

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

In Senate Chamber
Wednesday
March 28, 2018

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

Prayer by Reverend Elbert Brewster of Oakland.

REVEREND BREWSTER: Thank you so much for inviting me. This is a great honor. Let us pray. Gracious and loving God, I pray to You today that You will be here and that You will be present among us. I pray that You will bless each person here, all the men and women and all the young people who are here and gathered together today in our Maine Senate. I pray that You will give each one of our Senators, the women and the men who share themselves and their lives so deeply with all of us here in the State of Maine. I ask You to grant them a full measure of wisdom, of faith and courage and confidence as they address the issues that are presented to them today and every day. We ask, dear God, that a spirit of love and mercy and justice will guide and help each one to act in ways that promote goodness and fairness in all that they do and in all that they undertake. Finally, blessed God, we pray for the safety and the wellbeing of all of the citizens of our State of Maine today and always. Amen.

Pledge of Allegiance led by Senator G. William Diamond of
Cumberland County.

Reading of the Journal of Tuesday, March 27, 2018.

Doctor of the day, Romeo Lucas, D.O., of Cumberland.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Improve Public Safety through Expanded Department of Corrections Treatment, Education and Vocational Programs"

H.P. 1186 L.D. 1706
(C "A" H-653)

Majority - **Ought Not to Pass** (9 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-653)** (4 members)

In Senate, March 22, 2018, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Comes from the House, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-653)**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Modify the Number of Retail Liquor Licenses Allowed in a Jurisdiction per Person"
S.P. 642 L.D. 1743
(C "A" S-382)

Majority - **Ought Not to Pass** (11 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-382)** (2 members)

In Senate, March 22, 2018, on motion by Senator **MASON** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-382)**.

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

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

Senator **COLLINS** of York moved the Senate **RECEDE** and **CONCUR**.

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.

Senate at Ease.

The Senate was called to order by the President.

The Chair noted the absence of the Senator from York, Senator **DESCHAMBAULT**, and further excused the same Senator from today's Roll Call votes.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#555)

YEAS: Senators: COLLINS, CYRWAY, DAVIS, KATZ, ROSEN, SAVIELLO, WHITTEMORE, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CUSHING, DIAMOND, DILL, DION, DOW, GRATWICK, HAMPER, HILL, JACKSON, KEIM, LANGLEY, LIBBY, MAKER, MASON, MILLETT, MIRAMANT, VITELLI, VOLK, WOODSOME

EXCUSED: Senator: DESCHAMBAULT

8 Senators having voted in the affirmative and 26 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **COLLINS** of York to **RECEDE** and **CONCUR FAILED**.

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

Joint Resolutions

The following Joint Resolution:

H.P. 1313

**JOINT RESOLUTION
RECOGNIZING SUNSHINE WEEK, MARCH 11-17, 2018**

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

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

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

WHEREAS, we celebrate open government and recognize its importance in developing how people who believe in democracy think about transparency and its role in government, leading to the adoption of our own Freedom of Access Act; and

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

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

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to recognize Sunshine Week during the week of March 11-17, 2018 and confirm the basic principles of an open and accessible government in a free society and urge all citizens to join in this observance.

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

The Joint Resolution was **READ**.

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

Senator **KEIM:** Thank you, Mr. President. Sunshine Week is a national initiative that's meant to educate the public about the importance of open and accessible government. This initiative emphasizes the value of each individual's right of access to public records and government meetings. Open government is important, most important perhaps, to maintain and foster people's trust and confidence in their government. The citizens of Maine elected us to serve their interests and we ensure that we are conducting their business in a highly transparent and accessible way when we remain faithful to this idea of Sunshine. So in passing this Joint Resolution we, as members of the 128th Legislature, confirm the basic principles of open government. While Sunshine Week is observed for only seven days, it is up to us to keep this sun shining on Maine government all year round. Thank you.

The Joint Resolution was **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1317

**JOINT RESOLUTION
TO REAFFIRM FRIENDSHIP BETWEEN
MAINE AND TAIWAN, TO ENHANCE BILATERAL
RELATIONS AND TO SUPPORT TAIWAN IN THE
INTERNATIONAL COMMUNITY**

WHEREAS, the United States and Taiwan, the Republic of China, share a most important relationship, marked by a mutually beneficial partnership and supported by our common values of freedom, democracy, rule of law and a free market economy; and

WHEREAS, Taiwan's President Tsai Ing-wen has worked tirelessly to uphold democratic principles in Taiwan, ensure the prosperity of Taiwan's 23,000,000 people, promote Taiwan's international standing, further improve relations between the United States and Taiwan and maintain peace in the Asia-Pacific region; and

WHEREAS, the United States, and in particular the State of Maine, and Taiwan share a historically close relationship marked by strong bilateral trade, educational and cultural exchange, scientific and technological interests and tourism; and

WHEREAS, the United States ranks as Taiwan's 2nd-largest trading partner and Taiwan ranked as the 10th-largest trading partner of the United States in 2017, with bilateral trade in goods and services from January to November 2017 between the United States and Taiwan amounting to approximately \$62,400,000,000, and that trade has created or supported at least 322,728 United States jobs, according to the United States Department of Commerce; and

WHEREAS, New England exported more than \$1,000,000,000 in goods to Taiwan, of which Maine exported \$95,800,000 in goods, mostly computer and electronic products, machinery, fish and marine products and paper, making Taiwan Maine's 5th-largest export market in Asia in 2016, and Taiwan and the United States seek to increase trade and investment through bilateral agreements, which will result in greater exports from Maine to Taiwan; and

WHEREAS, Taiwan has established reciprocal driver's license agreements with 25 states across the United States, including Massachusetts, thereby facilitating and streamlining the license conversion process and providing citizens of Taiwan and the various states with the ease and convenience of being able to drive within Taiwan and the respective jurisdictions; and

WHEREAS, Taiwan is the 18th-largest global market and its inclusion in international organizations such as the World Health Organization, the International Criminal Police Organization and the International Civil Aviation Organization is in the best interest and important to the safety of the international community, as Taiwan is a key transport hub for international air travel and a large flight path in the Asia-Pacific region remains under Taiwan's jurisdiction, and Taiwan's inclusion in the United Nations Framework Convention on Climate Change is necessary in the global effort to combat climate change; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the Second Regular Session, on behalf of the people we represent, reaffirm the friendship between Maine and Taiwan, the Republic of China, and we continue to support efforts to further strengthen United States-Taiwan and Maine-Taiwan trade and investment relations and support Taiwan's participation in international organizations and agreements, including the World Health Organization, the International Criminal Police Organization, the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable Donald J. Trump, President of the United States, the members of the Maine Congressional Delegation, Governor Paul LePage, President Tsai Ing-wen of Taiwan and Scott Lai, Director-General of the Taipei Economic and Cultural Office in Boston.

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

READ and **ADOPTED**, in 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.

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

ORDERS

Joint Order

Expressions of Legislative Sentiment recognizing:

The Erskine Academy Girls Junior and Varsity Basketball Teams, of China, which won the American Cancer Society Coaches vs. Cancer Shooting Challenge Trophy by placing first in the Nation from among 323 participating high schools. The team raised \$10,000 to fight cancer, about \$3,000 more than the next best team. Members of the teams include Tori Grasse, Parker King, Joanna Linscott, Lauren Wood, Lydia Boucher, Alyssa Savage, Bailey Cloutier, Summer Hotham, Liz Sugg, Hunter Hoague, Jordan Linscott, Ariel Stillman, Makenzi Strout, McKayla Doyon, Alyssa Hale, Bella Bishop, Maddy Boynton, Keara Doughty, Mercedes Tibbetts, Summer Hotham, Julia Basham, Madyx Kennedy and Chiara Mahoney; managers Annemarie Allen, Courtney Paine and Lydia Gilman; assistant coach Meghan Hughes; and head coach Mitch Donar. We extend to all the members of the teams our congratulations and best wishes;

SLS 776

Sponsored by Senator KATZ of Kennebec.

Cosponsored by Senators: BELLOWS of Kennebec, DOW of Lincoln, President THIBODEAU of Waldo, Representatives: BRADSTREET of Vassalboro, POULIOT of Augusta, SANDERSON of Chelsea, THERIAULT of China, ZEIGLER of Montville.

The Joint Order was **READ**.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, we are all proud to have visit us here in this Body successful athletic teams from our districts, I'm no exception to that, teams that have gone on to win regional titles, State titles. But I want to suggest to you this morning that the most inspirational high school basketball team in the state did not play - even play in the State championship game. In fact, they didn't even make the tournament. The Erskine girls team accomplished something far more significant than that. These girls participated in something called the American Cancer Society Coaches vs. Cancer Shooting Challenge, which takes pledges for every free

throw made and every 3-pointer made. They're not unique in that. I'm sure that many other schools in our districts participate in that same challenge and it's, obviously, a great cause. But what's unique about the Eagles, they ended up raising \$10,000. There were 323 high schools in the country which participated in this endeavor and they finished number one in the entire United States of America. According to their American Cancer Society spokesman, it wasn't even close. He said, 'No single school, college or high school, has ever raised this amount of money in a single campaign.' I know the coach of the team, Mitch Donar, well. Watched him grow up. Used to play basketball with his father. Coach Donar and the team had some special significance in all this because Mitch lost his Mom to cancer last fall and the team took this on as really a special challenge. So they have accomplished something I would suggest is more, far more, significant than many other groups that have gone on to greater athletic success. So it's my honor to have - to introduce to the Senate, Mr. President, the Erskine Girls Basketball team, Coach Mitch Donar, and Assistant Coach Meghan Hughes and offer them the congratulations of the Senate. Thank you, Mr. President.

The Joint Order was **PASSED**.

Sent down for concurrence.

THE PRESIDENT: The Chair is very pleased to recognize some amazing folks from Erskine Academy, the coaches and members of the Junior Varsity and Varsity Girls Basketball Teams, along with their coach. They are the guests today of the Senator from Kennebec, Senator Katz. Would they please all rise and accept the congratulations of the State Senate.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Encourage New Major Investments in Shipbuilding Facilities and the Preservation of Jobs"

H.P. 1227 L.D. 1781

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-685)**.

Signed:

Senators:

- DOW of Lincoln
- CUSHING of Penobscot

Representatives:

- TIPPING of Orono
- BICKFORD of Auburn
- GRANT of Gardiner
- HILLIARD of Belgrade
- POULIOT of Augusta
- STANLEY of Medway
- TEPLER of Topsham
- TERRY of Gorham
- WARD of Dedham

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

Signed:

Senator:

- CHENETTE of York

Representative:

- COOPER of Yarmouth

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-685)**.

Reports **READ**.

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

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

Senator **VITELLI:** Thank you, Mr. President. I wish to speak to this motion.

THE PRESIDENT: The Senator may proceed.

Senator **VITELLI:** Thank you. Mr. President, Bath is known as the City of Ships. The shipbuilding tradition is not just an important part of our history in the mid-coast but is integral to who we are, what we do, and what keeps our economy going. In the heart of Bath's shipbuilding tradition lie the workers at Bath Iron Works. BIW workers are world renowned for their high quality work and for building strong, robust vessels. There is a reason that the sign above the south gate entrance to BIW reads 'Through These Gates Pass The Best Shipbuilders In The World,' because it is true. By investing in the training and wages of workers, BIW has earned a well-deserved reputation. If they are to remain successful BIW must continue to invest in their workforce.

This bill is a workforce bill. It is a jobs bill, one that will help protect good paying jobs for the future of our state. But much like the rest of the state, BIW is facing some significant challenges due to demographic changes and wide spread workforce shortages. To start, BIW's workforce is aging. In the past five years about 2,000 workers have retired and this trend is only expected to continue at the same rate over the next five years. Since the skills involved in these jobs are so specific to shipbuilding, they are not easily filled without substantial training,

which can be both time consuming and costly. BIW has already taken productive steps to mitigate the impending shortage of trained workers. In December, BIW announced a new partnership with Southern Maine Community College and the Maine Quality Center's program to develop a new training program for 90 individuals. This program simultaneously seeks to address workforce shortages and give folks the skills for the jobs available. It gives passionate and motivated young people a pathway to financial stability and a successful future and it boosts the overall skill level of our manufacturing sector.

Over the past few months I've had the opportunity to talk with a number of my constituents, including union leaders and workers, about what BIW means to the families and the overall Bath community. To start, more than 5,000 Mainers depend on the good paying, union wage jobs at BIW to provide for themselves and their families, including 1,100 of my own constituents. These are jobs that pay above average wages, allowing employees the ability to support their families and contribute to their community. Their earnings are spent in local restaurants and shops all along Main Street and eventually make their way back into the local economy.

While BIW is not likely to close overnight without this tax credit, the aging demographic and the worker shortages could hinder their ability to win contracts and maintain their workforce. This slow decline in capability and capacity could erode BIW's ability to successfully bid on jobs of any kind.

I want to thank the members of the Taxation Committee for their diligence in working on this bill. They improved this bill tremendously by increasing the reporting and accountability required for earning the tax credit, reducing the amount and length of time for which the tax credit is available. The amended bill also stipulates that BIW must invest \$200 million of their own funds on upgrades and workforce development to remain eligible for the tax credit. This bill has sparked an important conversation about how we hold companies accountable when they receive public investments. It is one that we needed to have. I believe this bill strikes the right balance and lays out a partnership between the State and BIW and I urge your support of this motion. Thank you, Mr. President.

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 Androscoggin, Senator Brakey.

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion before us today and I just want to share a few thoughts. I think that every single person in this Chamber, I think every person in Maine, is incredibly proud of the work that takes place at Bath Iron Works. As the old saying goes, we all know it to be true, Bath built is best built. So long as our nation needs ships I think we all want to see them coming out of right here in Maine. I just want to address, very quickly, I think some of the concerns I think we've all heard in some of the halls, the halls here. You know, some call this bill corporate welfare. As someone who has been very much myself a strong critic of corporate welfare and who has reviewed this bill extensively, I just want to speak very briefly to why I come to a very different conclusion. Maybe the original bill, which included a refundable tax credit or refundable tax credit meaning Maine people,

essentially, money would be coming out of Maine people's pockets and going to this company, maybe you could have made an argument then. But this committee amendment removes that piece of that bill. It removes the refundable portion of this tax credit. All that we would be doing, if we pass this legislation, is we would be taking less money from Bath Iron Works. We, the government, would be taking less and would be leaving more in this important company for our State of Maine and for so many workers of Maine. So I'm proud to support this legislation today. I think it is a great step in the right direction, to take less money from Maine businesses. Thank you very much.

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

Senator **CHENETTE:** Thank you, Mr. President. Men and women of the Senate, I want to preface my comments by saying General Dynamics is in my district and, as I've said in committee, the workers at BIW are truly the best in the world. But that doesn't mean we have to turn a blind eye or write a blank check just because of that fact. As a member of the Taxation Committee, I asked numerous questions to obtain baseline financial information. In fact, I asked on five different occasions for financial information to determine financial need. The company refused to answer. We asked, 'How will they spend this money?' We get varying answers depending on the day and who we talk to. One day it's for workforce development for the existing workers. The next day it's to construct new buildings. I don't know how anybody in this Chamber can make informed decisions without the facts. To me, I wouldn't be doing my job in due diligence as a legislator if I just took what a lobbyist presents at face value. They have clearly not demonstrated financial need. In fact, their parent company, Mr. President, made \$3 billion in profits just last year alone. For me, if you're making \$3 billion in profits you aren't the one who needs a break. If your CEO is making \$20 million a year, you are not one who needs the break. To me, I actually find it offensive to suggest they're the ones who need a handout. To me, this feels a little like highway robbery. A corporation is writing a bill that benefits themselves. That is not how this Legislature should work. To me, the Legislature is being held hostage. Just because a corporation says jump, we do not have to say how high. This is not the Oprah Winfrey Show. Not every corporation needs a handout. Where is the line in the sand, Mr. President? If Walmart comes before us and says 'We want \$45 million or \$60 million or \$100 million just because' are we going to grant that? This sets a very dangerous precedence where basically for 'just because' we can just dole out taxpayer dollars. That is not why we are here. Make no mistake, this bill isn't designed to create jobs. In fact, if there is a loss of hundreds, or thousands, of jobs, we are still providing taxpayer funds to fund this tax credit. So to recap, I like bullet points, this tax break doesn't create jobs. We don't know how they are going to spend it. The parent company has already committed to spending at least \$100 million without this tax break, so they are taking some of their \$3 billion in profits from last year so this isn't needed. No financials have been provided to determine the financial need and there are better ways, Mr. President, of investing \$45 million in economic development. So I urge this Body to reject this blatant attempt at corporate welfare. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the pending motion and I think, not having anything prepared, just a lot of thoughts running through my head about this, but we talk about corporate welfare and I certainly don't support giving corporate welfare unless we know what it's going to do for the people in the State of Maine. This is a case that I don't believe it is corporate welfare. What I do believe is it's investment, continued investment, in jobs in this state. Not only is it jobs, it's good jobs. It's the type of jobs that I wish we had more of around the state. I know a lot of people that work at Bath Iron Works and they're great men and women. They provide good lives for their families and it's the type of jobs that I wish that I could say that we had more of and all across this state. You know, we do, we do give tax breaks, unfortunately, to out-of-state corporations, sometimes out-of-country corporations, that I disagree with wholeheartedly. But this is a case that it's a place that's been a long time business in Maine. It's provided jobs for a lot of people in Maine and they're the type of jobs that we should be fighting more and more for in this state. Providing health insurance; providing, you know, good pay; benefits. We don't have enough of that and I'm not willing to gamble that a small investment to keep this facility in the State of Maine for the next 15 years, I'm not willing to gamble on if they're going to be able to make do without that. So this is something that, you know, I am very much in support of. I think if we had more opportunities to invest in companies that provide these types of jobs to people in the State of Maine we'd have an even better economy than we do right now. So with that, I'm certainly glad to support this motion. I thank all the committee members that worked on it to make it so much better, and that was all 13 of them, because I do think the original bill had some flaws in it. This one is much better than what it came in with. So I thank the Tax Committee for their work and look forward to ultimate passage.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of this motion. As a member of the Taxation Committee, I listened to what was a very interesting and thought provoking public debate on this. What struck me, Mr. President, is that this was not a partisan issue, as my colleague from Aroostook just rose and spoke about the net effects on our economy, on jobs for Mainers, many of them that are far from his district, but he believes strongly in this State, as I do, and I'm honored to stand up and lend my voice to a bi-partisan effort like this with people I respect on the other side of the aisle. I think, Mr. President, that when we look at this in the context, this is a tradition that has served Maine well. We have been proud to contribute to our nation's defense through the efforts of the hardworking people at Bath Iron Works. Yes, they are owned by an out-of-state company, but it's through no fault of Bath Iron Works that they became successful and attractive to a major company like General Dynamics, and I think what we have to reflect on, Mr. President, is this is a very narrowly focused industry. It provides vessels for our national defense needs and that means that the majority of the money paying for this comes from us, as taxpayers. So when we reduce

the potential cost of producing one of the Navy's newest vessels, we actually help the taxpayers of this state and our nation. I think, Mr. President, when I look at the people who came forward, that supported this bill - yes, there were people from Bath Iron Works but there were also very proud members of the unions that represent the many Mainers who work there. There were very cautious protocols that were put into this bill to assure that jobs and the ability of Maine workers to continue to work there are tied to the tax incentive. So with that, Mr. President, I would encourage my colleagues on both sides of the aisle to follow the pending motion and move this forward. Thank you for your time, Mr. President.

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

Senator **CHIPMAN:** Thank you, Mr. President. Men and women of the Senate, when considering this bill there are three factors that I wanted to look at, that I have looked at. The first is: does the company need the money? Does this company need this tax break in order to stay in business? I've become convinced through debate today and debate we've heard in caucus and leading up to today that they do not need the money. This company is very, very successful. Not only are they in the Fortune 500, they are in the top 100 of Fortune 500 companies in this country. So they do not need this tax break in order to stay afloat. That's for sure. The third - the second factor that I looked at and the question that I asked this morning is: what do we get for this \$45 million? What do we get for economic development? What do we get for new jobs? The fact of the matter is they will continue, if we pass this today, which I hope we don't, to get this tax break even if they do not create one additional new job, and I find that really troubling, that we don't get any new jobs out of this because I grew up in this area and I'm very familiar with this company and at one point they had over 12,000 employees. Now they've got 6,000 or 7,000 employees. So I was hoping that if we were going to give them a tax break we'd get another 500 or 1,000 jobs over the term of this tax break. Something for a return for what we would be giving them if this motion passes. The third, which I cannot ignore as a member of the Health and Human Services Committee, which I serve on with my good friend from Androscoggin, Senator Brakey, and Senator Hamper, is the unmet needs in this state. The needs that we're not meeting. The fact that we've got 40,000 children living in poverty in this state, 20,000 living in deep poverty in this state, and how we could use this \$3 million a year, that's \$45 million, to help alleviate that poverty. The things that we could do to address the opioid epidemic. The substance abuse treatment that we need to provide to people that they're not receiving. The list goes on and on. I was reflecting on the debate that we heard yesterday from my good friend, Senator Brakey, when we were talking about, compared to this bill, a measly \$700,000 for Maine's Clean Elections Fund and the unmet needs in the state that he talked about in that debate and we could meet those needs. There's a lot more we could do with \$45 million. So I just cannot, and I hope you will not, in good conscience vote for this. I can't in good conscience vote for this and I hope that you will vote no. 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 walked into the Chamber this morning undecided on this bill, having not slept particularly well last night and having read more and thought more and talked with more people about this bill than any other in my short tenure in the State Senate. Like several of my colleagues, I find a very powerful argument that committing \$3 million a year in advance, admittedly with conditions, to Bath Iron Works, a wholly owned subsidiary of a large defense corporation with \$3 billion in profits last year, is not the highest and best use of our public funds. I asked a colleague yesterday, I believe: how much money is there on the Appropriations Table now for bills for much needed programs that are sitting on the Appropriations Table? This colleague replied: tens of millions, no actually hundreds of millions of dollars. Education initiatives. Vital skills training programs. Much needed funding for healthcare and wages for healthcare workers. Housing for seniors. Opioid addiction recovery programs. Bonds for transportation and other essential infrastructure. There are other investments that actually aren't on the Appropriations Table, at least not yet, and I would cite early childhood programs, particularly universal access to pre-K, which I hope will become a reality within the next year or two. Greater investment in business and job development for small businesses in our state. Healthcare and reinvestment in our public health infrastructure. In a final analysis whether to vote for the BIW tax credit, however it comes down to a question of whether we support the hardworking men and women whose jobs in the yard and whose families depend on whether or not there is work for BIW. Despite serious reservations, I will be voting to support L.D. 1781. I'd like to make one more point, and for me it's a very important one, and if I am fortunate enough to be back in this Chamber next year I will be talking to each and every member about this, those of us who support this bill also have a deep responsibility to support the priorities and the programs, some of which I've mentioned, which constitute critical investments in our state's future. I acknowledge, and you too must acknowledge, ladies and gentlemen of the Senate, that there will be \$3 million less for these priorities available if the tax credit is granted, for the kinds of programs that are vital for our children, our families, our environment, and our state. I will vote yes and then I will work even harder to help develop and fund the critical initiatives and programs that will ensure a bright future for our children and for our state. Thank you, Mr. President.

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

Senator **BRAKEY**: Thank you, Mr. President. I'll keep it brief since I'm rising for a second time, but I just want to respond to some of the arguments made. You know, I've heard it called that we are doling out money from the taxpayers to this private company. I strongly contest that characterization of what this bill does. If this legislation was transferring money from taxpayers to a private company then that would be corporate welfare and I would be standing side-by-side with my colleagues from York and Cumberland County to oppose it. But this is simply allowing BIW to keep more of what the company earns, that they themselves earned, so they can reinvest it in our economy. I heard the question raised from my colleague from Cumberland: does this company need the money? Well, it's their money. Who are we to decide what they need or don't need? Do any of us need our own money that we earn? No, it's your money and you should be able

to decide what to do with it. So, again, this is their money. We're just letting them keep more of their own money so they can reinvest it in our own economy, hopefully create some more good paying jobs and some more good opportunities for Maine people along the way. Thank you very much.

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

Senator **GRATWICK**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the current motion. Just a very personal note, over the time I've been here my opinion and my perspective on tax policy, indeed on tax credits, has really changed. It would seem to me they're very much political. They're emotional kinds of decisions, not based on data. I have three things that I think are important about this. The first is that virtually all economists agree that tax incentives of this variety do not promote economic growth. They can be divorced from the reality. They can make it easier for companies to make decisions which are not in their best business interest and with very good data, both here and in Europe, that these kinds of incentives do not work. One. Two, once you put a tax incentive into place it's virtually impossible to get rid of it. All you have to do is look at what we see right now. It's virtually impossible to get rid of this and we are going to be faced with this next year, next year, ten years from now. The same thing. Oh, we've had it forever and we have to continue, and I think this is a bad basis of tax policy. The third, and I think we should be talking more about this larger issues, I suspect most people are aware that the best tax policies are based on a very broad based tax, very low rates. Everything we do gets taxed at a very low rate. That promotes economic growth. This is not a pattern, a proposal, for economic growth. As we've seen, there's no data at all, period, zero, to support this. There's a motion to support it. We shared the motion a great deal, but this is not good policy. I urge people to vote against this. Thank you, Mr. President.

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

Senator **DOW**: Thank you, Mr. President. I just wanted to address the Chamber on this issue. I think we all have the same goals in this State. We all want to provide for the wants and needs of all our people, of all groups, no matter what their economic status; and some need more help than others. I just have a different way of getting there. That's why I keep promoting business and I want to talk about some business generalities which I think this bill applies to. I don't consider it corporate welfare to invest in a company to help improve the company. I think it keeps it alive. I think it keeps it vibrant. I think it does for any company.

I started out with one employee and I'd have insurance people come around and say, 'Hey, you want to buy health insurance, but you've got to cover all your employees;' and they'd say, 'How many employees?' I've got one right there. They'd look and say, 'Well he's not part - he's not full time, is he? If he's part time, he doesn't have to be covered.' I said, 'Oh no. He's not full time. He only works six days a week.' You know, but that's the type of things that I went through to move a company through investment. Investing in the economy, investing in my community, in order to do these things so that I could have - become a little bit larger small business with 20 employees. Not

a powerhouse. But we're asking that when we're asked to help out a company that has 5,700 employees, maybe we'd take a different tactic. I don't know. I just know that I want to help all of the people in this State that you also want to help, and I think the only way to get there is to make this State an economic powerhouse, and we haven't been for decades.

Since 1970 we've been on a population route for this State which is up and down, up and down. Basically, stagnant. We've lost tens of thousands out of northern Maine. Why? That's what you have to ask yourself. You have to ask yourself these questions. Why? Why are we the oldest state? Do we somehow defy the health laws of the rest of the country and our citizens grow faster, older – older and faster than anywhere else in the United States? No, we're older because we've had a certain demographic population which has left the State. All over the country school districts are declining in enrollment. We're not the only ones, but we're declining faster than the rest. You have to ask yourself: why? What's happened to them? Do those students magically grow older quicker in our State than any other state or have they moved out with their families as businesses have moved out?

When it comes to making decisions on what we ought to do with big businesses or our programs, maybe we should have asked ourselves - the companies are right when they tell us, back in history, not to take the BETR money that we promised to give them back in tax refunds and use it for other things in our budgets. We took their money so they couldn't make investments in new equipment. That's partially responsible for some of the paper mill closures – partially responsible because the ones that are still active, or that are starting back up, are making big investments in equipment. I keep trying to point out that we need to do more investing in this State in order to keep more people here, put more people to work, make more stable companies, companies that not just hire people and pay a below New England average wage or below average national wage, but companies that can pay equal or above, companies that can add health insurance. I know the big companies do, but I didn't have it at one time. I added it because as I invested in my own company and became a more stable company, I could add health insurance for my employees. I could add a retirement plan. All due to investment. All due to sacrifice of investing. You can't run a V8 engine on a mixture of gasoline and water. You can't expect a workhorse to work on oats and sawdust. We've got to do the best we can to improve things in this State, and I just have a different way of doing it - not by giving money directly to social programs but by building up the economy of this State so that we take in more tax money automatically through income and sales taxes so that we have more available for all of these programs. That's why I speak continuously about the way I do about supporting and investing in our businesses. It's all about jobs.

It's all about good paying jobs that return monies to the State for our programs. It's all about building up companies in the State that we can be proud of in our communities. And so it doesn't matter whether it's a Bath Iron Works bill to me or any other investment opportunity we have a chance to do in this State. I'm going to support it because I believe that's the best means that drives long-sustaining economic power. And with that, I thank you, Mr. President.

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

Senator **CARPENTER:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I absolutely agree with my good friend from Lincoln County, Senator Dow, that we need to invest in the people of Maine and I think that there's an absolute role for government to invest and to help companies, especially companies who create jobs, good jobs, good paying jobs, jobs with benefits. However, when I look at the corporate structure here, I can't support the current legislation. There's no suggestion that I'm aware of that this company, or the parent company, is in need of this investment. If there was a suggestion that they were about to start shutting jobs, don't anybody say they can't compete with Ingalls because we know what the sign at Bath says, and the whole world recognizes the finest shipbuilders in the world. There's no suggestion that this company, somehow, is going to pull out or cut back or not be able to expand. They've already committed to a huge expansion. So if this were a company that was struggling, were providing these kind of jobs with the, you know, possibility of layoffs or cutbacks or something, that would be a whole different story. This company is exploding with money. How much is too much? So I would end my comments by posing a question. A really sincere question. I ask somebody to tell me: how much, if General Dynamics made \$3 billion in profit last year, which I guess is the accepted figure, given the tax cuts that just came through the Congress, \$1.3 trillion in tax cuts, how much money, additional money, is that going to save General Dynamics in the upcoming year? I really would ask if somebody could answer that question for me. Thank you.

THE PRESIDENT: I think the Senator from Aroostook, Senator Carpenter, you've posed a question through the Chair to anybody who wishes to answer. The Chair recognizes the Senator from Lincoln, Senator Dow.

Senator **DOW:** Thank you. It's a very good question. It's a question I can answer about my own financials at my company. Asking a question about these major, major companies in the country - you know what? I don't have the answer to that. I don't know whether they need it. All I know is – just looking at some information that the Bangor Daily News published a year ago, all I know is what the other side did; and I'm trying to offer something to be competitive. But the Bangor Daily News reported on March 8, 2017 in an article that, according to a website, Huntington Ingalls received 45 million in state aid in 2016. They received 20 million in 2015, 56 million in 2008 and in 2008 – and \$40 million in 2004. I do know that they operate on a piece of property provided by the State about four or five times the size of Bath Iron Works and they pay the State \$130,000 a year for this property rental, and I believe that BIW pays 5 million a year in property taxes to the City of Bath. So I cannot answer because I don't have the financials. And they're not going to release them and the reason they're not going to release them, any of the companies, is because it gives the other side a competitive advantage over bidding for the projects that they're under.

So the Senators, both Senators, raise a good point; and we won't know the answers. All we know is what the other states are doing; and I'm not willing to risk that if we don't do it, too, that just because they build the best ships in the world they're going to be around. It all has to do with how much profit a company makes as to whether they're going to be around or not. And it's not true about - I'm looking at just Bath Iron Works. I'm not looking at any parent companies that own them because the parent company

that owns any company looks at their subsidiary as - are they profit making or not? Are we going to keep them or jettison them? I'm not willing to take that risk.

So I can't answer your question directly. I can only point out this is what other states have done and I don't know what else to do except to follow suit because the risk is too great.

THE PRESIDENT: The Chair recognizes the Senator from Aroostook, Senator Jackson.

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I, too, can't answer the question brought up about what the benefits are with the federal tax plan, but what I do know is that I have worked with the leadership at Bath Iron Works about training programs and things like that. I think they've tried hard to reinvest in the State of Maine and I've certainly worked with the union leaderships there and they have, you know, done a lot to try and stay more competitive with other facilities in the United States. What Senator Dow just said, I think that's the point. I don't want to risk losing out a major employer in this state that provides those good jobs to another state. I think that, overall, the investment here is smart to keep a company that provides so many good jobs. I did want to say, you know, looking at this whole thing about tax policy and tax incentives, I mean, I wish we could stay consistent. I think, for me, it's very clear in this regard. Is it a company that's invested in Maine? I would say that, in my mind, I'm not talking about General Dynamics here. I'm talking about Bath Iron Works, somebody that I've known and somebody that, you know, is iconic in this state and somebody that has been very well rooted here in this state. Are they investing in the state? Are they providing Mainers with jobs and are those jobs good jobs? I can say yes to all those. So while I may have some reservations, some concerns, for the most part I feel comfortable that hard earned taxpayer's dollars is going to reinvest in this state and keep this economy going. I will say that other tax policies that we have in the state, many times I don't see where the benefits are. We give money to out-of-state corporations, we give money to out-of-country corporations, that don't provide jobs for Mainers and people say, 'Well, that's investment and we've got to do that.' I don't agree with that. I push back on that. I say that that is bogus. But in this case all boxes are checked for me, that this is a smart investment in our economy, in Maine's economy, and that's why I'm supporting it today.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. A roll call has been ordered. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#556)

YEAS: Senators: BRAKEY, BREEN, CARSON, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DOW, HAMPER, HILL, JACKSON, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MASON, SAVIELLO, VITELLI, VOLK, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CARPENTER, CHENETTE, CHIPMAN, DION, GRATWICK, MILLETT, MIRAMANT, ROSEN

EXCUSED: Senator: DESCHAMBAULT

25 Senators having voted in the affirmative and 9 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED.**

Bill READ ONCE.

Committee Amendment "A" (H-685) **READ.**

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-685) **READ.**

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

Senator **DOW:** Thank you. This is just a relatively simple amendment. MRS had a question about whether the company could use the tax incentive in Pine Tree Zones and as part of the tax incentive business incentive, and this clears up that they can't be used as a Pine Tree Zone. It can only be used as applied, which most of us assume from the Committee when we passed the bill, because MRS had questions. This codifies it so that credit can't be used in two different areas. Thank you.

On motion by Senator **DOW** of Lincoln, Senate Amendment "A" (S-425) to Committee Amendment "A" (H-685) **ADOPTED.**

Committee Amendment "A" (H-685) as Amended by Senate Amendment "A" (S-425) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-685) AS AMENDED BY SENATE AMENDMENT "A" (S-425)** thereto, in **NON-CONCURRENCE.**

Ordered sent down forthwith for concurrence.

THE PRESIDENT: The Chair is extremely pleased to recognize in the Chamber today the world's best shipbuilders. Would the employees of Bath Iron Works please all rise and accept the greetings of the State Senate.

Senate at Ease.

The Senate was called to order by the President.

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

Bill "An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups"

S.P. 721 L.D. 1888

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

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

On motion by Senator **WHITTEMORE** of Somerset, **REFERRED** to the Committee on **INSURANCE AND FINANCIAL SERVICES**.

Sent down for concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Amend the Laws Pertaining to Disability Retirement Benefits Administered by the Maine Public Employees Retirement System"

H.P. 132 L.D. 176

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-681)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-681)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-681) **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 Strengthen Crime Victims' Rights"

H.P. 1185 L.D. 1705

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-668)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-668)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-668) **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 **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, Regarding Legislative Review of Portions of Chapter 418: Maine Solid Waste Management Rules: Beneficial Use of Solid Wastes, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

H.P. 1242 L.D. 1797

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-670)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-670)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-670) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Consolidate Administration of Kinship Care and Relative Placement Issues within the Department of Health and Human Services"

H.P. 203 L.D. 270

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-673)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-673)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-673) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"

H.P. 207 L.D. 274

Reported that the same **Ought to Pass as Amended by Committee Amendment "D" (H-686)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "D" (H-686)**.

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

Bill **READ ONCE**.

Committee Amendment "D" (H-686) **READ**.

Senator **VOLK** of Cumberland requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President.

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

On motion by Senator **JACKSON** of Aroostook, **TABLED** until Later in Today's Session pending **ADOPTION** of Committee Amendment "D" (H-686), in concurrence. (Roll Call Ordered)

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, Regarding Legislative Review of Portions of Chapter 33: Rule Relating to the Licensing of Family Child Care Providers, a Major Substantive Rule of the Department of Health and Human Services, Maine Center for Disease Control and Prevention (EMERGENCY)

H.P. 1146 L.D. 1661

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-675)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-675)**.

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

Resolve **READ ONCE**.

Committee Amendment "A" (H-675) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Clarify Liability Pertaining to the Collection of Debts of MaineCare Providers by the Department of Health and Human Services" (EMERGENCY)

H.P. 1194 L.D. 1714

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-674)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-674)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-674) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Child Poverty by Leveraging Investments in Families for Tomorrow"

H.P. 1223 L.D. 1774

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-687)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-687)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-687) **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 Help Prevent Financial Elder Abuse"
H.P. 681 L.D. 968

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-599)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-599)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-599) **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 Implement the Recommendations of the Board of Dental Practice"
H.P. 1267 L.D. 1825

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-669)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-669)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-669) **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 Reorganize the Bureau of General Services in the Department of Administrative and Financial Services"
H.P. 1287 L.D. 1850

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-672)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-672)**.

Report **READ**.

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

The Committee on **TAXATION** on Bill "An Act To Provide a Sales Tax Exemption for Nonprofit Heating Assistance Organizations"
H.P. 1207 L.D. 1755

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-679)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-679)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-679) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove the Requirement That Child Care Facility Workers and Family Child Care Providers Submit to Criminal Background Checks"
H.P. 403 L.D. 561

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

Signed:

Senator:
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
MADIGAN of Waterville
MALABY of Hancock
McCREIGHT of Harpswell
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-677)**.

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

HEAD of Bethel
SANDERSON of Chelsea

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

Reports **READ**.

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to speak on the motion before us. You may notice on the divided report, there's a divided report here, between the two I moved the report that I'm not on, the Ought Not to Pass Report. I will say this bill - it should be understood the context of this is in another item which we tabled earlier in today's session, which will come up and I'm sure we'll pass. A unanimous report, I'm sure we'll pass. In light of that bill, I don't think that this legislation is necessary. My vote on the Ought to Pass as Amended Committee Amendment "A" Report was more of a vote of principle. I would urge the Body, and encourage the Body, to consider adopting the Ought Not to Pass Report before us today. Thank you very much.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#557)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, CYRWAY, DAVIS, 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

EXCUSED: Senator: DESCHAMBAULT

34 Senators having voted in the affirmative and no Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Safeguard the Rights of Private Child Care Businesses"

H.P. 811 L.D. 1148

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

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
MADIGAN of Waterville
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

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

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

Reports **READ**.

On motion by Senator **BRAKEY** of Androscoggin, 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**.

Ordered sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Ensure Sustainable Health Care Access in the Jackman Region" (EMERGENCY)
H.P. 1216 L.D. 1762

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-676)**.

Signed:

Senators:

CHIPMAN of Cumberland
HAMPER of Oxford

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HEAD of Bethel
MALABY of Hancock
McCREIGHT of Harpswell
PARKER of South Berwick
PERRY of Calais
SANDERSON of Chelsea

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

Signed:

Senator:

BRAKEY of Androscoggin

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-676)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-676) **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 Implement Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials"

H.P. 1263 L.D. 1821

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-680)**.

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

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

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

Signed:

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-680)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-680) **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 **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Eliminate Inactive Boards and Commissions"

H.P. 1286 L.D. 1849

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

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-671)**.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

Reports **READ**.

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

Same Senator requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President.

Senator **DAVIS** of Piscataquis requested and received leave of the Senate to withdraw his request for a Roll Call.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-671) **READ** and **ADOPTED**.

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

Ordered sent down forthwith for concurrence.

Senate

Ought to Pass As Amended

Senator **BRAKEY** for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Remove Veterinarians from the Controlled Substances Prescription Monitoring Program"
S.P. 629 L.D. 1730

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-422)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-422) **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 **TAXATION** on Bill "An Act To Amend the Laws Governing the Calculation of Excise Tax on Automobiles"

S.P. 623 L.D. 1687

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

Signed:

Senators:

DOW of Lincoln
CHENETTE of York

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
STANLEY of Medway
TEPLER of Topsham
TERRY of Gorham

An Act To Transfer Funds within the Department of Inland Fisheries and Wildlife

H.P. 1277 L.D. 1835
(C "A" H-647)

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-421)**.

Signed:

Representatives:

HILLIARD of Belgrade
POULIOT of Augusta
WARD of Dedham

Resolve, Regarding Legislative Review of Chapter 28: Advanced Deposit Wagering, a Major Substantive Rule of the Gambling Control Board

H.P. 1248 L.D. 1803

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

Reports **READ**.

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

Sent down for concurrence.

Ordered sent down forthwith.

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

Emergency Resolve

Acts

ENACTORS

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

Emergency Measure

An Act To Amend the Maine Criminal Code and Related Statutes as Recommended by the Criminal Law Advisory Commission

H.P. 1239 L.D. 1795
(C "A" H-650)

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.

An Act To Reduce the Cost of Care Resulting from Blood-borne Infectious Diseases

H.P. 1187 L.D. 1707
(C "A" H-604; H "A" H-648)

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

An Act To Ensure the Availability of In-person Visitation in County Jails

H.P. 972 L.D. 1414
(C "A" H-618)

An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances

H.P. 1043 L.D. 1519
(C "A" H-611)

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.

Emergency Measure

An Act Regarding Criminal Forced Labor, Aggravated Criminal Forced Labor, Sex Trafficking and Human Trafficking
S.P. 639 L.D. 1740
(C "A" S-385)

Ordered sent down forthwith.

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

Off Record Remarks

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

An Act To Ensure That Low-income Residents of the State Have Access to Telephone Services

S.P. 645 L.D. 1746
(C "A" S-390)

SENATE PAPERS

Bill "An Act To Improve Compliance with the Maine Tree Growth Tax Law"

S.P. 722 L.D. 1891

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

Presented by Senator CUSHING of Penobscot. (GOVERNOR'S BILL)
Cosponsored by Representative KINNEY of Knox.

An Act Regarding the Victims' Compensation Fund

S.P. 650 L.D. 1751
(C "A" S-386)

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

Sent down for concurrence.

An Act To Improve Marketing Efficiency in the Harness Racing Industry by Requiring Its Promotion by the State Harness Racing Commission and by Repealing the Harness Racing Promotional Board

H.P. 1220 L.D. 1766
(C "A" H-652)

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

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

ORDERS OF THE DAY

Unfinished Business

Ordered sent down forthwith.

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

An Act To Require Education and Training Regarding Harassment for Legislators, Legislative Staff and Lobbyists

S.P. 695 L.D. 1842
(C "A" S-387)

The Chair laid before the Senate the following Tabled and Later Assigned (3/22/18) matter:

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

Bill "An Act To Validate Certain Proceedings Authorizing the Issuance of Bonds and Notes by the City of Bath" (EMERGENCY)

H.P. 1270 L.D. 1828

Resolve

Resolve, To Establish the Commission on Autonomous Vehicles and To Allow the Testing, Demonstration and Deployment of Automated Driving Systems

H.P. 1204 L.D. 1724
(C "A" H-649)

Tabled - March 22, 2018 by Senator **MASON** of Androscoggin

Pending - **PASSAGE TO BE ENGROSSED** in concurrence (Roll Call Ordered)

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

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

Senate at Ease.

The Senate was called to order by the President.

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

Senator **VITELLI:** Thank you, Mr. President. I would like to just briefly address the Body on this issue. The City of Bath did make a mistake, and as a parent I don't usually like to run to the rescue of my children when they make a mistake and make it all better for them, but in this instance I think we need to make sure that the punishment fits the crime. I did run into the solicitor in Bath shortly after they discovered that they had not managed to get the full ordinance in the newspaper in the required time, the 10 to 15 days, and they needed to come up with a way of addressing that, otherwise they would be forfeiting the opportunity to submit for a significant bond process and get engaged in that for this construction season. So they asked the Legislature to, in this case, step in and validate the referendum vote that was held and was overwhelmingly supported by the citizens in Bath. So I would ask that, in this instance, the Legislature, and this Body in particular, support the validation of this bond vote that the City of Bath held, even though they were a few days late in getting the full ordinance printed in the newspaper. 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, I just rise briefly to reflect upon what we're being asked for here. I realize it's probably not as significant as an issue that came before us recently, but as a former town counselor, I do want us to reflect on the actions we're taking here. If this was truly of an emergency nature I would appreciate it, but I think there's a note of caution we need to reflect on, Mr. President. When communities fail in their duties to follow prescribed ordinances, charter requirements, or statute, to come to the Legislature to continually ask for a mulligan is something that really can be used to undercut the purpose by which we do it. I respect that the good Senator has worked on this diligently. I know the committee required the City of Bath to step through a number of hoops in order to get this done, but I just think we need to be careful that this does not become an exception that becomes the rule. So with that, Mr. President, I will not be supporting this. It's not that I don't respect that the City of Bath has had a referendum process, but I think there has to be consequences for failure for those who administer our policies that, on a municipal level, can sometimes become too lax. Thank you, Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Piscataquis, Senator Davis.

Senator **DAVIS:** Thank you, Mr. President. Mr. President, I would quite agree with the Senator from Penobscot that they did mess up and they were wrong with what they did. The city

manager came to the committee and I've got to tell you that he was very humble. He said that he had messed up. We felt much the way the good Senator from Penobscot says and, as such, we sent the city manager back to Bath. We told him to advertise it in the newspapers and to go to the city council and get them to ask us to do this, and they did and, as such, we, the committee, decided that we could go forward with this bill and I will be supporting the motion. Thank you.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed. If you are in favor of Passage to be Engrossed you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#558)

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

NAYS: Senators: BRAKEY, CUSHING, KATZ, KEIM, LANGLEY

EXCUSED: Senator: DESCHAMBAULT

29 Senators having voted in the affirmative and 5 Senators having voted in the negative, with 1 Senator being excused, the Bill was **PASSED TO BE ENGROSSED**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/22/18) matter:

HOUSE REPORT - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

H.P. 930 L.D. 1336

Report - **Ought to Pass as Amended by Committee Amendment "B" (H-605)**

Tabled - March 22, 2018 by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE OF REPORT** in concurrence

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-605) AS AMENDED BY HOUSE AMENDMENT "A" (H-637)** thereto.)

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

Bill **READ ONCE**.

Committee Amendment "B" (H-605) **READ** and **ADOPTED**, in **NON-CONCURRENCE**.

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (3/27/18) matter:

Bill "An Act To Ensure Continued Coverage for Essential Health Care"

H.P. 1015 L.D. 1476

Tabled - March 27, 2018 by Senator **MASON** of Androscoggin

Pending - **CONSIDERATION**

(In Senate, Veto Communication (H.C. 458) **READ** and **ORDERED PLACED ON FILE**.)

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in opposition to L.D. 1476 and I implore this Body to sustain the Chief Executive's veto. This legislation, while well intended, will make it more difficult for Maine people to obtain affordable health insurance that meets their unique needs. By replicating the federal mandates of Obamacare, mandating that every health insurance policy sold in Maine must cover a government approved list of preventative benefits, L.D. 1476 will increase the cost of health insurance for Maine people. This will force many Maine residents to either forgo health insurance altogether, an option made more attractive with the repeal of the penalty for non-compliance with Obamacare's individual mandate, or force these individuals to reduce their spending on other goods and services so they can afford health insurance. Either way, passage of this legislation will force Maine residents to alter their preferred spending habits to conform to what those of us in government think is best. This type of nanny-state policy is incompatible with a free society. Furthermore, supporters of this legislation have not learned the lessons from Obamacare and other failed government-run healthcare systems. Politicians and bureaucrats cannot create a system capable of providing affordable quality healthcare for everyone. Only the free market can do that by giving power to consumers to direct their own healthcare decisions. Ironically, by pricing some people out of the health insurance marketplace, L.D. 1476 will cause some Maine residents to go without access to preventative and other types of healthcare. It could also force some small businesses to either cut back on their health or other benefits or even layoff some employees. This new mandate will cause some plans to increase

co-payments and deductibles, which will cause more Maine residents to forgo, or at least delay, obtaining needed healthcare. Requiring all consumers to purchase a uniform set of preventative benefits guarantees that individuals will be forced to pay for services that they do not need and do not want. After all, individuals have unique needs, needs that change over time, and these needs cannot be met by a one-size-fits-all government mandate. Specifically, this legislation forces, for example, a 23 year old single woman to pay for breast cancer screening coverage that she may decide that she doesn't want or need at that stage in her life or forcing a post-menopausal woman to pay for contraception coverage that she has no use for. In a free market, individuals would be able to find affordable health insurance with preventative coverage that matches their own individual unique needs. L.D. 1476 moves Maine's healthcare system further away from market based decisions by imposing new mandates on health insurance plans. If this bill becomes law it will increase the price of health insurance, causing many Maine residents to drop health insurance and even avoid seeking medical care. In summary, Mr. President, L.D. 1476 will make Maine residents less healthy and less free. Therefore, I ask my colleagues to join me in sustaining the Chief Executive's veto today. Thank you very much.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this is a very important bill. It came out of the Insurance and Financial Services Committee unanimously. It was passed and then voted overwhelmingly in support in the House and I would like to briefly read you from a *Portland Press Herald* editorial which strongly supported it. Before doing it I'm going to say this will save money, not cost money. 'It would require all health insurance policies to include, without cost sharing requirement, the preventative services given an A or B rating by the U.S. Preventative Services Task Force, a long-standing independent panel of national experts in prevention in medicine that makes evidence-based recommendations. Included in the task force's recommendations are services that cover Mainers from birth to old age and which can identify health problems well before they get too difficult and too costly to treat. Immunizations and screenings for infants, children, and adolescents are included. Screenings for pregnant women, breastfeeding services and supplies make the grade, as to pap tests and screening for sexually transmitted infections and the BRCA gene mutation, which are linked to the risk of cervical and breast cancer. Blood pressure and diabetes prevention and early detection can make all the difference. Detecting cancer at its early stages, for instance, increases greatly the five year survival rate for colorectal, cervical, and breast cancer. Finding and removing pre-cancerous polyps can literally mean the difference between life and death.' The editorial concludes, 'It is clear that when more people have access to these services, and more people use them, more people will have their health problems diagnosed before they are too far along.' I urge this Body to vote for an override. Thank you.

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

Senator **GRATWICK**: Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise in support of the current motion. A few comments. The major issue before us, does prevention save money in the long run? Would you rather find your prostate cancer, your cervical cancer, breast cancer, your bowel problems early on in your life or wait until later? In the United States, as I'm sure you are all aware, we have a healthcare system that does not function very well. We do not put money into prevention. That's what this is all about. I find that I live in a rather different parallel universe than the good Senator from Androscoggin and I have a list of seventeen points of disagreement there. I shall not go through them all right now because it's getting on lunch and I don't want to get you out otherwise at supper time. Simply, I think we all have to have learned from the Affordable Care Act that prevention works. The American people, by in large, feel that prevention has been very appropriate and very successful for them. I'll simply note that this is not "government". This is not the heavy hand of government. This is, as Senator Carson just said, the United States Preventative Services Task Force. This has been around since 1984. It's under the auspicious of the DHS, DHHS. It's a voluntary group. It is not paid for by the government. This is a group of people you want to be making decisions about your preventative care. This is a group of primary care doctors, of preventative medicine doctors, OBGYN, internists, infectious disease people. If you don't believe these people, in terms of what's appropriate prevention, I don't know what authority you would go to. This is an independent panel of experts, and I think that's exactly what we need in terms of looking to the future and really saving real money, saving real lives. I think this is a very important piece of legislation and it really is bringing a certain order to medical care here in Maine. That order is sorely lacking in Washington and I think we could do a much better job and lead the way here. Thank you, Mr. President. I urge people to vote in favor of this.

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 (#559)

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

NAYS: Senators: BRAKEY, CUSHING, HAMPER, MASON

EXCUSED: Senator: DESCHAMBAULT

30 Senators having voted in the affirmative and 4 Senators having voted in the negative, with 1 Senator being excused, and 30 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Secretary will inform the Speaker of the House of Representatives of the Senate's action.

Off Record Remarks

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

PAPERS FROM THE HOUSE

House Paper

Bill "An Act To Create Fairness in Maine's Unemployment Insurance System by Increasing the Amount Paid in Unemployment Tax by Certain Employers"
H.P. 1319 L.D. 1887

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

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

This matter ordered sent down forthwith.

Senate at Ease.

The Senate was called to order by the President.

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, March 29, 2018 at 10:00 in the morning.