

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

In Senate Chamber
Thursday
April 14, 2016

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

Prayer by Senator Peter E. Edgecomb of Aroostook County.

SENATOR EDGECOMB: Thank you, Mr. President. Ladies and gentlemen of the Senate, the following is a quote by Steve Jobs, "Your work is going to fill a large part of your life and the only way to be truly satisfied is to do what you believe is great work and the only way to do great work is to love what you do." Let's be in the spirit of prayer.

Gracious God, we truly believe that great work has and will continue to be done in our State Capital. Please guide us as we craft legislation that will help the state of Maine to prosper and provide our citizens a safe and healthy life. Bless this Senate with the knowledge, wisdom, and love to make this possible. In Your name we pray. Amen.

Pledge of Allegiance led by Senator Michael J. Willette of
Aroostook County.

Reading of the Journal of Wednesday, April 13, 2016.

Doctor of the day, David McDermott, M.D. of Dover-Foxcroft.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment"

S.P. 470 L.D. 1305
(C "B" S-407)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-406)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (S-407)** (6 members)

In Senate, April 12, 2016, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-407)**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-406)**, in **NON-CONCURRENCE**.

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

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: S.C. 983

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

April 13, 2016

Honorable Michael D. Thibodeau, President of the Senate
Honorable Mark W. Eves, Speaker of the House
127th Legislature
State House
Augusta, Maine 04333

Dear President Thibodeau and Speaker Eves:

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

- L.D. 2 An Act To Authorize a General Fund Bond Issue for the Purchase and Development of the Bar Harbor Ferry Terminal as a Multimodal Transportation Facility
- L.D. 68 An Act To Authorize a General Fund Bond Issue To Attract Business by Investing in High-speed Broadband Infrastructure
- L.D. 100 An Act To Authorize a General Fund Bond Issue To Help Small Businesses
- L.D. 108 An Act To Authorize a General Fund Bond Issue for Riverfront Community Development

- L.D. 217 An Act To Authorize a General Fund Bond Issue for Development of a Multimodal Transportation Facility
- L.D. 354 An Act To Authorize a General Fund Bond Issue To Enhance Public Transportation in the Bangor Area
- L.D. 385 An Act To Authorize a General Fund Bond Issue for Improvements to Facilities at the University of Maine System Campuses
- L.D. 386 An Act To Authorize a General Fund Bond Issue To Fund Farmland Restoration
- L.D. 387 An Act To Authorize a General Fund Bond Issue To Support Agricultural Enterprises and Encourage the Use of Local Farm Products in Public Schools
- L.D. 426 An Act To Authorize a General Fund Bond Issue To Address Sea Level Rise
- L.D. 438 An Act To Authorize a General Fund Bond Issue To Invest in Maine's Rail Infrastructure and Expand Passenger Rail Service
- L.D. 628 An Act To Authorize a General Fund Bond Issue To Invest in Transportation Infrastructure
- L.D. 733 An Act To Authorize a General Fund Bond Issue To Build the Infrastructure Needed To End Hunger in Central and Northern Maine
- L.D. 747 An Act To Authorize a General Fund Bond Issue To Assist in the Creation and Retention of Jobs and Improve Access to Higher Education in Maine
- L.D. 873 An Act To Authorize a General Fund Bond Issue for Housing for Homeless Veterans
- L.D. 875 An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges, Ports, Railroads and Other Multimodal Facilities
- L.D. 924 An Act To Authorize a General Fund Bond Issue To Enhance State Parks
- L.D. 931 An Act To Authorize a General Fund Bond Issue for Research and Development for the University of Maine System
- L.D. 1099 An Act To Establish a Fund for the Operations and Outreach Activities of the University of Maine Cooperative Extension Animal and Plant Disease and Insect Control Laboratory
- L.D. 1234 An Act To Authorize a General Fund Bond Issue To Acquire the Frances Perkins Homestead
- L.D. 1334 An Act To Authorize a General Fund Bond Issue To Repair and Renovate the Former Cutler Naval Base in Washington County To Facilitate Development and Stimulate the Economy
- L.D. 1336 An Act To Authorize a General Fund Bond Issue for Maine's Community Colleges
- L.D. 1341 An Act To Authorize a General Fund Bond Issue To Improve Maine's Housing Stock and Reduce Heating Costs and Oil Consumption
- L.D. 1630 An Act To Authorize a General Fund Bond Issue for the Construction of a New Fish Hatchery
- L.D. 1656 An Act To Authorize a General Fund Bond Issue To Fund Loan Repayment Programs for Graduates in the Fields of Science, Technology, Engineering and Mathematics

This is notification of the Committee's action.

Sincerely,

S/Sen. James M. Hamper
Senate Chair

S/Rep. Margaret R. Rotundo
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 526

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

April 12, 2016

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1325, "An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road."

This bill intends to improve the discontinued and abandoned roads law. It contains some positive provisions; however it fails to include language to address a very important issue relating to public easements on discontinued roads. The bill does not address the issue of ensuring that one party is held responsible for safe travel on a public easement.

If a municipality retains a public easement on a discontinued road, in which there are legal residents abutting it, the municipality should be responsible for plowing snow and ensuring the road is safe and reasonably passable. If the municipality

does not have the necessary resources, it can relinquish the public easement and give the discontinued road to the abutting property owners.

I am concerned for Maine residents that live along these public easements. What happens when these residents are in need of first responders, but emergency vehicles are unable to come due to too much snow on the road? This important issue must be addressed.

For this reason, I return LD 1325 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Ensure a Public Process When Discontinuing or Abandoning a Public Road

H.P. 903 L.D. 1325

Comes from the House, 147 members having voted in the affirmative and 2 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#670)

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

NAYS: Senators: BRAKEY, EDGECOMB

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 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.

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

REPORTS OF COMMITTEES

House

Divided Report

Seven members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Modernize Maine's Solar Power Policy and Encourage Economic Development" H.P. 1120 L.D. 1649

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-666).**

Signed:

Senator: HILL of York

Representatives: DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
RYKERSON of Kittery

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-667).**

Signed:

Senator: MASON of Androscoggin

Representatives: DUNPHY of Embden
O'CONNOR of Berwick
WADSWORTH of Hiram

Two members of the same Committee on the same subject reported in Report "C" that the same **Ought to Pass as Amended by Committee Amendment "C" (H-668).**

Signed:

Senator: WOODSOME of York

Representative: HIGGINS of Dover-Foxcroft

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666)**.

Reports **READ**.

Senator **MASON** of Androscoggin moved the Senate **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-667)**, in **NON-CONCURRENCE**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#671)

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

NAYS: Senators: **ALFOND, BREEN, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LIBBY, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME**

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** Report "**B**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-667)**, in **NON-CONCURRENCE, FAILED**.

Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-666) **READ**.

On motion by Senator **WOODSOME** of York, Senate Amendment "A" (S-522) to Committee Amendment "A" (H-666) **READ**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#672)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **WOODSOME** of York to **ADOPT** Senate Amendment "A" (S-522) to Committee Amendment "A" (H-666) **PREVAILED**.

Committee Amendment "A" (H-666) as Amended by Senate Amendment "A" (S-522) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-666) AS AMENDED BY SENATE AMENDMENT "A" (S-522)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

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

ENACTORS

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

Emergency Measure

An Act To Amend Maine's Motor Vehicle Laws
S.P. 581 L.D. 1483
(S "A" S-512 to C "A" S-367)

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 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.

Ordered sent down forthwith.

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

An Act To Provide a Tax Reduction for Modifications To Make a Home More Accessible for a Person with a Disability
H.P. 252 L.D. 365
(S "A" S-490 to C "A" H-277)

Emergency Measure

An Act To Increase Payments to MaineCare Providers That Are Subject to Maine's Service Provider Tax
H.P. 1115 L.D. 1638
(S "A" S-521 to C "A" H-623)

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

The Doorkeepers secured the Chamber.

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

The Secretary opened the vote.

The Doorkeepers secured the Chamber.

ROLL CALL (#674)

The Secretary opened the vote.

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

ROLL CALL (#673)

NAYS: Senators: None

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

35 Senators having voted in the affirmative and no Senator having voted in the negative, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

NAYS: Senators: None

Ordered sent down forthwith.

This being an Emergency Measure and having received the affirmative vote of 35 Members of the Senate, with no Senator having voted in the negative, and 35 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

An Act To Improve the Health of Maine Citizens and the Economy of Maine by Providing Affordable Market-based Coverage Options to Low-income Uninsured Citizens
S.P. 226 L.D. 633
(C "A" S-487)

Ordered sent down forthwith.

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

Acts

An Act To Establish the Summer Success Program Fund
H.P. 286 L.D. 419
(S "A" S-491 to C "A" H-450)

An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law

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

H.P. 695 L.D. 1000
(C "A" H-110; S "A" S-494)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#675)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, 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 Morbidity and Mortality Related to Injected Drugs

H.P. 1057 L.D. 1552
(C "A" H-559; S "A" S-513)

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 just want to speak very briefly to this item which was a unanimous report out of the Health and Human Services Committee and, as currently drafted, is being paid for with existing resources. I know that needle exchange is controversial to some individuals; however I just want to share a couple of points on this. We worked with the Department of Health and Human Services on this. Got to a place where all stakeholders, including the Department, were comfortable. I just want to say, first and foremost, a needle exchange is disease prevention. A multitude of studies have shown that syringe exchange programs are associated with the reduction rates of HIV, Hepatitis C, and other injected related ailments. They also serve as an opportunity to educate consumers around drug overdose prevention and other harm reduction strategies. However, beyond that exchange, is our critical means of ushering people towards recovery and getting

treatment for their addictions. We have done a lot of work this session on trying to address the addiction problems we have in this state, the crisis we're really encountering, and this is one harm reduction strategy that has been proven effective in many other states, and, again, we're able to fund this within existing resources at the Department. I'll just state again, this was a unanimous report and I hope that this Body will adopt the measure in front of us. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is Enactment. 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 (#676)

YEAS: Senators: ALFOND, BRAKEY, BREEN, COLLINS, DESCHAMBAULT, DIAMOND, DILL, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, VALENTINO, VOLK, WOODSOME

NAYS: Senators: BAKER, BURNS, CUSHING, CYRWAY, DAVIS, EDGECOMB, MASON, ROSEN, SAVIELLO, WHITTEMORE, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, 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.

Resolve

Resolve, Directing the Department of Health and Human Services To Increase Reimbursement Rates for Home-based and Community-based Services

H.P. 605 L.D. 886
(S "A" S-520 to C "A" H-645)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#677)

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

NAYS: Senators: CUSHING, MASON

EXCUSED: Senator: DIAMOND

32 Senators having voted in the affirmative and 2 Senators having voted in the negative, with 1 Senator being excused, was **FINALLY PASSED** and, having been signed by the President, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

COMMUNICATIONS

The Following Communication: H.C. 528

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

April 13, 2016

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1602, "Resolve, To Implement the Recommendations of the Commission to Strengthen and Align the Services Provided to Maine's Veterans To Address the Transportation Needs of Maine's Veterans."

This bill would require the Department of Transportation to study the needs for local transportation services available to veterans. The results of this study would then serve as the foundation for the establishment of a pilot project whose goal would be to provide these transportation services.

I understand that veterans and military families are a traditionally under-served population when it comes to transportation access. To this end, the Department has been working with local transit providers on ways to make better use of the public transportation options that are currently available, as well as establishing new travel initiatives. The Department had already planned to determine what the need for local transportation service is to connect veterans with vital services they may need.

I am supportive of the goals this legislation is trying to accomplish. Veteran's services have remained a top-priority for me throughout my Administration. While the idea behind this legislation is well-intended, I refuse to sign bills into law just for the sake of passing new laws, as well-intended as they may be. The fact of the matter is the Department was already planning to conduct a similar study to what is outlined in this bill and implement a similar pilot project to meet the transportation needs of Maine's veterans. Simply put, this bill is redundant and is not needed to accomplish the goals set forth in the language of the bill.

For this reason, I return LD 1602 unsigned and vetoed. I strongly urge sensible legislators to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE

The accompanying Resolve:

Resolve, To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing a Pilot Project To Inform the Development of a Long-term Transportation Policy To Assist Veterans

H.P. 1093 L.D. 1602

Comes from the House, 149 members having voted in the affirmative and none in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Resolve become law notwithstanding the objections of the Governor.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#678)

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

NAYS: Senators: MCCORMICK, WILLETTE

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, and 33 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Resolve become law notwithstanding the objections of the Governor.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes"

H.P. 1154 L.D. 1689

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-671)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-671)**.

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

READ ONCE.

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

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **JUDICIARY** on Bill "An Act To Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) H.P. 1118 L.D. 1643

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** and **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-672) **READ** and **ADOPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Resolution

The following Joint Resolution:

H.P. 1164

JOINT RESOLUTION

RECOGNIZING AND COMMENDING THE UNIVERSITY OF MAINE'S WORK IN DEVELOPING A NEW VISION AND STRATEGIC PLAN FOR MAINE'S FOREST-BASED ECONOMY

WHEREAS, eighty-nine percent of Maine's land is forested, making it the most forested state by proportion in the United States; and

WHEREAS, the forest products sector plays a vital role in the economic health and future of Maine's rural communities; and

WHEREAS, fifty-three percent of the State's forestland, about 9,400,000 acres, is under 3rd-party sustainable forest certification; and

WHEREAS, Maine's forest products sector provides nearly 38,800 jobs, provides \$1,900,000,000 in employee compensation, accounts for one out of every 20 jobs in the State, provides \$1 of every \$16 of total state gross domestic product and has an \$8,000,000,000 impact on Maine's economy annually; and

WHEREAS, Maine's working forests play an important role in providing a wide array of ecosystem services, including providing for clean air, clean water, wildlife habitat and biodiversity; and

WHEREAS, Maine forests contain a large variety of tree species capable of yielding a wide array of forest products; and

WHEREAS, Maine has one of the most diverse forest products industries in the United States, with a highly integrated processing and transportation system; and

WHEREAS, Maine's 100,000 woodland owners play a vital role in the future of the forest industry; and

WHEREAS, the recent closure of 5 pulp and paper mills has had a negative effect on the people and economies of Maine; and

WHEREAS, future business opportunities in Maine's forest products sector have not been identified in a strategic context to attract major capital investments; and

WHEREAS, there is a tremendous opportunity, with vision and leadership, to encourage investment in new business and economic development opportunities in Maine's forest products sector; and

WHEREAS, action is needed to remove obstacles and encourage investment to develop Maine's future forest-based economy; and

WHEREAS, the University of Maine and the State's woodland owners, wood-using mills and businesses and loggers are working together to craft and implement solutions that will strengthen the State's economy for future generations; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, acknowledge and commend the collaboration between the University of Maine Center for Research on Sustainable Forests and representatives of Maine's forest-based industry, including woodland owners, wood-using mills and businesses and loggers, to develop and implement a strategic vision and road map to increase economic development in the State's forest products sector.

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

READ and **ADOPTED**, in concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reform Welfare by Establishing Bridges to Sustainable Employment"
H.P. 868 L.D. 1268

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-650)** (7 members)

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

In House, April 12, 2016, 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-650)**.

In Senate, April 12, 2016, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Senator **ALFOND** of Cumberland 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.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I'd like to speak a little bit about this bill so we understand what it is that we have in front of us here in L.D. 1268. We've talked about it for a long time, but it may be time to really do it. Let's fix welfare in Maine. Let's fix it so it does what it's supposed to do. Let's fix it so it can have a real impact on helping low income families, single Moms, move out of poverty permanently, so that kids are on a path to success, so that working Moms can develop skills and build careers, so that it doesn't just prop up the status quo but is an investment in a better future for Mainers. We have an opportunity to do this with this bill, to make welfare work better at what it's supposed to do, and we need to take advantage of it.

What is it that this bill does? First of all, it replaces the one-size-fits-all approach with a new structure that provides customized tracks to ensure that families get timely individualized help that they need to overcome crises, to remove barriers, and to move more reliably towards economic security and independence. It's based on an understanding of the things that drive people to welfare in the first place; crisis, domestic violence, economic volatility, lack of job training. Number two, it engages employers in a partnership with low income parents by creating a transitional job program to help people develop the skills they need to stay in the workforce. Moms receiving TANF look for work but often struggle to find a job and there are a lot of reasons for that, including a difficult job market, lack of job training, or a lack of competitive work experience. This bill would subsidize employers who provide temporary positions that would give parents the chance to work in the paid labor market while at the same time giving them that valuable job experience. Number three, it recognizes that real opportunity begins with education. The bill would increase our very successful Parents to Scholars program for parents with incomes below 150% of poverty. It gives parents who are churning in and out of insecure low paying jobs an opportunity and support to go back to school, where they can earn a degree and take steps towards greater economic mobility and self-sufficiency. Maine educational institutions like the University of Maine, Community College, and adult education programs would help identify and enroll low income parents as these Parents to Scholars. Number four, this bill makes sure that children have a secure home. Kids can't learn and kids can't succeed if they're constantly couch surfing, moving from place to place, and from school to school. This bill promotes housing stability for families at risk of homelessness by replacing some of

the cash benefit with a housing voucher. This would apply to the poorest of the poor, people whose housing costs exceed 50%. Number five, it holds everybody accountable, including government, for making the system work. It forces us to dive into the numbers to measure and report on what's working and what's not working. Those are the basic things that this bill does.

Why is it important and why do we need to do this now? Because Maine needs to change course. Compared to the rest of the nation, the wellbeing of Maine children has taken a dramatic turn for the worst. Here's what we've seen over the last five years. First of all, growth in extreme poverty. Maine has had the sharpest increase of any state in the country in the number of children living in extreme poverty. Extreme poverty has increased by 50%. Let me tell you what extreme poverty mean. It means kids living in households where the income is below 50% of federal poverty. This means a family of three living with about \$10,000 a year in family income. We've often said that no one could survive on our salary. This is exactly what we're talking about. Secondly, increasing hunger. While food insecurity has declined in the rest of the nation, Maine continues to move in the wrong direction. Maine currently has the third highest ranking in the U.S. for very low food security and the highest rate of child food insecurity in the New England. Fourth, this loss of health insurance. Since the ACA passed in 2010 every state in the nation except Maine has seen an increase in the percentage of people with health insurance. Approximately 40,000 Mainers have lost their MaineCare coverage and Maine is also the only state that has seen statistically significant increase in the number of children without health insurance.

These are troubling trends for Maine's children and they demand an immediate response. L.D. 1268 fights these trends by providing real opportunities for Maine families. Fixing these problems so parents can better provide for their kids and for themselves shouldn't be political, it should be something we can all get behind. All of these things can be accomplished without any General Fund cost. All of this can be done within the block grant funding that Maine already receives to run the TANF program. Mr. President, we can walk out of here having preserved the status quo. We can fail to address the system that we all acknowledge doesn't do nearly enough to make people self-sufficient and successful, both sides of the aisle understand that, or we can come together and do something that will really make a difference and help move Mom's and their kids out of poverty forever. I hope we take advantage of this opportunity and move Maine forward, and I urge you to support the Recede and Concur motion.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the motion to Insist on the Ought Not to Pass posture that this Chamber is in. This bill came out of the Health and Human Services Committee as a divided party line vote. I think it's useful to understand the context in which this bill has been developed in. There's been a lot of talk about welfare reform in the Legislature, both in this Chamber as well as down the hall, and there's been a lot of talk of welfare reform across the entire state of Maine. This bill, I think, is somewhat disguised as welfare reform, but what we're really talking about here is a significant welfare expansion to the cost of tens of millions of dollars for programs of questionable effectiveness. It should be noted that this money

would come from the TANF block grant, which most of the money in the TANF block grant is currently allocated and planned to be spent on programs that are proven to be effective. If we were to pass this, and take money out of the TANF block grant to pay for this, we would be taking funds and resources away from programs that work, funds for our foster children, funds for the Earned Income Tax Credit, and many other programs that this Chamber has supported. I would encourage us to adopt the motion to Insist. Let's maintain those resources for programs that work, not programs of questionable effectiveness. Thank you very much, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alford to Recede and Concur. 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 (#679)

YEAS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR FAILED**.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce the Liability of Maine Taxpayers by Aligning Maine's Welfare Programs with Federal Law"

H.P. 1107 L.D. 1631
(C "B" H-652)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-651)** (7 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-652)** (6 members)

In House, April 12, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-651)**.

In Senate, April 12, 2016, on motion by Senator **BRAKEY** of Androscoggin, the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-652)**, in **NON-CONCURRENCE**.

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

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

Senator **ALFOND** of Cumberland 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.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#680)

YEAS: Senators: **ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO**

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

15 Senators having voted in the affirmative and 20 Senators having voted in the negative, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR FAILED**.

Senate at Ease.

Senate called to order by the President.

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

Senator **HASKELL:** Thank you very much, Mr. President. I would like to speak, since we are speaking about Insist. I'd like now, I'd like to have you understand something about the motion that is in front of you now. Basically, what this does is establish a fund for the payment of federal fines for non-compliance with federal work participation requirements related to TANF and Aspire programs. It requests an appropriation of somewhere over \$1 million for that purpose. It, unfortunately, is based on a mistake in our argument that we must take action now to meet federal work participation rates. It's substantially reduced access to the Parents as Scholars program by unreasonably requiring full time participation and federally countable hours in addition to school, study, and single parenting. Currently education only accounts towards the federal rate for the first 12 months of school. It essentially eliminates all the good cause reasons for not participating in work activities, except for domestic violence, that currently protects a family from a sanction in the TANF and Aspire programs. These actions are not necessary because we are currently meeting both of the federal participation rates. No changes we make now will change any past penalties. I think the other thing we have to recognize is these are not fines for which cash is sent back to the government. These are reductions. These are for 2007 missing of the requirements. This is money that is withheld and can be recovered with effort. We have been working on that and we have worked up to the place where we are meeting both of these federal requirements.

L.D. 1631 would deny access to Maine's nationally recognized Parents as Scholars program and it's going to close the doors that we talked about in a prior bill, which I can't refer to. It would close those doors for single Moms who want to take steps to improve their future and it's going to undermine their dreams. Participation in Parents as Scholars would no longer be an option for parents who recognize that education is that path. In order to participate parents would be required to participate in other TANF activities for up to 30 hours a week, on top of hours that are required for school and for studying and for single parenting. That's a lot to ask for somebody, additional time on their TANF activities of up to 30 hours a week in addition to the rest. Can you imagine the kind of a job where you could participate and have to say, "Wait a minute, I've got a class on Tuesday in the afternoon." The important thing in our Parents as Scholars program is that they be able to attend their classes and succeed there. Even if it were possible, for most of these, and they are poor single Moms with young kids, it's not practical. Is this really in the best interest of those children to have them, not only during that 30 hours but during the school hours, off with somebody else other than their family?

In effect, this bill would deny the opportunity provided through higher education to parents who are looking for a way out of poverty and, thereby, denying a more hopeful future. We should be focused on opening up opportunities to families so they can find sustainable work and leave poverty and welfare behind. The consensus of the research here in Maine is that education dramatically increases wages, work benefits, and aspirations of the children who are in that household. In addition, L.D. 1631 would repeal all the good cause exceptions except domestic violence to excuse participation in the work activities even when participation is clearly unreasonable. This is fundamentally unfair.

If a parent was disabled or caring for a child with a disability she would be disqualified from all help for not performing work activities. If a Mom's car broke down so she couldn't get to work that day, she would be punished by losing the assistance that pays for her family's most basic needs. If there was a blizzard that prevented her from showing up at her volunteer site, she would be punished by losing needed help. If her toddler came down with the flu, most of you know what that's like when one of the kids is really sick, so she stayed home with them to nurse them back to health, she'd be penalized by losing help that goes towards the rent and the diapers. You can't take a sick kid to a daycare or to a facility or to another Mom's house where there are other kids. Such a policy that eliminates good cause protections would make Maine an extreme outlier among other states.

Maine does not have to make these policy changes to comply with federal requirements. Federal requirements that we are, in fact, now meeting are being used as an excuse to limit opportunity and options for families who are looking for a way out of poverty. According to the department's own data, Maine is now meeting both the all families and the two parent family work participation rates, and that's to the credit of those folks who are working hard out in the field. Maine does not need to create the fund for the payment of the fines imposed for that non-compliance. Those who want to use this as an excuse to punish poor people. I've talked about a penalty of \$28 million the State would have to pay back, and this is untrue for two reasons. First of all, the vast majority of any future penalties will be substantially reduced because we are now in compliance with both of those rates and the State does not have to pay money back to the federal government. Instead the State's required to identify additional spending in an amount commiserate with the lost federal dollars, which it can do by identifying maintenance of effort dollars that are already being identified and the maintenance of effort funds are not needed because are meeting those federal rates. The proposed trust fund, as it's called, is nothing more than a gimmick. It is one more effort to create an us against them divide between people living in poverty and others. In this case it's being used as an excuse to make deeper cuts in programs that are intended to lift families out of poverty. Our record over the last five years in raising families out of poverty is dismal with 50% more children now living in extreme poverty. It's time to reject the politics of division, change direction, and build policies that lift families and children out of poverty. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I will try to be as brief as possible in discussing this issue, which is a complicated issue and there are some facts that are in dispute. First let me just point out, this Body adopted the Minority Ought to Pass as Amended by Committee Amendment "B" Report previously, which what we are Insisting on. If you look at that, if you look back on it, you might think that it was divided among party lines, but that's actually not true. We actually had one member from the other side of the aisle who voted with us on this, but mistakenly voted for the wrong report, and he corrected that on the Floor of the House. This proposal has bi-partisan support, and the reason for that is we cannot, no matter what your party, we cannot deny reality any longer. My colleague from Cumberland says that in the TANF program we are meeting the current work participation rate. I don't agree with her that that's true. The federal

government sets a work participation rate of 50%. According to the Department of Health and Human Services we are at 19%. We have skirted by on loopholes for too long and that is why we are facing \$29 million in fines from the federal government, and we have already received the letter from the federal government telling us we have to pay back \$1 million of that to start now. We've been told for the longest time that this is never coming, that being out of compliance with the work participation rate for the TANF program, these fines are never coming. Well you know what? That letter arrived. It's here. We are being demanded that we start to pay back to the federal government. We need to understand the TANF program is a work program. We hear excuses that there may be people who can't meet the work participation rate under the TANF program. They can't work because maybe they have disabilities. Well, there are other programs for individuals with disabilities. There is a federal disability program. If you cannot work under a work program than why is it a work program? This is the federal government's standards. This is a work program and we are not meeting that standard. This is why we have bi-partisan support to try to get Maine back into the place where we are in compliance with the work requirements that federal government sets. We should not be in a situation where our work participation rate is at 19% for a work program. These reforms will get us in place, put us back in compliance with federal law so that we are not putting the Maine taxpayers on the hook for these \$29 million in penalties we're facing. Thank you very much, Mr. President.

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

Senator **HASKELL:** Thank you, Mr. President. I would request permission to pose a question through the Chair.

THE PRESIDENT: The Senator may pose her question.

Senator **HASKELL:** Thank you very much, Mr. President. I'd like to know if there is any data that shows that there's any state that has had to pay back any of these for this two family rate?

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

Senator **BRAKEY:** Thank you, Mr. President. I believe we're one of the first states to actually receive one of these letters, so while other states have been out of compliance the bills are starting to come due. We are one of the first states to receive one of these letters telling us it's time to pay the bills. We received that letter that is before us, that's a matter of dispute, that's a matter of reality.

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

Senator **HASKELL:** Thank you, Mr. President. Briefly, men and women of the Senate, this is a matter that is before Congress at this point. This two family participation rate has been in question for a long time. No state has ever met this rate and the fines are also part of the consideration in front of Congress right now. Thank you.

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 531

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

April 13, 2016

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

Dear Secretary Priest:

House Paper 1151, Legislative Document 1682, "An Act To Specify That Certain Rules Regarding Services to Persons with Intellectual Disabilities or Autism Are Major Substantive Rules," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

83 voted in favor and 66 against, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Senate Paper 617, Legislative Document 1565, "An Act To Attract and Retain Medical Examiners by Increasing the Fees for Services Provided by Medical Examiners," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the House proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

92 voted in favor and 55 against, 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 ORDERED PLACED ON FILE.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity" (EMERGENCY)
S.P. 705 L.D. 1699

In Senate, April 13, 2016, **PASSED TO BE ENGROSSED.**

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-670) AND "B" (H-673)**, in **NON-CONCURRENCE**.

On motion by Senator **LANGLEY** of Hancock, the Senate **RECEDED and CONCURRED.**

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Provide Wage Parity for Supervisors of Law Enforcement Personnel (EMERGENCY)
S.P. 585 L.D. 1523
(S "B" S-515 to C "A" S-383)

In Senate, April 13, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY SENATE AMENDMENT "B" (S-515)** thereto, in **NON-CONCURRENCE**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-383) AS AMENDED BY HOUSE AMENDMENT "A" (H-663)** thereto, in **NON-CONCURRENCE**.

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

Senator **DIAMOND** of Cumberland 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.

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

Senator **BAKER:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I rise today in support of the motion to Recede and Concur. This is not a pay increase bill; it is a bill for retention and recruitment. On average the top ten

municipalities have a starting pay that is \$2.82 more per hour. Maine law enforcement only wants to be competitive, not a top paid agency. The agencies included in this bill are members of the Maine State Police; the Warden Service, specifically the Maine Marine Patrol; and the Fire Marshall's Office. All agencies are facing the challenges of limited numbers of applicants in spite of significant recruitment efforts. The top three issues that are raised in exit interviews include pay, living arrangement, and work schedules. State law enforcement officers have limited supervision due to the extent of the area they cover and work 12 to 24 hours. Exit interviews, again, reveal how significant it is that we retain the trained personnel we have. We currently, with our Marine Patrol, are running almost 25% vacancy. I urge you to support the Recede and Concur motion and follow my light.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I just want to support what the good Senator just prior to me said. This is an extremely important bill that we have in front of us today, and I thought we were going to have a little bit of forewarning before we debated it but we haven't. It's before us right now. We've heard the discussion and the arguments about the need for this bill, the need for these increases, in order to have the appropriate recruitment tools because so many of our state agencies are suffering from the lack of people that are interested in applying for these positions. We know the crisis that we're facing in this state right now, as far as the drug epidemic, along with all the other issues that we deal with in the state, whether it be domestic violence or violent crimes. If we don't attend to this matter now things are only going to exacerbate and get worse, as far as the state is concerned. This proposal was made very strategically, I believe, in order to both be a recruitment tool for those agencies that are drastically lacking in the ability to attract good people, as well as to provide the appropriate spread between the various levels in those agencies to allow people to want to move up the career ladder, to have incentive to do that. When you have dedicated officers who have to take a pay cut, if you will, in order to seek a promotion, they can't afford to do that. There is no incentive to do that. That, right now, currently, is built into the system. This bill in front of us would alleviate that problem and provide that necessary incentive that we would want to see in any workforce so that those who choose to, and have the ability and the capabilities, will have the incentives to move into those positions of supervisory and command and some of the specialties. I can't over emphasize the importance of this bill before us right now as far as our state law enforcement is concerned. We all appreciate the law enforcement that is provided throughout the state, whether it's county, municipal, state, and federal. Right now the issue before is the inequities that exist and have come about over a period of time in our state law enforcement. If we don't address this issue right now the problem is only going to get worse. I would just urge you and encourage you to support this bill that we're facing right now. Thank you, Mr. President and ladies and gentlemen.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I'm not sure what has happened in the last 18 hours

to require a change in a vote of this Body that was 34 to 1 just those hours ago. Apparently most people here agreed that a unprecedented legislative pay increase of 18%, 17%, 16% for certain categories of law enforcement officers in a vacuum wasn't a terribly good idea and perhaps the more prudent thing to do would be to go along with the supervisor's raises of 5% as reflected in the bill from the good Senator from Piscataquis, Senator Davis. Again, Mr. President, this is not to say that those, these raises, for these other categories might not be justified at some point in time, but we set, I would suggest, a terrible precedent by across the board significant wage increases by the Legislature when, number one, we have an opportunity to wait until January, even if the Legislature was inclined to do so, but secondly, I think more importantly, is do we have a collective bargaining process or don't we. I've been asking the question for some months now; if the Administration wanted to bargain raises of this magnitude, why not just reopen the collective bargaining process and say to the various bargaining units that we'll do an 18% raise, we'll do a 17% raise, we'll do a 14% raise? Does anyone think those bargaining units wouldn't be more than happy to accept that? That's the way things are done unless there's a real significant immediate emergency, which I just would suggest doesn't exist here. I hope that the Body, as we did yesterday, will reject this Recede and Concur, do the fiscally responsible thing of getting some small raises in place, and let the collective bargaining process, which works so well in this state, to proceed in the coming months. Thank you, Mr. President.

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

Senator **BURNS:** Thank you, Mr. President. I appreciate your indulgence by allowing me to speak again on this, but there's a couple of issues that I think we need to keep in mind. I've heard this issue, and I'm sorry to disagree with my good seatmate here, we agree on so much, but this particular point we have a departure. I've heard right from the get-go about the collective bargaining system. The collective bargaining system, I'm sorry, has allowed us to get into the position that we are facing right now, today. When you open up, when the Administration opens up, a bargaining effort in any of these particular bargaining units it's really difficult for you to say this particular entity deserves to be escalated, the other ones need to stay at status quo or have a lesser increase. That is the pitfall, unfortunately, of the collective bargaining system that we have. I'm not saying it's a bad system, but that is the issue that you face. This proposal was based upon a very extensive survey that was commissioned to make these comparisons, starting out with the Department of Public Safety, make these comparisons across the state and across the country to look to see whether or not recruitment issue, problem, was based primarily on the pay. That survey resulted in the raises that you see in front of you. One thing that I did take issue with is some of the entry level positions are the lowest ones here, but you have to also keep in mind, as I said a few moments ago, if you are going to encourage those people that come in and work in these careers to move on into the supervisory and the command positions you also have to have a spread. Unfortunately, the recommendation that was made, that was just referred to that we voted on yesterday, did not take that into consideration. If you will, that recommendation would have only moved things a little bit along, but it would not have changed the differences between those levels of enforcement. That's why you

see, in the bill before you, that's why you see the difference between 12% and 18%. To do otherwise, you're going to, basically, have status quo. You're going to provide a little bit of incentive that is not going to fix the recruitment issue. Again, the basis for this whole thing was the recruitment tool that we need to draw the people into these positions that we've created here as a Legislature, and if we don't do that then we're going to suffer the consequences. The incentive, if it's not there, people are not going to sign up. When I and my good friend here from Piscataquis County signed up, or applied to the State Police, there were over 2,000 applicants. Over 2,000 applicants for those jobs and I believe there were 21 of us that were selected. They don't have that any more in the Department of Public Safety. They're lucky to get any applicants. They get a very few. I don't have the numbers, but it's diminished down to a matter of hundreds. There is a real issue here with recruitment, whether you're talking about DPS, IF&W, Marine Resources, and the others here. We need to address this issue. If not now, when? Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, any time I find myself on the opposite side of an issue from my good seatmate I certainly question my own judgment. I have here. I think this is one of those rare times when we do disagree. There are times, I think, Mr. President, when it's appropriate for the Legislature to intervene. We did last year on corrections officers, when we heard about the dangerous conditions that occurred, that were going on, at the prison in Warren and we had to step in and do something immediately. We've just done so recently on a bill that I sponsored with respect to the crisis at Riverview where the staffing shortage was literally leading to people getting hurt and ending up, not at Riverview Hospital, at Maine General Hospital with their injuries because of the understaffing. This is not either of those situations. The only other thing I would say is that if we pass this bill be careful of what you ask for because next session we're going to have every single category of State Police, excuse me, of State employees saying, "You know what, we got two pathways to getting more pay increases. One is through collective bargaining and the other is through the Legislature." They will pursue that and we will be hit with a flood of bills from various employees seeking raises directly through us and abrogating the collective bargaining system that's served us so well. I represent many of those State employees, so I'm sensitive to their position, but this is, I would suggest, not the way to run the railroad and I hope that folks will vote to reject the pending motion. Thank you, Mr. President.

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

Senator **VALENTINO:** Thank you very much, Mr. President. Men and women of the Senate, I rise today neither really in support or against, but I do want to provide a little bit of information. One of the things the good Senator from Kennebec also mentioned that we had negotiated on Riverview and the corrections. I also wanted to point out to you that we, this Body, just passed a bill, L.D. 886, which was the Resolve directing the Department of Health and Human Services to increase reimbursement rates for home based and community based

services. They had a very extensive rate study done and in the rate study they had showed us, for each individual personnel, just as they had done in law enforcement. Just to let the Body know, the Appropriations and this Body passed L.D. 886 with one-half of the recommendations. We did not go with the full recommendations. I just also want to point out that Senator Katz's amendment does have a savings of \$4 million. It would cost \$4 million additional if we went with the original bill. I'm just pointing out a couple of facts, that's all. Thank you.

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

Senator **BAKER:** Thank you, Mr. President. Thank you for indulging me in rising a second time. I would just like to speak to my own familiarity as Senate Chair of the Marine Resources Committee, that the Marine Patrol is what I am familiar with. I actually have to say that, as we come upon our tourism season, I think that a 25% vacancy in Marine Patrol is a crisis to our safety. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Diamond to Recede and Concur. 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 (#681)

YEAS: Senators: BAKER, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFISKY, HAMPER, JOHNSON, MCCORMICK, MILLETT, MIRAMANT, PATRICK, SAVIELLO, VOLK, WHITTEMORE, WILLETTE

NAYS: Senators: ALFOND, BRAKEY, BREEN, EDGEComb, GRATWICK, HASKELL, HILL, KATZ, LANGLEY, LIBBY, MASON, ROSEN, VALENTINO, WOODSOME, THE PRESIDENT - MICHAEL D. THIBODEAU

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **DIAMOND** of Cumberland to **RECEDE** and **CONCUR PREVAILED**.

Senate at Ease.

Senate called to order by the President.

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

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

ORDERS OF THE DAY

Unfinished Business

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

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/16) matter:

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Conform Maine Law to the Requirements of the American Dental Association Commission on Dental Accreditation"

H.P. 1037 L.D. 1514

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-593)** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-594)** (2 members)

Tabled - April 12, 2016, by Senator **MASON** of Androscoggin

Pending - **ACCEPTANCE** of the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report, in concurrence.

(In House, April 7, 2016, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY HOUSE AMENDMENT "A" (H-654)** thereto.)

(In Senate, April 8, 2016, Reports **READ**. Motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report, in **NON-CONCURRENCE, FAILED**.)

The Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-593) **READ**.

On motion by Senator **BURNS** of Washington, Senate Amendment "A" (S-524) to Committee Amendment "A" (H-593) **READ**.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, we had the debate about this bill the other day at great length and all the stakeholders have been working together to try to reach a reasonable compromise that works best for our constituents and our citizens and I think the amendment that I'm offering here before you does just that. It does a couple of very important things. First and foremost, it does require that those folks that wish to be the dental hygiene dental therapist have a minimum of a master's degree as well as the, beyond the bachelor's degree. It also increases the number of supervised training hours up to 2,500 as opposed to 2,000. These two modifications to the bill seemed to meet all the stakeholders' needs. Thank you very much, Mr. President.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, it would seem that. It seems that if we throw more penalties on certain circumstances that it sounds good. If we throw more education on something it sounds good. Did you know that the person that's landing your 500,000 pound airplane, with zero visibility, doesn't even require a high school diploma? What they require is very specialized training to do the skill that they need to do. We're trying to expand service to people who can't get it, who can't travel for hours because they don't have it in their area and they don't have ready access to public transportation. We're trying to do that, but in the midst of it we made sure we weren't hurting existing dental practices that provided certain services. To have a college degree, a bachelor's degree, and then to require additional training to specialize in those small areas that they are allowed to expand into, under the direct supervision, not just direct, under the supervision of a dentist who's qualified in multiple practices, and having those people focus not only to provide service to those areas but may provide for someone with a bachelor's degree in that area an opportunity to get this additional training that's specific to the parts that they are going to do. That's what we want to focus on. This would say that now if the person could get that training but it doesn't qualify as a master's degree, that additional training on top of their bachelor's, they'll now have to get that training and then they'll go get a master's degree in art therapy or in, as I did, in vertebrate zoology so that I could get my pilot's job at Delta Airlines, nothing related to what they're going to do. Let's try to focus on the skills necessary to do the job, getting the people into the areas where they need the help. Let's not start giving into whatever group that says, "Hey, more education on this." Let's try to focus once in a while and let's kill this. Did I ever say I'd request a roll call? I request a roll call, please. Thank you.

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

Senate at Ease.

Senate called to order by the President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns to Adopt Senate Amendment "A" (S-524) to Committee Amendment "A" (H-593). 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 (#682)

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

NAYS: Senators: MIRAMANT, PATRICK

33 Senators having voted in the affirmative and 2 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ADOPT** Senate Amendment "A" (S-524) to Committee Amendment "A" (H-593) **PREVAILED**.

Committee Amendment "A" (H-593) as Amended by Senate Amendment "A" (S-524) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-524)** thereto, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (4/13/16) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Raise the Base Assessment for Correctional Services for Oxford County" S.P. 704 L.D. 1697

Majority - **Ought to Pass**, pursuant to Joint Order 2016, S.P. 695 (9 members)

Minority - **Ought Not to Pass**, Pursuant to Joint Order 2016, S.P. 695 (4 members)

Tabled - April 13, 2016, by Senator **ROSEN** of Hancock

Pending - **FURTHER CONSIDERATION**

(In Senate, April 11, 2016, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED**.)

(In House, April 12, 2016, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.)

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

Sent down for concurrence.

Off Record Remarks

RECESSED until the sound of the bell.

After Recess

Senate called to order by the President.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/5/16) matter:

Bill "An Act To Raise the Minimum Wage Incrementally to \$10 Per Hour in 2020"

S.P. 701 L.D. 1695

Tabled - April 5, 2016, by Senator **VOLK** of Cumberland

Pending - **REFERENCE**

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

Senator **VOLK** of Cumberland moved the Bill be given its **FIRST READING**, without reference to a Committee.

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

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

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk that the Bill be given its First Reading, without reference to a Committee. 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 (#683)

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

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

EXCUSED: Senator: MILLETT

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland that the Bill be given its **FIRST READING**, without reference to a Committee, **PREVAILED**.

Under suspension of the Rules, **READ TWICE**.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "B" (S-535) **READ**.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, this amendment does three things. It increases the minimum wage in Maine in four increments; the first by \$1 and then it gets to \$10 an hour. That first increase of \$1 from \$7.50 an hour, which is our current minimum wage, to \$8.50 an hour would be effective July 1 of this year with the subsequent increases occurring on October 1 of each year after that, with the final increase effective in 2019. It also adds an emergency enactment clause to this bill. The business community has come forward to ask legislators to make this increase effective now. Doing so gives Maine workers a guarantee that their wages will

go up no matter what happens with the referendum question this fall that we are all very much aware of. If the referendum passes, the wages would still increase. There is no downside to this amendment for Maine workers. Increasing the minimum wage now to \$10 an hour ensures that a reasonable sustainable minimum wage increase is implemented without forcing our citizens to choose between a referendum that would negatively impact our state or defeating any increase in the minimum wage. It also increases the wage and only the wage.

I think we're all well aware that one of the issues that many of us have, and that certainly our restaurants and our inns that are so prevalent and so famous in this state know, that the referendum question would eliminate the tip credit. It would be phased out. Servers who currently earn \$30, \$40, sometimes more than that, an hour would be capped at earning \$12 an hour. There would be a footnote in every tourism book in the United States in Maine servers don't need to be tipped. I've traveled in Europe. I know that when I'm in Spain I'm not going to tip my server because that is not their custom because their workers are paid a minimum wage. Their system is different from ours. We would be the only state that I'm aware of in the whole country that would have that footnote; and in a state as dependent on tourism as we are, I would suggest that's not a footnote that we want to see and that's not a footnote that our servers want to see. Preserving the tip credit is critical to our local small business restaurants, our tourism industry and the thousands of Maine workers who make their living in this sector. I hope that you will join me to act now, today, to increase the minimum wage for workers without waiting for the outcome in November.

The other thing that this amendment would do, which is different from the referendum, is it would not have the CPI indexing. CPI indexing sounds good; but the problem with it is that having a minimum wage that is constantly increasing, would never decrease, is going to be very, very challenging for our state to enforce and it's going to be extremely challenging for our

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, a point of order regarding this. I keep hearing things that aren't in this bill. Is discussion supposed to be limited to what's in the bill? I know it's my first term, but I believe I've heard that.

THE PRESIDENT: The Chair would advise the members that he's been very lenient in the past and will continue somewhat with the leniency, but we will want to try to contain our comments to the amendment at hand.

Senator **VOLK:** I just want to make it clear that all this amendment does is it increases the minimum wage and it does make it effective July 1st and that is the time which we have our busiest labor season. Thank you, ladies and gentlemen of the Senate; and I do hope that you'll follow my light with this critical vote.

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

Senator **KATZ**: Thank you, Mr. President. Men and women of the Senate, I'd like to address a concern that I've heard raised here today that somehow the passage of this bill might create a competing measure, which is no one's intention. I think the rules which govern this issue for us today are pretty clear. If we were just to pass this \$10 an hour minimum wage increase as a non-emergency measure, I think that the law is pretty clear that that would create a competing measure; and that's why this has an emergency attached to it. Nobody wants to create a competing measure; but if we pass a bill which is a legitimate emergency bill to raise the minimum wage, not a competing measure, as long as we can justify that it is an emergency, the court will not declare it to be a competing measure. We have done that on dozens, if not hundreds, of bills this session, made findings of emergency and passed emergency legislation. Would this create a competing measure or not? I want to suggest that, at least from one person's perspective, the answer is clearly no.

We do have the guidance of the Maine Supreme Court on this issue. There is a case called *McCaffrey vs Gartley*. It's an old case, 1977, but almost directly on point in that the court was asked to address this very issue about whether the passage of an emergency measure that was relative to a same subject of an upcoming referendum question would create a competing measure. The court in that case said this, "The Legislature should be free under our Constitution to pass an emergency statute that amends laws challenged by an initiative measure without thereby complicating and confusing the initiative process." The members of the court noted how important it is that the Legislature have the authority to pass an emergency bill amending legislation that falls within the scope of an initiative, in other words the same subject matter as an initiative, and thereby make the amending measure effect immediately, as we would do by passage of an emergency. The court went on to say, "We now hold as the law of the court that the Legislature has that authority." Later the court said, "The Constitution should not be interpreted as burdening the important emergency legislation process with a rule that designates emergency legislation as a measure competing with an initiative bill." That's a little hard to follow; but I suggest the court is saying as long as we do this correctly here today, there is not a risk that this would be construed as a competing measure and, therefore, also go on the ballot. That's not the only opportunity the court had to weigh in on this issue. The court weighed in on this issue in 1996 and the opinion of the Justices of the Supreme Judicial Court siding with approval of the very language from this case that I just read earlier. I think that the bottom line is as long as we pass a legitimate emergency bill on the subject of minimum wage, it is not going to be a competing measure.

There are those who are concerned that someone may challenge this finding of emergency in court. Let's face it, that's certainly a possibility. Anybody can sue over anything. We've got a million free people here. I suppose somebody could sue. The question is: if somebody sues this, challenging the legitimacy of the emergency we have declared, what are the chances of success? I think, Mr. President, that the chances of success are absolutely minimal in this case. If we think back to the history, the Maine Supreme Court has given, has shown, tremendous reluctance to interfere with the discretion of the Legislature and, in particular, to interfere with factual findings that the Legislature might make. In fact, in 195 years I'm not aware of a single example, not one in 195 years, where the court - the Supreme Court, has overturned a factual finding that a legislature has

made. When we pass this bill, assuming we do, we will be adopting a set of findings that are in the preamble to the bill. Whoever drafted it, I think, did a very good job. If we pass this, we adopt these findings as our own. They become findings that we make, that the entire Legislature makes. The findings that are set out there are, first, that the minimum wage has not increased since 2009, that Maine workers who earn at or near minimum wage are among the most economically vulnerable of our citizens - that's a factual finding we're making - that Maine is one of two states facing the so-called demographic winter. If that doesn't sound like an emergency, I don't know what does - that that demographic winter has created a net workforce shortage, that this increase in the minimum wage addresses that shortage by attracting more workers and that passing something two months from now is a valid emergency because the business community needs to be given a little time. We can't pass an emergency today and expect employers to be paying a higher minimum wage tomorrow. There has to be some time in there and a brief time until July 1 is certainly fine. The bill goes on to say, "Whereas, in the judgement of the Legislature, these facts," that we have found now, "create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health, and safety."

I respectfully suggest, Mr. President, that it would be incredibly unlikely that the Supreme Court would try to second guess those very clear factual findings, by the way, we all know are true. Can anyone here really say that they disagree with any of those facts that I just read from the bill? The chances of the Supreme Court saying, "No, Legislature, you are wrong; you got the facts wrong; that ain't right, so it's not a valid emergency and it is a competing measure," that just isn't going to happen. Senator Alford and Senator Gerzofsky and I are going to start in the outfield for the Boston Red Sox before that happens. Are there risks when somebody brings suit? Of course there are; but I would suggest, Mr. President, that the risks in this case are extremely minimal and that we ought to not pay attention to them and we ought to go ahead and pass this really good public policy. 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 think last week when we were talking about and we honored a young man who was working at McDonald's as a crew chief, I stood here and said I could rise and speak a little bit about something I know about. This subject, Mr. President, the minimum wage and the effects of minimum wage, are something I know a tremendous amount about. I rise to support this bill that's in front of us and on behalf of an industry, the tourism industry, the restaurant industry, that's so vital to Maine's economy. I want to tell you that they also support what we're doing here today.

My story is pretty simple, how I got to where I am in my chosen career. I've wanted to be a chef since I was about 6 years old. My Dad's a chef. I grew up in a restaurant. The restaurant environment's fast pace is a lot of fun, has a lot of young people in it; and that's where you learn how to work. You learn a work ethic. You learn what it's like to come to work on time, to work as part of a team. It's all the things that people take into their future work lives with them. Mr. President, I trained doctors, nurses, lawyers, game wardens, engineers, teachers,

and many other kinds of occupations ultimately that they ended up with. I trained them for their very first jobs when they came to work in my restaurant, often at 14, 15, 16 years old. Their very first job. It's important to have a ladder from which to enter the workforce in with. This bill, while it seems modest and is modest by maybe some other folk's determination, allows for that ladder to have a bottom rung and allows people to get on that bottom ladder to work their way up. There's moderate increases that are here in this bill, they allow an opportunity for businesses to react because there are a lot of things that, when you raise the minimum wage, business owners have to factor in and have to make adjustments for.

The biggest thing, as my good colleague from Cumberland, Senator Volk, was talking about, was the tip credit that is eliminated or would be the process that's kept in this bill, that is proposed to stay in this piece of legislation. It's critical to folks. Let me try to explain what that means. I'm not sure if everybody really understands the tip credit. The tip credit is 50% of the minimum wage added to tips must make the minimum wage. Employers are responsible for that. This option protects that. The tip credit, the best way I can explain it, is like a salesman's base pay with the rest being commissions, the tips being commissions. People have talked a lot about in here helping folks in the lower rungs of society, being able to make their way up and earn. I can't think of a single occupation or business in Maine that has 17,000 people in it that every day makes 15% to 20% of the sales of that business. That's what they make in their pay. My folks that work for me every day - there's a direct relationship to what we do, the success in my business, and to their success in their pocketbooks. I can't tell you want a wonderful relationship that is; and those of you that worked in other places, maybe in other kinds of retail or other jobs where the company was successful and you got a salary or an hourly wage, folks that really work and really hustle and really sell, they see the direct relationship every day. In my place it averages 19%. I keep those numbers.

Let me tell you who these people are. They are single mothers, head of household, because of a 30-hour work week, folks that work for me they make \$1,000, 32 hours - 33 hours. It's at night when I work. They can find some childcare, single mothers, head of household. They can do that, but they have to pay a little childcare. They make enough in order to do that and to make a living. Students working their way through college. If I were to ask for a show of hands here how many people waited tables working their way through college, probably be more than 50% of you would do that. Very often that's what allows students to be able to make enough money in the summer to pay their tuition and to study in the school year without having to take a job. Teachers, I have a lot of teachers who work for me because that's the field that I was in. I taught. They pick up extra income; and when you ask them, "What are you doing?" "I'm going to pay my oil bill in the wintertime." Maybe go on a vacation. Maybe take a vacation or do some renovations to their homes. I have a lot of professionals that pick up a second job. Got an e-mail. Hiring people right now. The bank right across the street - somebody wants to come work and pick up some extra money, make some good hard cash. I've got high school kids learning how to work. What I'm most afraid of, Mr. President - and my wife and I both, because we love what we do - we love having these young kids work for us. We love serving the public who come to visit Maine and want to know what it's like. They want to talk to a local person. They want to see what there is to do in the area.

If we were to lose this tip credit, businesses would then change their models. My colleagues are so worried about that. How will they change? Well, you might see more buffets where you go in and self-service. One of my colleagues has turned his sit-down restaurant into self-service because of anticipating what's coming along. I have frank conversations with my servers. It goes like this - and you can call them up and ask them - "You'll be telling your grandchildren what it was like to go up to somebody and wait tables and take their order; and they'll look at you and say, "What was that like, grandma?" because what will end up happening, and you'll see, is you'll be sitting and you'll have a tablet in front of you, or maybe by then just an app on your phone, you'll order your food and it'll get delivered to you. You won't have that experience of talking to a local kid, busting their tail working their way through college to become a nurse or a doctor, that person who tells you what to do in the area, what sights should you see in Acadia National Park, what should you do on a rainy day. That's what we provide in our community. We have lots of folks, I believe, that never get to see young people in their lives except for when they go out to eat. That loss of that is a huge hit if this doesn't go through; and those kids, I just feel bad for them.

This legislation would give businesses time to adjust because our skilled employees, for example, who base their worth on what they produce for the company, are those other ones that I take into consideration. For example, I've got people who produce twice as much as an entry level worker does, a minimum wage worker, somebody that comes in with no skills. I've got skilled craftsmen, my pastry chef, my sous chef; and they produce twice as much as a minimum wage person and I pay them at least twice as much because that's what they're worth. If this doesn't go through and we end up on another trajectory that's a lot more than that, businesses like mine will be impossible to pay those people what they're worth and they'll expect that and the deserve that. There's a level of skilled workers in there that are going to feel the squeeze if minimum wage is advanced too fast or too high. I think of those people every day.

When I was first elected, I invited all the former Senators who held my seat to join me for dinner at my place. Two Republican former Senators, one Independent, and one Democrat came; and we sat and for hours we talked about this job. My one question to them was: how do you be effective at this work? Those of you that have been here a long time might recognize the names of Senator Tom Perkins, Senator Ruth Foster, Senator Jill Goldthwait, and Senator Dennis Damon. All had this seat before me. I asked them, I said, "Give me some tips about how to do this job and how to be effective." Each one, each person, in one way, shape, or form had said, "Make sure that you vote your conscience and at the end of the day when you go home, you'll be able to sleep." I've taken that to heart in here. My good colleague from Trenton, Senator Damon, had lamented and said to me that he had wished on tough votes that he had voted differently than his party; and there were times when he left and wished that he had done that. I've taken that to heart and in this Legislature, in my six years in the Senate, I've cast a number of votes that people would maybe say were not in line with my party. It's hard, it's difficult, you feel the pressure; but at night when you go home and you know that you voted your conscience, you can sleep well.

Mr. President, the reason why I tell this story is because it goes like this: as a teacher I would often start a conversation with a student and say this conversation is more for my benefit than

yours and that I feel that I have to tell you what I'm about to tell you, or what I have told you today, so that I can go home knowing that I did my very best to make sure that every person that's in this Body heard the concerns of the constituents that are out there that I represent, the small Mom and Pop business owners, that their message was heard and then the votes were cast accordingly. Mr. President, men and women of the Senate, thank you for your indulgence.

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

Senator **PATRICK:** Thank you very much, Mr. President. Men and women of the Senate, colleagues and friends, I rise today in opposition to the pending motion. The citizens of Maine have done the hard work to collect more than 90,000 signatures to put a minimum wage citizen initiative on the November ballot. It is time for the people of Maine to have their say on a minimum wage increase. We should respect the will of the people. They deserve a straight up or down vote. Make no mistake about it, a competing measure of any form is designed to undermine the ballot initiative before voters this November. This amendment before you is a backdoor attempt to put a competing measure on the ballot. The amendment seeks to avoid a competing measure by putting an emergency preamble on it. If we enact, we can be certain that this emergency bill would be challenged and would end up in court and a long messy legal fight that would ultimately very likely deem it a competing measure. The courts have made it abundantly clear that a pending ballot initiative cannot be the justification for an emergency preamble. This seems very clear that the pending ballot initiative is, indeed, the justification for this emergency. That has been made clear in the press for months. Just yesterday the opponents of the minimum wage ballot initiative put out a press release making it very clear they were pushing this emergency amendment in response to the pending ballot initiative. From the press release I quote, "By passing this as an emergency measure a minimum wage increase would be guaranteed and the citizens of Maine would not be forced to only choose between a referendum that would negatively impact Maine or defeating an increase in the minimum wage."

Mr. President, the special interests and their cohorts in the State House who have fought every effort to give working people a raise are running scared. They're pulling out all the stops and do whatever they can to throw a wrench in the gears of Maine voters. We've opposed every single competing measure they've proposed so far and this one is no different. Now that seems very clearly like the emergency in this context is the pending ballot initiative. It seems odd that this amendment is being dubbed an emergency at all. Another version of this emergency amendment that I saw earlier today went into effect on October 1st, fully five months after our likely adjournment. This version of the amendment goes into effect July 1st. If we just pass the bill without an emergency and said it would go into effect in 90 days after adjournment, it would likely go into effect on August 1st. It's hard to understand what about that one month difference constitutes an emergency. If this was passed, everyone in the state would have standing to challenge whether it was or not a competing measure. We can all be certain that someone would challenge it; and this measure would end up in court with lengthy, messy deliberations to determine whether or not it is a competing measure and whether it truly meets the constitutional definition of

emergency. It does not meet that standard. It's a competing measure.

You know, Mr. President, we do pass a lot of emergency measures in this Legislature; and just over the last month there was an emergency when the Legislature passed a bill making lobster the Maine crustacean. Passing an emergency bill does not always mean there is a real emergency. Why wasn't there an emergency last year when we voted against the minimum wage bills eight times? I would think that the court would take into consideration that in the 127th Maine Legislature the Committee and the Legislature heard eight bills on giving the minimum wage from 50¢ up to \$2 or \$3; but now it's an emergency. I'm not a constitutional lawyer, don't know anything about it; but from what I've talked to some people I do understand that the court looks at the preamble probably first and foremost to look at that; and from my standpoint I think they're going to get a chuckle out of that because when I look at it, I don't necessarily agree with what this is. I don't believe it's an emergency, but I do believe that this is a direct relation to the citizen initiative process. The very fact that we are speaking about this initiative and the threat they think it possesses makes it more than likely that they're going to deem it not an emergency. Mr. President, I believe in my heart of hearts that this is a direct result of a citizen initiative process. I don't believe this is an emergency and I would ask my colleagues to vote against the pending motion. Thank you, Mr. President.

At the request of Senator **MASON** of Androscoggin, Senate Amendment "B" (S-535) **READ.**

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

The President took a seat on the Floor.

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

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Waldo, Senator Thibodeau.

Senator **THIBODEAU:** Thank you, Mr. President. Ladies and gentlemen of the Senate, let me begin by saying we got elected to a really tough job. The decisions that we make in this Body are incredibly tough sometimes. I'm, make no bones about it, very proud of this Chamber. We have done some pretty amazing stuff together against some incredible odds. We haven't always made friends in doing it; but I think, to a person, we've always tried to be honest with one another. We've always tried to do what we believe is truly in the best interest of our state. I think right now is one of them Moments when we're faced with a really tough decision. Are we going to do what's expedient, what's easy; or are we going to make a tough decision? For Republicans, this is a tough Moment. Make no mistake, Republicans don't have a history of wanting to increase the minimum wage. It just doesn't happen. Everybody recognizes that. For the Democrats, folks on the Democratic side have advocated for a very long time for a pay increase for the people at the bottom. If there is blame to be laid

out, blame me. Senator Volk, Senator Cushing both advocated heavily last year for a pay increase. They thought it was the right thing to do. You know something? I didn't push for it. Didn't want to make that tough vote, I guess. Here we are. You're right. Folks went out and collected 90,000 signatures to make sure that voters in the State of Maine had an opportunity to vote on a \$12-an-hour minimum wage. You know something? I personally think that it's way too far. I'm very concerned about what that's going to do to Maine's economy. I may be wrong. That's what I truly, truly believe. Because of that we, obviously, have been having a lot of debate all winter long about a competing measure. People wanted a competing measure in the worst way. It became a bargaining chip, probably a poorly used bargaining chip, on multiple occasions. Not once did I try to use that as a bargaining chip with you guys, anybody. I never tried to use that as a bargaining chip with anybody. We are near the end of session. Been waiting for weeks trying to get a vehicle in place that we could have this Moment, this discussion, about Maine's minimum wage without creating a competing measure. I worked with both Senator Katz and folks here in the building.

What is the pathway for enacting a minimum wage increase and still allowing the people that worked so hard to make sure that they could get their names so that we could have a \$12-an-hour minimum wage on the ballot? Is there an opportunity to increase the minimum wage and still allow people to go to the polls and have a vote on \$12 an hour? There is a pathway. This amendment, this bill, is that pathway. This is not an end run. This is not an attempt to stop folks from having their opportunity to weigh in on \$12 an hour, but it is a recognition. That's right, it's a recognition from this side of the aisle that something needs to happen, that \$7.50 isn't going to work and that we need to do something. You know, if we pass this bill, in July each and every one of your constituents that has a minimum wage job will see a \$1 increase in their pay. That's substantial. That's real. I would ask you to really look at what we're doing here, to swallow hard and think, is this in the best interest of our state? Can we make that one more heavy lift together to accomplish something that is good for the people of the State of Maine? I don't know what's going to happen in November. Maybe the folks will come out and resoundingly defeat the \$12 per hour. Maybe they'll come out and resoundingly approve it. I know if we work together over the next couple of days, we have an opportunity to pass a substantial pay increase for the people at the bottom end of the pay scale. I think that's something that we all should be able to get behind. I will encourage each and every person in this Chamber to make sure that it's a competing measure, but don't use it as some sort of - don't look for a crutch to take the easy vote. I guess that's my challenge. Don't look for a crutch to take the easy vote. Look at this and ask the real question: do the people back home deserve an opportunity to have a pay increase, A, and B, am I using this as a crutch to not have to take a tough vote; or is there really an opportunity to do something good for our state here? Tough vote. I think that now is the opportunity for the 127th Legislature, the 127th Senate, to do something together one more time. Thank you, ladies and gentlemen.

The President Pro Tempore requested the Sergeant-At-Arms escort the Senator from Waldo, Senator **THIBODEAU**, to the rostrum where he resumed his duties as President.

The Sergeant-At-Arms escorted the Senator from Androscoggin, Senator **MASON**, to his seat on the floor.

Senate called to order by the President.

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

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

Senator **LANGLEY:** Thank you, Mr. President. I rise for a second time and thank the Body for its indulgence. I want to respond a little bit to my good colleague from Oxford, Senator Patrick. You know, he's right. He's absolutely right about one thing. Changing of the will - changing the will of the people in this Body would be really hard to do; and I dare say impossible. Senator Patrick is a tremendous debater and we've been on opposite sides of debates all the six years that I've been here. He is, and would, stand up and defend the will of the people each and every single time that he could. What I've seen written by supporters of the referendum in the fall is an acknowledgement that a mistake has been made in that upcoming vote that we have with the phasing out of the tip credit. What I've seen written is that it's been promised that it will be fixed in the next session; and what that would mean, I believe, I would see my good colleague stand up and say that's not the will of the people. I don't want to put words in his mouth, but I've heard him talk tonight.

Men and women of the Senate, if it's recognized that there is an issue with that that needs to be fixed, I implore you to try to fix it today, not have to explain in the future where we had to go in and change the will of the people because there was a misunderstanding of how something like a tip credit works. Men and women of the Senate, we have a chance; and it's been pointed out we have a chance to fix this. I would urge your voting in support of this today and ensure that we don't have to try to explain something later on. Thank you very much.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I rise a second time, once again in opposition; and I thank the President for his words and I thank the representative from Hancock for his words as well. That brings me to one of the most important points. To me, the citizen initiative process is sacred. I have defended it on every single time that I could. Unfinished 8, from where this amendment comes from, was pending reference to the Labor, Commerce, Research and Economic Development Committee. We haven't had a public hearing on this bill. We have had public hearings on all the other minimum wage bills and I was able to look at those business people and ask them the questions that were important to why I would support or not support this. The sky is falling. According to them, they could never be ready for a minimum wage increase because the sky is falling. They couldn't afford it. They're going to have to lay everyone off. Well, I don't agree with that, Mr. President, because what has happened in the restaurant businesses in the States of California, Oregon,

Washington, Montana, Alaska, Minnesota, or Nevada. Guess what? Their economy's percolating four times faster than it is in Maine and they raised the minimum wage. They raised their tip wages. The sky didn't fall. Chicken Little didn't come to take the golden egg away. Here we are debating a bill that we haven't had a public hearing on, to do the right thing that's going to possibly give everyone in the State of Maine the right to challenge it. It's going to be challenged. It's going to muck the thing up. We're not going to have the ability to get it on the ballot the first of November. It'll probably happen in the next Legislature because it's going to take months to decide. I have to disagree with my colleagues; and there is one thing, I do not ever want to not vote for a minimum wage increase but this before us now is not the right thing to do. I really believe that this is going to create a competing measure and only time will tell because we know what's going to happen. I know I've heard a number that rings in my ears at times, 20-15, so I'm not adverse to numerical equations; but I will say, Mr. President, time will tell as to whether or not we do the right thing here today and as to whether or not it gets out there. I want to thank you for your comments and allowing me to have mine. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Ladies and gentlemen of the Senate, thank you for your patience as we debate this issue; but I think it warrants the debate and the discussion that is important for us as policymakers to weigh before we vote on this. As a sponsor of this bill, as a member and colleague of my good friend from Oxford on the LCRED Committee now for several terms, we've debated a number of important issues there. We've debated the issue before us numerous times. The question of whether we have discussed or questioned members of the business community or the labor community about this, I think, is somewhat less than clear. To me, when we look at what we're talking of in this amendment, we're talking about whether it is an emergency; and clearly, as you look at tourism economy in this state, we're going to impact our businesses in a seasonal setting. July, to me, is an appropriate time, if we're going to do this, to let them calibrate, not the end of the season. I think, Mr. President, as we look at this - recognize what the minimum wage is. It's a starting wage for many people. I pass numerous businesses, restaurants, retail locations, others who right now have small signs posted in their windows seeking help. Part of that is because of the fact that we are coming into a season where they need more. Part of that is because our labor force is shrinking, which is driving up the base wage. By adding this now and by giving surety to the people who employ many of our friends and neighbors in Maine, I believe that we will set our tourism economy on a more stable path. What happens in November is up to the voters. This bill does nothing to deny people who have a desire to vote on that the opportunity to do so. It simply says the choice that you're denied in a competing measure has now become the law of our state. Mr. President, as we look forward to the vote on this, I ask my colleagues to think of the folks in their coastal communities, the tourist communities that they represent, those people who trust them to make the right decisions here and say, do I give you some surety or do I give you the uncertainty. I ask that you follow my light in supporting this amendment. Thank you, Mr. President.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Adopt Senate Amendment "B" (S-535). 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 (#684)

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

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

EXCUSED: Senator: MILLETT

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **VOLK** of Cumberland to **ADOPT** Senate Amendment "B" (S-535) **PREVAILED**.

PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-535), without reference to a Committee.

Sent down for concurrence.

Senate at Ease.

Senate called to order by the President.

On motion by Senator **HAMPER** of Oxford, the Senate removed from the **SPECIAL APPROPRIATIONS TABLE** the following:

Emergency Measure

An Act To Protect Maine's Natural Resources Jobs By Exempting From Sales Tax Fuel Used In Commercial Farming, Fishing And Forestry

S.P. 579 L.D. 1481
(C "A" S-385)

Placed on the Special Appropriations Table - March 23, 2016, by Senator **HAMPER** of Oxford

Pending - **ENACTMENT**, in concurrence

(In Senate, March 15, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-385).**)

(In House, March 22, 2016, **PASSED TO BE ENACTED.**)

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-385).**

On further motion by same Senator, the Senate **SUSPENDED THE RULES.**

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (S-385).

On further motion by same Senator, Senate Amendment "A" (S-529) to Committee Amendment "A" (S-385) **READ** and **ADOPTED.**

Committee Amendment "A" (S-385) as Amended by Senate Amendment "A" (S-529) thereto, **ADOPTED**, in **NON-CONCURRENCE.**

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

Senator **VALENTINO:** Thank you, Mr. President. Men and women of the Senate, I rise today to speak in opposition to L.D. 1481. I wanted to call your attention that the motion in the Appropriations Committee was Ought Not to Pass and it was 10-3. I also want to point out that, even with the amendment on it, that this is an \$8.7 million fiscal note. I know we agreed to spend an extra \$4 million this morning on raises and this is \$8.7 million more. My concern about this is that we are adding another tax exemption to the red book. We have been trying for years, for the 12 years I've been here, to reduce the amount of tax exemptions and this is an increase. We actually had a citizen's initiative trying to force us to look into some of the tax exemptions and we were not able to come with anyone. I also want to say that, in the 12 years I've been here, I've supported all of the farming bills. My husband's a farmer. We grow about 200 acres of landscape sod. We've not a few, but we have a fleet of tractors, trucks, pumps, generators, and installers that all need fuel. I called my husband. I asked him about this bill. This is for commercial farming. He said it's tax deductible. It's a business expense. We don't need it. He had a very few choice words for me and the Legislature and he said, "If you want to really help me, and you want to help the farmers, stop putting more regulations on me, on how I conduct my business like spraying and irrigating and fertilizing, because this does nothing to help me and you are costing me hundreds of thousands of dollars every time you pass these bills. I can get this back when I file my income tax." I will follow his lead and say we do not need to spend \$8.7 million on this tax exemption, and I know people are in the spending mood today, but it's \$8.7 million. Mr. President, when the vote is taken I ask for a roll call.

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

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

Senator **DAVIS:** Thank you very much, Mr. President. Ladies and gentlemen of the Maine State Senate, I will speak as briefly as I can and I will tell you the tragic story as quickly as I can of what's happened. In the last eight months we have lost three paper mills, Lincoln, Madison, Old Town, and one half of the mill in the Town of Jay. We have had four pellet mills either shut down or curtail their operations considerably. We have two bio-mass mills that are going to shut down. That represents 1,000 jobs, direct jobs. The spin-off is 4,000 jobs. As far as it all goes, it's all over the state, everywhere. The logging industry is hurting bad. Then move to the farmers. The average salary, from the Maine Farm Bureau, of the 8,200 farms in the state of Maine is \$20,141 a year. Ten years ago 344 dairy farms in Maine. Five years ago 304 dairy farms. Today there are 248 dairy farms. This is a tax cut for them. It's a shot in the arm. It won't cure everything, that's for certain, and I would agree with my good colleague from York, we do need to look at regulations and rules and all the things that we hold farmers and loggers and everybody up to. It's a dying industry and we can resurrect it and bring it back. Thank you very much, Mr. President.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll be very brief. I just wanted to respond very briefly. I don't see it as spending to want to give people back their own tax money. As someone who, you know, is always trying to be very fiscally conservative on spending, I think that's a mischaracterization on what this is. This is giving people back their own tax dollars, not taking it from them in the first place. I'll be supporting the motion and I just wanted to make that clear.

THE PRESIDENT: The pending question before the Senate is Passage to be Engrossed as Amended by Committee Amendment "A" (S-385) as Amended by Senate Amendment "A" (S-529) thereto, 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 (#685)

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

NAYS: Senators: BREEN, DESCHAMBAULT, GRATWICK, HASKELL, HILL, MIRAMANT, VALENTINO

EXCUSED: Senator: MILLETT

27 Senators having voted in the affirmative and 7 Senators having voted in the negative, with 1 Senator being excused, was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-385) AS AMENDED BY SENATE AMENDMENT "A" (S-529)** thereto, in **NON-CONCURRENCE**.

Ordered sent down for concurrence.

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

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Resolve, To Increase MaineCare Services for Certain Recipients To Allow Them To Remain at Home (EMERGENCY)
H.P. 314 L.D. 475
(C "A" H-608)

In Senate, March 30, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608)**, in **NON-CONCURRENCE**.

In House, April 7, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY HOUSE AMENDMENT "B" (H-653)** thereto, in **NON-CONCURRENCE**.

In Senate, April 12, 2016, on motion by Senator **BRAKEY** of Androscoggin, the Senate **INSISTED**.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-608) AS AMENDED BY HOUSE AMENDMENT "C" (H-669)** thereto, in **NON-CONCURRENCE**.

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

Senator **ALFOND** of Cumberland 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.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, I'd like briefly to remind you what this bill is about and speak a little bit about the House Amendment. We talked about this bill. This is the Section 21, 29 gap. What happens to families who are between the 29 services and the 21 services. The proposal that the two of us talked about, make sure I'm on the right bill, that we talked about. I want you to know that there was some thoughtful discussion about this in the other Body and that this bill has been significantly reduced in order to produce a much small fiscal note and still make sure that we were able to help provide for those families a little bit of help to make sure that they were going to be able to keep their kids at home and not have to be providing them services that they did not need in out-of-home placements. I would encourage you to support me on the Recede and Concur motion. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Alfond to Recede and Concur. 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 (#686)

YEAS: Senators: ALFOND, BREEN, DESCHAMBAULT, DIAMOND, DILL, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WOODSOME

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

EXCUSED: Senator: MILLETT

16 Senators having voted in the affirmative and 18 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **ALFOND** of Cumberland to **RECEDE** and **CONCUR FAILED**.

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

Sent down for concurrence.

Off Record Remarks

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

REPORTS OF COMMITTEES

Senate

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Prevent Opiate Abuse by Strengthening the Controlled Substances Prescription Monitoring Program"

S.P. 671 L.D. 1646

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-531)**.

Signed:

Senators:

HASKELL of Cumberland
MCCORMICK of Kennebec

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-532)**.

Signed:

Senator:

BRAKEY of Androscoggin

Reports **READ**.

Senator **MCCORMICK** of Kennebec moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-531)** Report.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#687)

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

NAYS: Senator: BRAKEY

EXCUSED: Senator: MILLETT

33 Senators having voted in the affirmative and 1 Senator having voted in the negative, with 1 Senator being excused, the motion by Senator **MCCORMICK** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-531)** Report **PREVAILED**.

READ ONCE.

Committee Amendment "A" (S-531) **READ** and **ADOPTED**.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-531)**.

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Joint Resolutions

The following Joint Resolution:

H.P. 1165

**JOINT RESOLUTION
RECOGNIZING APRIL 14, 2016 AS
MULTIPLE SCLEROSIS AWARENESS DAY IN MAINE**

WHEREAS, multiple sclerosis is a chronic, often disabling disease of the central nervous system, for which there is no cure at present, that typically is diagnosed in people between 20 and 50 years of age and that affects women 3 times more often than it does men; and

WHEREAS, multiple sclerosis distorts and interrupts the signals between the brain and the body; and

WHEREAS, according to recent statistics multiple sclerosis affects 400,000 people nationwide, including 8,000 to 10,000 children and teens, and over 3,000 people in Maine have the disease, nearly one in 400 citizens, which is one of the highest per capita rates in the nation; and

WHEREAS, the National Multiple Sclerosis Society is a driving force for multiple sclerosis research, pursuing prevention, treatment and cure, and the Greater New England Chapter of the National Multiple Sclerosis Society educates, supports and advocates for people with multiple sclerosis and their families to help them maintain the highest possible quality of life; and

WHEREAS, the Greater New England Chapter of the National Multiple Sclerosis Society encourages people with multiple sclerosis and their families, health professionals and other concerned citizens to join the movement to advocate for policy change in the priority areas of high-quality health care, health care coverage, long-term care and disability rights; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, take this opportunity to declare that April 14, 2016 is designated as Multiple Sclerosis Awareness Day in Maine; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Greater New England Chapter of the National Multiple Sclerosis Society.

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

READ and **ADOPTED**, in concurrence.

The following Joint Resolution:

H.P. 1166

**JOINT RESOLUTION
RECOGNIZING THE MONTH OF APRIL 2016 AS AUTISM
AWARENESS MONTH**

WHEREAS, autism is a spectrum disorder, which means no 2 people with autism are affected the same way, and it is a complex developmental disability that usually appears during the first 3 years of life and results in a neurological disorder that affects the functioning of the brain and social interaction and communication skills; and

WHEREAS, in the United States, one in 68 children is diagnosed with this spectrum disorder and prevalence has increased 30% since the United States Centers for Disease Control and Prevention's study in 2008; and

WHEREAS, autism knows no racial, ethnic or social boundaries and neither income nor lifestyle nor education affects its occurrence and it is estimated that more than 3,500,000 people live with autism spectrum disorder in the United States; and

WHEREAS, autism costs the United States over \$236,000,000,000 in annual health care costs, most of which are in adult services, and these costs are anticipated to increase; and

WHEREAS, while a single specific cause of autism is not known, current research links it to biological or neurological differences in the brain, and outdated theories and myths, such as autism being a mental illness, have been proven to be false; and

WHEREAS, with support, people with autism can live full lives and make meaningful contributions to society; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the Second Regular Session, on behalf of the people we represent, pause in our deliberations to acknowledge that the month of April 2016 is Autism Awareness Month and to pledge our support and encouragement to all those affected by autism; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Autism Society of Maine as a token of our respect and support.

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

READ and **ADOPTED**, in concurrence.

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

ENACTORS

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

Emergency Measure

An Act To Correct Errors and Inconsistencies in the Laws of Maine

H.P. 1118 L.D. 1643
(C "A" H-672)

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.

Emergency Measure

An Act To Protect Children in the State from Possible Sexual, Physical and Emotional Abuse by Persons Who Have Been Convicted of Crimes

H.P. 1154 L.D. 1689
(C "A" H-671)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#688)

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

NAYS: Senators: BRAKEY, DIAMOND, GERZOFISKY, MASON, MCCORMICK, WILLETTE

EXCUSED: Senator: MILLETT

This being an Emergency Measure and having received the affirmative vote of 28 Members of the Senate, with 6 Senators having voted in the negative, and 28 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.

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Remove the Age Penalty for State Retirees Working at Institutions That Are Closing"

H.P. 646 L.D. 927

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

Signed:

Senator: VALENTINO of York

Representatives: ROTUNDO of Lewiston
FREY of Bangor
GRANT of Gardiner
JORGENSEN of Portland
MARTIN of Eagle Lake
SANBORN of Gorham

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

Signed:

Senators: HAMPER of Oxford
KATZ of Kennebec

Representatives: NUTTING of Oakland
SIROCKI of Scarborough
TIMBERLAKE of Turner
WINSOR of Norway

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

Reports **READ**.

On motion by Senator **HAMPER** of Oxford, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**, in **NON-CONCURRENCE**.

Sent down for concurrence.

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Implement the Recommendations of the Commission To Strengthen and Align the Services Provided to Maine's Veterans by Establishing an Interagency Council To Coordinate Services for Homeless Veterans"

H.P. 1099 L.D. 1611

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-582)**.

Comes from the House with the Bill and accompanying papers **INDEFINITELY POSTPONED**.

On motion by Senator **MASON** of Androscoggin, Bill and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 532

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

REPORTS OF COMMITTEES

House

Ought to Pass Pursuant to Joint Order

April 14, 2016

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Insurance and Financial Services on Bill "An Act To Encourage Health Insurance Consumers To Comparison Shop for Health Care Procedures and Treatment" (S.P. 470) (L.D. 1305) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-406).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

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

ENACTORS

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

Act

An Act To Provide Relief for Significant Reductions in Municipal Property Fiscal Capacity

S.P. 705 L.D. 1699
(H "A" H-670; H "B" H-673)

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

Senate at Ease.

Senate called to order by the President.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Require the Gathering of Information in Order To Develop a Plan To Expand the Infrastructure Capacity for State Forensic and Civil Mental Health Treatment (EMERGENCY) H.P. 1168 L.D. 1700

Reported that the same **Ought to Pass**, pursuant to Joint Order, H.P. 1160.

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

Report **READ**.

Senator **BRAKEY** of Androscoggin moved to **INDEFINITELY POSTPONE** the Resolve, in **NON-CONCURRENCE**.

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

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, I would urge you to vote against the pending motion. What is suggested here, or being asked of the Department of Health and Human Services, is simply that they put out a request for information regarding what options might be available that would meet the appropriate criteria for Riverview Psychiatric Center, making sure that it's in compliance with the consent decree, that we look at what could be done with the current building, and, as you read this, what other possibilities that are there. This was a unanimous vote out of our committee. We discussed it twice in our committee. I believe you will hear that the department is already doing this, but I would suggest that the information that's requested here would be extraordinarily important either to the department as they go forward with their process and don't believe that this would impede at all any of their recommendations that they might bring forward but would provide significant information to the Health and Human Services Committee. I would urge you to vote no on the current pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I'll keep this very brief. I'll admit, part of the reason we're in this posture is my fault. The origins of this bill, this was a Joint Order that we passed, initiated by Representative Malaby in the other Chamber, a member of the Health and Human Services Committee. We thought we needed this bill. Being the end of session, it was kind of rushed through very quickly and, after the fact, we learned the Department is already in the process of doing this and implementing this bill could, in fact, delay the process by up to a year. The situation at Riverview being acute, we talked about this before, there needs to be a separate facility for forensic patients and we don't want to slow that process down any more than is

necessary. I encourage the Indefinite Postponement of this bill. As it turns out it's not as necessary as we thought it was.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, Mr. President, I'd just pose a question if anyone knows the answer. What the committee vote was with respect to this L.D.?

THE PRESIDENT: The Senator from Kennebec, Senator Katz poses a question through the Chair to anyone who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Haskell.

Senator **HASKELL:** Thank you very much, Mr. President. Men and women of the Senate, in response to the question, the answer is it was unanimous out of our committee. Thank you for the question. While I'm standing, Mr. President, I would request a roll call when the vote is taken. Thank you.

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

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

Senator **BRAKEY:** Thank you, Mr. President. Just to clarify, while this did come out as a unanimous report, I will, as I started before, six members of the committee, who for purposes of Chamber decorum I'm not going to identify any political parties they belonged to, six members of the committee no longer feel that this is necessary and I encourage Indefinite Postponement.

THE PRESIDENT: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Indefinitely Postpone. 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 (#689)

YEAS: Senators: BAKER, BRAKEY, CUSHING, EDGEComb, HAMPER, MASON, MCCORMICK, ROSEN, VOLK, WILLETTE, THE PRESIDENT - MICHAEL D. THIBODEAU

NAYS: Senators: ALFOND, BREEN, BURNS, COLLINS, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, GERZOFOSKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MIRAMANT, PATRICK, SAVIELLO, VALENTINO, WHITTEMORE, WOODSOME

EXCUSED: Senator: MILLETT

11 Senators having voted in the affirmative and 23 Senators having voted in the negative, with 1 Senator being excused, the motion by Senator **BRAKEY** of Androscoggin to **INDEFINITELY POSTPONE** the Resolve, in **NON-CONCURRENCE, FAILED.**

Report **ACCEPTED**, in concurrence.

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

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

PAPERS FROM THE HOUSE

Joint Order

The following Joint Order:

H.P. 1167

ORDERED, the Senate concurring, that the Working Group to Study Background Checks for Child Care Facilities and Providers is established as follows.

1. Working Group to Study Background Checks for Child Care Facilities and Providers established. The Working Group to Study Background Checks for Child Care Facilities and Providers, referred to in this order as "the working group," is established.

2. Membership. The working group consists of 5 members appointed as follows:

A. Two members of the Senate appointed by the President of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature; and

B. Three members of the House of Representatives appointed by the Speaker of the House, including members from each of the 2 parties holding the largest number of seats in the Legislature.

The members appointed must serve on the Joint Standing Committee on Judiciary, the Joint Standing Committee on Health and Human Services, the Joint Standing Committee on Education and Cultural Affairs or the Joint Standing Committee on Appropriations and Financial Affairs.

3. Working group chairs. The first-named Senator is the Senate chair of the working group and the first-named member of the House is the House chair of the working group.

4. Appointments; convening of working group. All appointments must be made no later than 30 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the working group shall call and convene the first meeting of the working group. If 30 days or more after the passage of this order a majority of but

not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the working group to meet and conduct its business.

5. Duties. The working group shall review the requirements for national criminal history background checks based on fingerprints as required by the federal Child Care and Development Block Grant Act of 2014. The working group shall invite the participation of and comments from stakeholders, including but not limited to child care facilities, family child care providers and parents. The working group shall invite the participation of the Department of Health and Human Services and the Department of Public Safety, State Bureau of Identification. The working group shall recommend how the required background checks should be incorporated into law in this State, including but not limited to who should be subject to the background checks, whether the law should provide for contingent or provisional hiring while background checks are pending, who is responsible for the payment of costs associated with the background checks and how the Background Check Center within the Department of Health and Human Services can help coordinate and streamline the background check process for child care facilities and providers. The working group shall explore options, including the application of federal grant funds, to defray all or some of the initial and ongoing additional costs.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the working group.

7. Report. No later than November 2, 2016, the working group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Second Regular Session of the 127th Legislature.

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

READ and **PASSED**, in concurrence.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass As Amended

Senator HAMPER for the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** on Bill "An Act To Authorize a General Fund Bond Issue To Improve Highways, Bridges and Multimodal Facilities"

S.P. 699 L.D. 1694

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-534)**.

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

READ ONCE.

Committee Amendment "A" (S-534) **READ** and **ADOPTED**.

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

Sent down for concurrence.

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

COMMUNICATIONS

The Following Communication: H.C. 533

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

April 14, 2016

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Education and Cultural Affairs on Bill "An Act To Improve the Quality of Teachers" (S.P. 502) (L.D. 1370) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-432).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and **ORDERED PLACED ON FILE**.

Senate at Ease.

Senate called to order by the President.

COMMUNICATIONS

The Following Communication: H.C. 527

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

April 12, 2016

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

REPORTS OF COMMITTEES

Senate

Divided Report

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1499, "An Act To Increase the Safety of Social Workers."

This bill would remove from the public record the addresses and phone numbers of licensed social workers in Maine. It would carve out a special exemption, leaving dozens of other professions and occupations licensed under Title 32 without this consideration.

The original purpose of making licensee contact information public was to support the role of the state and the licensing boards in ensuring that licensees are accountable to the public. If a social worker fears for his or her safety, he or she may provide a Post Office box number to the Department of Professional and Financial Regulation or take advantage of the Secretary of State's alternative address program.

The purpose of publicizing contact information is not to ensure that anybody may glean a social worker's home address, but that the public is able to contact that social worker or other licensee directly with complaints, requests or other relevant communications. There are countless legitimate reasons members of the public may have for trying to contact a licensed social worker. They should not be deprived of that ability lightly or unnecessarily.

Furthermore, if somebody really wants to find a licensee in the internet age, they will do so. Making previously public information confidential for the purposes of a state website will only make legitimate contact more difficult while serving merely as a speed bump to anyone with ill intent.

For these reasons, I return LD 1499 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Increase the Safety of Social Workers
H.P. 1022 L.D. 1499

Comes from the House, 105 members having voted in the affirmative and 43 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

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

Ten members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish a Process for Procurement of Renewable Resources"
S.P. 689 L.D. 1676

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (S-517)**.

Signed:

Senators:
WOODSOME of York
HILL of York

Representatives:
DION of Portland
BABBIDGE of Kennebunk
BEAVERS of South Berwick
DeCHANT of Bath
GROHMAN of Biddeford
HIGGINS of Dover-Foxcroft
RYKERSON of Kittery

Two 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" (S-518)**.

Signed:

Representatives:
DUNPHY of Embden
WADSWORTH of Hiram

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

Signed:

Senator:
MASON of Androscoggin

Representative:
O'CONNOR of Berwick

Reports **READ**.

On motion by Senator **WOODSOME** of York, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF ANY REPORT**.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (4/12/16) matter:

An Act To Simplify and Expand the Educational Opportunity Tax Credit

S.P. 678 L.D. 1657
(C "A" S-438; S "A" S-509)

Tabled - April 12, 2016, by Senator **ALFOND** of Cumberland

Pending - **ENACTMENT**, in concurrence

(In Senate, April 11, 2016, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AND SENATE AMENDMENT "A" (S-509)**, in **NON-CONCURRENCE**.)

(In House, April 12, 2016, **PASSED TO BE ENACTED**.)

On motion by Senator **HAMPER** of Oxford, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AND SENATE AMENDMENT "A" (S-509)**, in **NON-CONCURRENCE**.

On further motion by same Senator, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Senate Amendment "A" (S-509).

On further motion by same Senator, Senate Amendment "A" (S-533) to Senate Amendment "A" (S-509) **READ** and **ADOPTED**.

Senate Amendment "A" (S-509) as Amended by Senate Amendment "A" (S-533) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-438) AND SENATE AMENDMENT "A" (S-509) AS AMENDED BY SENATE AMENDMENT "A" (S-533) thereto, in **NON-CONCURRENCE**.

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 Friday, April 15, 2016, at 10:00 in the morning.