights? If our Constitution is adequate and the equal rights amendment is not needed, why did we have to fight so hard for marriage equality? If our Constitution is adequate and the equal rights amendment is not needed, why are we still fighting long and hard for equal pay? The list goes on and I ask you why. Thank you, Mr. President.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I stand to ask you to support the Ought Not to Pass motion. I respect those who hold a belief that this amendment to the Maine Constitution is necessary to guarantee women have equal rights under the law, however I do disagree. I believe women are already protected under the 14th Amendment of the U.S. Constitution and that Maine law adequately upholds equal protection. The Maine Constitution eloquently states in Article I, section I, all people are born equally free and independent and have certain natural inherent and unalienable rights among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and of pursuing and obtaining safety and happiness. The respect of human dignity is genderless. I don't believe that my sex automatically places me at a disadvantage. Though I do not discount that there are instances of discrimination, I believe these are already illegal. There are pockets of society that may still need to change their outlook on women, however, if the Constitution is not already respected, this proposed change will do little to alter their perspective. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Oxford, Senator Keim, 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 (#134)

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

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-133) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog"

H.P. 299 L.D. 419

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

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BABBIDGE of Kennebunk
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
RECKITT of South Portland
SHERMAN of Hodgdon

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-134)**.

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BAILEY of Saco
McCREIGHT of Harpswell

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Provide Funding for the Maine Coworking Development Fund"
H.P. 218 L.D. 285

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

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DOORE of Augusta
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-114)**.

Reports **READ**.

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

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

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I want to speak briefly to this measure. What this bill calls for is a \$300,000 investment into the Coworking Fund. Now coworking, basically, is just what it says. There have been several of these locations throughout the state that have done very, very well. There's one in Biddeford that over 125 businesses has gone through and made a huge difference in that area on these folks. In my area, especially, there are basically four towns that have paper mills. This is the exact type of thing that we want for paper mill towns. Our Katahdin for Millinocket is a group of local folks that's got together and has been working on that exact thing. Taking the Millinocket paper mill site and turning it into one of these coworking spaces. There was one in Portland that does coworking space with foods. Folks that are trying out foods can come here. There's a kitchen area in this type of thing.

It's one of those types of things that you really want to hear about. As I say, I think this is the perfect opportunity for any mill town, whether it be paper mills, old shoe mills, factories, or textile mills. This is happening over the state. What this does, it gives grants to these people that want to start this type of a place and I urge you to follow my light on this and vote the Ought to Pass. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, my colleague from Penobscot makes an excellent point. This is happening all over the state. There are lots and lots of businesses taking advantage of coworking space. I supported the funding for this program back when Senator Alford introduced it. I believe it was in the 127th Legislature. It was put to good use, but what happened actually was that the majority of the applicants who applied in the second round of funding were the same applicants who had received grants in the first round of funding and some of the testimony to our committee was that, you know, they had purchased furniture and things like that, which I think is a little bit questionable in terms of whether that's a good use of taxpayer dollars. You know, all things being equal, the Maine coffers being full, I would absolutely support the funding of this program. I understand that there are places in this state, particularly in our rural areas, where maybe this is going to take a little bit longer to take hold, but the folks in Portland, the folks in Biddeford, you know, they are proselyting along really, really well. Businesses are taking advantage of these opportunities. They are beginning to grow and some of them even grow to the point where they are able to leave these coworking spaces and, you know, have a number of employees, and that's absolutely what we want to do. Unfortunately, in the 128th Legislature we really need to prioritize. We really need to look at our education funding. The voters told us that that was what they wanted us to do and we absolutely need to do that. We need to look at the 11,000 small businesses in the State of Maine that are already employing people that right now are subject, potentially, to an absolutely crushing tax. Our priority needs to be to not send a bunch of spending bills down to the Appropriations folks to allow them to have to sort that out. We need to prioritize and, I'm sorry, this is just not where our funding needs to be going at this point in time. Perhaps in two years. Thank you.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition of the Minority Ought Not to Pass Report. During my campaign in Brunswick I had the privilege of visiting a former large P-3 hanger on the Brunswick Naval Air Station that had been converted to an enterprise, or a collection of coworking spaces, called TechPlace. We often talk about how we want to bring clean technology, high paying, high skills jobs to the State of Maine. That is exactly what is happening at TechPlace in Brunswick. I do not know, in all candor, how the physical space redesign was funded, but there are one, two, three, and more person shops in there, some of them very small. One of the businesses there, a start-up, completely blew me away. Two young people started a firm that

actually makes translucent, not transparent but translucent, space dividers specifically to divide hospital care space from hospital construction space. An extraordinary idea. I certainly never would have thought of it. They are growing quickly. They will be growing out of TechPlace, in fact it's possible they will have already, but there were just two young people who started this job in a cowork space. They will be employing more people. It's much, much needed. When I talked with the owner of the business he talked about how needed it is, what a demand there is from hospitals. This is a manufacturing business that will grow and it will employ more people in Maine, and it comes from a coworking space. We certainly need these in rural areas as well as the Brunswicks, and Portlands, and Biddefords of this state. Now, while our economy is doing well, I believe is the time to invest the capital, \$300,000 is a modest amount of money. If you think two or three companies could grow like this hospital interior divider space company is going to grow, it will pay back many, many times and I urge you to vote against the Ought Not to Pass Report. Thank you very much.

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

Senator **BREEN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I also rise to oppose the pending motion. I simply want to encourage the Body to remember that great policy recommendations come from policy committees and then go to the Appropriations process. I urge you, if you think this is good policy, to have faith in the Appropriations process and know that there are a lot of priorities there that we are grappling with and we would be honored to grapple with this one as well if it comes with a strong vote from this Body. Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I was listening to the Senator's speech and it sounds like what I would have said two years ago. Actually, I signed onto this bill two years ago. I really like the bill. I just, you know, I'm looking at it from a standpoint where if I was, you know, I own a home and I have this little extra I'd like to put towards helping someone I would, but with the budget that's being faced to us we have to make tough decisions. This is a tough decision for me and I, you know, I certainly, if we didn't have 10% over the budgeted amount that's facing us, I would be strongly supporting this bill. I just cannot because of the budget that we're looking at. 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 (#135)

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

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

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-114) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Protect Job Applicants from Identity Theft" H.P. 429 L.D. 613

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

Signed:

Senator:
BELLOWS of Kennebec

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

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

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-116)**.

Reports **READ**.

Senator **VOLK** of Cumberland moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-117)** Report, in **NON-CONCURRENCE**.

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

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

Senator **BELLOWS:** Thank you, Mr. President. I rise in opposition to the pending motion and encourage you to follow me in defeating this motion so we can get to the Majority Ought to Pass as Amended. This is one of those wonderful situations where we all agree, privacy is important and the Social Security number is the keystone to your privacy and this bill was brought to address the challenge of job applications over-using the Social Security on the application itself and the lack of protections and safeguards on those applications. We heard testimony from individuals who had been directly affected and testimony from an identity theft expert who works with the FBI and with the Muskie School and in private enterprise that this was extraordinarily important. The difference in the two bills; one bill, as amended, the Minority Report, would, basically, reinforce existing law. As many of you know, you can refuse to give someone your Social Security number if requested, except as otherwise provided in federal or state law. The Minority Ought to Pass expands that definition to clarify that benefit includes, but is not limited to, employment. I assert that does not go far enough. The alternative report, that we could get to if we defeat this report, would prohibit employers from requesting the Social Security number on the application itself. The amended version would not prohibit it for pre-employment background checks, fingerprinting, substance abuse testing, or any course during employment itself. Thank you.

THE PRESIDENT: The Chair would remind members that it's not appropriate to talk about other reports that aren't before the Body, but to have our comments constricted to the report that is in front of us. The Chair recognizes the Senator from Cumberland, Senator Volk.

Senator **VOLK**: Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise to speak to my motion and the statutes in Maine governing the protection of an individual's Social Security number are actually found in Title X, section 1272B, Refusal to Provide Social Security Number. This states: "No denial of goods or services except as otherwise provided in federal or state law. A person, corporation, or other entity may not deny goods or services to an individual because the individual refuses to provide a Social Security number." The Minority Report of L.D. 613 would add "benefits" to this provision to better cover employment applications. This leaves the decision as to whether to provide a Social Security number up to the applicant and we also would advise employers that it is bad practice to ask for, most employers, Social Security numbers on an application. However, Maine Statute specifically exempts a person, corporation, or other entity if the Social Security number is used in conjunction with a background check of the individual conducted by a landlord, lessor, employer, or volunteer service organization, and a person, corporation, or other entity if the Social Security number is used in conjunction with provision of and billing of healthcare or pharmaceutical related services. So when the job applicant is required to provide the Social Security number for a background check they still must do so. If they are offered employment, or requested to fill out their paperwork for taxes or insurance by that perspective employer, they still have to provide their Social Security number. A job applicant can refuse to provide a Social Security number on an initial job application, however it can be required on other paperwork required to review a candidate prior to the making of a conditional or final offer of employment and may also be required on additional paperwork in a pre-hire packet, like a 99 form, federal and state tax withholding forms, health insurance forms, background check authorization, credit check authorization, and applicant drug testing authorization. Most employers in the State of Maine do have to do pre-employment drug testing because it is too complicated to do post-employment drug testing, unfortunately. The Minority Report includes an exemption for the credit check, which is a requirement of certain types of employment, including positions in finance, data security, and law enforcement. Any other language would place Maine employers in violation of other federal and state requirements for those background checks which are necessary. Thank you, and I ask that you vote in favor of the current motion.

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 by Committee Amendment "B" (H-117) 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 (#136)

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

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

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-117)** Report, in **NON-CONCURRENCE, PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "B" (H-117) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-117)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Create a Bridge to Self-sufficiency for Vulnerable Segments of the Population by Providing Incentives to Employers" H.P. 905 L.D. 1308

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

Signed:

Senators:
VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

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

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

Signed:

Representatives:
LOCKMAN of Amherst
STETKIS of Canaan

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-118)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-118) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

Eight members of the Committee on **TRANSPORTATION** on Bill "An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities" (EMERGENCY)
H.P. 711 L.D. 1010

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

Signed:

Senator:
COLLINS of York

Representatives:
McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GILLWAY of Searsport
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

Four members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-124)**.

Signed:

Senators:
MIRAMANT of Knox
ROSEN of Hancock

Representatives:
PARRY of Arundel
PERKINS of Oakland

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

Signed:

Representative:
CEBRA of Naples

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**.

Reports **READ**.

On motion by Senator **COLLINS** of York, Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)** **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-123) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-123)**, in concurrence.

Senate

Ought to Pass

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Repeal the Laws Governing the Mental Health Homicide, Suicide and Aggravated Assault Review Board"

S.P. 495 L.D. 1425

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

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

Bill **READ ONCE**.

Senate at Ease.

The Senate was called to order by the President.

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

Sent down for concurrence.

Ought to Pass As Amended

Senator DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding Restrictions on the Purchase of Certain Animals"
S.P. 169 L.D. 508

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-93)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-93) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator ROSEN for the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Minors from Sex Trafficking"
S.P. 424 L.D. 1261

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-92)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-92) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Principles of Reimbursement for Nursing Facilities and for Residential Care Facilities"
S.P. 178 L.D. 517

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-91)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-91) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Protect a Homeowner's Equity of Redemption in a Foreclosure Action"
S.P. 280 L.D. 880

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-96)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-96) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator WHITTEMORE for the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Improve the Foreclosure Process by Regulating Mortgage Loan Servicers"
S.P. 444 L.D. 1292

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-95)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-95) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Concerning the Ownership of a Causeway on Long Lake near St. Agatha"
S.P. 25 L.D. 45

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-88)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-88) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator DAVIS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Protect the Public from Dangerous Buildings"

S.P. 505 L.D. 1459

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-97)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-97) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits"

S.P. 346 L.D. 1044

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-89)**.

Signed:

Senators:

- HAMPER of Oxford
- BREEN of Cumberland
- KATZ of Kennebec

Representatives:

- GATTINE of Westbrook
- FREY of Bangor
- HUBBELL of Bar Harbor
- JORGENSEN of Portland
- MARTIN of Eagle Lake
- SEAVEY of Kennebunkport
- TEPLER of Topsham

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

Signed:

Representatives:

- SIROCKI of Scarborough
- TIMBERLAKE of Turner
- WINSOR of Norway

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-89) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Support Death with Dignity"

S.P. 113 L.D. 347

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

Signed:

Senators:

- BRAKEY of Androscoggin
- HAMPER of Oxford

Representatives:

- CHACE of Durham
- HEAD of Bethel
- MADIGAN of Waterville
- MALABY of Hancock
- PERRY of Calais
- SANDERSON of Chelsea

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-90)**.

Signed:

Senator:

- CHIPMAN of Cumberland

Representatives:

- HYMANSON of York
- DENNO of Cumberland
- HAMANN of South Portland
- PARKER of South Berwick

Reports **READ**.

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

Same Senator requested and received leave of the Senate to withdraw his motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Marine Resources to the Department of Agriculture, Conservation and Forestry"
S.P. 527 L.D. 1502

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

Signed:

Senators:

MAKER of Washington
VITELLI of Sagadahoc

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
HAGGAN of Hampden
HAWKE of Boothbay Harbor
SIMMONS of Waldoboro
SUTTON of Warren
TUELL of East Machias

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

Signed:

Representative:

DEVIN of Newcastle

Reports **READ**.

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

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax"

S.P. 31 L.D. 82

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

Signed:

Senators:

DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-94)**.

Signed:

Representatives:

TIPPING of Orono
GRANT of Gardiner
TERRY of Gorham

Reports **READ**.

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

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

Senator **DIAMOND:** Thank you, Mr. President. Ladies and gentlemen of the Senate, just briefly, I want you to know that this bill started out very small. One constituent came to me and said, asked, if he could make a case on why permanently disabled veterans should have a break on the most aggressive tax we have, and that's the property tax, and the more I listened the more convinced I became. Then, beyond me, this thing started to swirl and more and more veterans got word of it. It got bigger and bigger in terms of the interest and so I'm pleased to see that the Minority Report is being voted. I know there's a fiscal note on this, but I think we can maybe make some amendments along the way to tighten it up a little bit. So I'd appreciate your support on this. Thank you, Mr. President.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, as a member of this committee, I, too, was made aware of the rising concern and so I

would support the current motion before us. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Lincoln, Senator Dow, to Accept the 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 (#137)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-94) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

SECOND READERS

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

House

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

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) H.P. 941 L.D. 1364

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

House As Amended

Bill "An Act To Protect Personal Information of Participants in a Community Well-being Check Program" H.P. 152 L.D. 196 (C "A" H-126)

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

Bill "An Act To Facilitate the Creation of the Maine Water Trust To Regulate and Protect Maine's Water Supply and To Ensure the Quantity and Quality of Maine's Drinking Water" H.P. 302 L.D. 422 (C "A" H-94)

Bill "An Act To Amend the Charter of the Richmond Utilities District" H.P. 537 L.D. 757 (C "A" H-115)

Bill "An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist" (EMERGENCY) H.P. 763 L.D. 1085 (C "A" H-119)

Resolve, To Name the Bridge over the Androscoggin River between the Towns of Peru and Mexico the Buddy Wendall McLain Bridge H.P. 969 L.D. 1395 (C "A" H-125)

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

Senate

Bill "An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act" (EMERGENCY) S.P. 528 L.D. 1503

READ A SECOND TIME and **PASSED TO BE ENGROSSED**.

Sent down for concurrence.

Senate As Amended

Bill "An Act To Prioritize Use of Available Resources in General Assistance Programs"

S.P. 65 L.D. 219
(C "A" S-62)

Bill "An Act To Align Time Limits in the Municipal General Assistance Program and Temporary Assistance for Needy Families Program"

S.P. 66 L.D. 220
(C "A" S-61)

Bill "An Act Regarding Imposition of an Automatic Life Sentence in the Case of Domestic Abuse Resulting in Murder"

S.P. 151 L.D. 449
(C "A" S-79)

Bill "An Act To Provide for the Comprehensive Medical, Dental, Educational and Behavioral Assessment of Children Entering State Custody"

S.P. 197 L.D. 582
(C "A" S-85)

Bill "An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances"

S.P. 203 L.D. 588
(C "A" S-80)

Bill "An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases"

S.P. 259 L.D. 814
(C "A" S-83)

Bill "An Act To Modernize the Voluntary Response Action Program Funding Process"

S.P. 421 L.D. 1258
(C "A" S-76)

READ A SECOND TIME and PASSED TO BE ENGROSSED AS AMENDED.

Sent down for concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Improve Moose Hunting

H.P. 400 L.D. 558
(C "A" H-91)

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

Ordered sent down forthwith.

Acts

An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events

H.P. 147 L.D. 191
(C "A" H-90)

An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp

S.P. 109 L.D. 343
(C "A" S-52)

An Act To Clarify the Authority for Cremation

H.P. 339 L.D. 476

An Act To Improve Enforcement of Snowmobile Noise Levels

H.P. 346 L.D. 483
(C "A" H-48)

An Act Regarding Political Action Committee Expenditures

H.P. 387 L.D. 543
(C "A" H-93)

An Act To Amend the Laws Governing Funding for Landfill Closure Costs

S.P. 191 L.D. 576
(C "A" S-47)

An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court

S.P. 232 L.D. 670

An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence

S.P. 233 L.D. 671

An Act To Repeal or Clean Up Outdated Telecommunications Statutes

H.P. 534 L.D. 754
(C "A" H-95)

An Act To Improve Transparency in the Electricity Supply Market

S.P. 248 L.D. 803
(C "A" S-49)

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

Ordered sent down forthwith.

An Act To Opt Out of Federal Daylight Saving Time and To Ask the United States Secretary of Transportation To Place the State in the Atlantic Time Zone

H.P. 159 L.D. 203
(C "A" H-76)

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

An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products

S.P. 218 L.D. 656
(C "A" S-43)

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

Off Record Remarks

RECESSED until the sound of the bell.

After Recess the Senate was called to order by the President.

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/2/17) matter:

An Act To Amend Maine's Fish and Wildlife Licensing Laws
H.P. 394 L.D. 552

Tabled - May 2, 2017, by Senator **CYRWAY** of Kennebec

Pending - **ENACTMENT**, in concurrence

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

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.

The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Strengthen the Maine Children's Growth Council"

S.P. 17 L.D. 38

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-64)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-65)** (6 members)

Tabled - May 4, 2017, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-65)** Report

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. Seven years ago the U.S. Chamber of Commerce Institute for Competitive Workforce issued a report that stated: "Early childhood education is the healthy development of education of children from birth to age 5. Environments and experiences in these early years are the most influential in the development of a child's brain. High quality early childhood education programs should promote the whole child, paying equal attention to his or her cognitive, social, and emotional development. Early childhood education also recognizes that a child's first teachers are his or her parents. Comprehensive programs, typically designed for low income children, often encompass strategies and family supports that seek to maximize early learning, including a parent as partner philosophy. High quality programs also work collaboratively with community organizations and social service agencies, as well as other service providers." Should this motion fail I hope that we will have a chance to address an opportunity to encourage the collaboration between Maine's agencies, providers, and community organizations in order to effectively promote the healthy development of young children by providing the Maine Children Growth Council the resources that are necessary. Up until recently they had a position to assist them with that important work. So, again, I hope that you will join me in defeating the pending motion so we can provide the Council with that staff person. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey, to Accept the Minority Ought to Pass as Amended by Committee Amendment "B" (S-65) 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 (#138)

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

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

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 Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-65)** Report **FAILED**.

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-64) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-64)**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel"

S.P. 282 L.D. 882

Majority - **Ought Not to Pass** (8 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-69)** (5 members)

Tabled - May 4, 2017, by Senator **DAVIS** of Piscataquis

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

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

Bill **READ ONCE**.

Committee Amendment "A" (S-69) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/4/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Increase Access to Head Start"

S.P. 76 L.D. 230

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (S-66)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (S-67)** (3 members)

Report "C" - **Ought Not to Pass** (3 members)

Tabled - May 4, 2017, by Senator **BRAKEY** of Androscoggin

Pending - motion by same Senator to **ACCEPT** Report "C" **OUGHT NOT TO PASS**

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

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

Senator **MILLETT:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise in opposition to the pending motion. I just would like to share with you a couple of brief remarks that were made by the Auburn Chief of Police, Chief Phillip Crowell. He said, "As Auburn's Chief of Police and someone who has watched too many at-risk kids grow up to become involved in crime, I am always pleased to support efforts to kids started on the right path in life and help them stay safe. With that in mind, I urge you to work in a bi-partisan manner to find additional State funds to expand participation in Head Start. As some of you have heard before from me and other law enforcement leaders from across our state, that include former Sheriff Skip Herrick and former Chief Dick Pickett who now serve with you as Legislative colleagues, there has been a great deal of research on the value of quality early learning programs. These programs reduce crime by helping children develop a foundation

for long term academic success so they don't fall behind and drop out of school. Students who participate in high quality early learning programs, such as those, also do better academically and socially in school and are more likely to graduate on time, less likely to need special education services, and more likely to be employed as adults. I have seen similar results with the Head Start program in my community at the Promise Early Education Center. The Promise Early Education Center provides children with an educational experience that gives them the skills and competence necessary to succeed in their current and future environments. I have had the opportunity to visit those classrooms and see first-hand the amazing work being done." Those are the comments of Chief of Police Phillip Crowell and I hope you will join in defeating the pending motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the pending motion and I just have a few remarks to share. In the past I have supported, actually, legislation to increase funding for certain Head Start programs. I do not disagree with my colleague from Cumberland County that there is real value in pre-K education. That said, when we look at Maine comparatively to the rest of the country in terms of the cost for Head Start here in the State of Maine versus the rest of the country we spend, as far as our cost per child, nearly 20% more than the national average, and this was not always the case. If you go back before 2010, we were actually, the cost per child in Maine was less than the national average. So you can't necessarily say that, "Oh, this is just the result of Maine's rural nature or increased transportation cost." No, we were able to be under the national average for the cost per child if you go back, and over the last several years those costs have just risen and risen until we are a very, very far outlier in both early Head Start costs and regular Head Start costs. That really says to me that other states have been achieving efficiencies in the delivery of these services that we, in Maine, have not been achieving. Before we go to the taxpayers and ask for \$2.5 million in more taxpayer money for this program, when we are already struggling to meet our current obligations in our current budget, let us look to the other states, the efficiencies they have achieved, and see if we can duplicate those here in order to provide services to more children. Other states have been able to do it. Why can't we do it? Thank you very much, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. I rise to address some of the points that were made by the good Senator from Androscoggin. This bill received some testimony to explain this matter about how Maine is paying slightly higher than the national average. First, I would like to point out that Maine's vast rural geography hinders economies of scale. In addition, as a percentage of total service, Maine programs serve a higher percent of infants and toddlers than the national average and these are much more expensive for the providers. Maine's Head Start teachers are highly credentialed. Sixty-two percent of teachers in Maine have a bachelor's degree or higher. The national average is 56%. The percent of children with diagnosed special needs is almost double that of the national average. So

taken all together, these factors certainly can explain why we pay a little bit more for our children's wellbeing. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey, to Accept Report "C" 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 (#139)

YEAS: Senators: BRAKEY, CUSHING, DOW, HAMPER, MASON, PRESIDENT THIBODEAU

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

6 Senators having voted in the affirmative and 29 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** Report "C" **OUGHT NOT TO PASS FAILED.**

Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66) ACCEPTED.**

Bill **READ ONCE.**

Committee Amendment "A" (S-66) **READ** and **ADOPTED.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-66).**

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/9/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility"

S.P. 67 L.D. 221

Majority - **Ought to Pass** (7 members)

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

Tabled - May 9, 2017, by Senator **BRAKEY** of Androscoggin

Pending - **ACCEPTANCE OF EITHER REPORT**

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers"

H.P. 43 L.D. 56

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-107)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-108)** (3 members)

Tabled - May 11, 2017, by Senator **SAVIELLO** of Franklin

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107) AS AMENDED BY HOUSE AMENDMENT "A" (H-132)** thereto.)

On motion by Senator **SAVIELLO** of Franklin, 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 Franklin, Senator Saviello.

Senator **SAVIELLO:** Thank you, Mr. President. Mr. President, this has been kind of a unique opportunity. I think most of us will agree that if you walk the roads you'll know exactly what the problem is. Our committee was faced with two choices. These little bottles that are out there called Nips are litter and we have an unfortunate situation where people are drinking and driving by buying the Nip, downing it, and tossing it out the window. Unfortunately, we, as a committee, could not deal with the latter part, so we decided to address the former. We addressed it by putting a nickel deposit on those containers. We put a compliance date of 2019 to give those people who manufacture these Nips and fill them the opportunity to comply with that and certainly have given them the choice to put their own labels on if they so desire. It's the best thing for us to do. If we had another company that came into the State of Maine that was creating this

problem, and complained about the 8¢ that may have to be attributed to putting those labels on, we would probably say, "So sorry, so sad, put the labels on." That's what this bill does and I hope you will all support it. Thank you very much, Mr. President.

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

Senator **MASON:** Thank you, Mr. President. Mr. President and ladies and gentlemen of the Senate, I won't prolong this any longer, but I'll just say what I said in caucus. As Chair of the VLA Committee and somebody who worked on the liquor contract in 2013, I have concerns about this product, potentially, being pulled off the shelves. I've heard that debate while this bill was going around in the Chambers and, while it may be true or it may not be true, I do have concerns about the revenue that is brought in by this sized product. So that's all I wanted to say about it. I just wanted to register my reservations. Thank you, Mr. President.

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

Senator **SAVIELLO:** Thank you, Mr. President. The good Senator's absolutely right, but if somebody pulls it off the shelf they pull about \$7 million of revenue from the State, including about \$1 million in tax revenue. I would think twice before I did that.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Franklin, Senator Saviello, to Accept the Majority Ought to Pass as Amended by Committee Amendment "A" (H-107) 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 (#140)

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

NAYS: Senators: BRAKEY, CUSHING, MASON

32 Senators having voted in the affirmative and 3 Senators having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-107) **READ**.

House Amendment "A" (H-132) to Committee Amendment "A" (H-107) **READ** and **ADOPTED**, in concurrence.

Committee Amendment "A" (H-107) as Amended by House Amendment "A" (H-132) thereto, **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-107) AS AMENDED BY HOUSE AMENDMENT "A" (H-132)** thereto, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/11/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Expand Substance Abuse Prevention Projects"
S.P. 213 L.D. 651

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-81)** (6 members)

Tabled - May 11, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Papers

Bill "An Act To Reduce Costs to Businesses by Phasing Out the Pet Food Surcharge" (EMERGENCY)
H.P. 1104 L.D. 1601

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

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

Bill "An Act To Authorize a General Fund Bond Issue for Agricultural Water Resource Development and Marketing"
H.P. 1105 L.D. 1602

Comes from the House, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

On motion by Senator **HAMPER** of Oxford, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Provide Flexibility for Education Technology Programs in Maine Schools" (EMERGENCY)
H.P. 1106 L.D. 1603

Comes from the House, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

On motion by Senator **LANGLEY** of Hancock, **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed, in concurrence.

Bill "An Act To Prioritize Family Members as Surrogates for Medical Decisions"
H.P. 1108 L.D. 1607

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

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

Resolve, To Amend Authorization To Sell Certain Property in Augusta
H.P. 1107 L.D. 1604

Comes from the House, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed.

On motion by Senator **DAVIS** of Piscataquis, **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** and ordered printed, in concurrence.

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Wednesday, May 17, 2017 at 10:00 in the morning.