

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

In Senate Chamber
Wednesday
June 7, 2017

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

Prayer by Pastor Stephen Prescott, The Rock Church in
Scarborough.

PASTOR PRESCOTT: Let us pray. Father, God, we thank You for this opportunity to worship You here today. Lord, we lift up Your work here in the State of Maine. Lord, we pray that You do Your work in the state. Bring about Your purposes, Lord, in our people. Lord, I pray that Maine would be an influential state in our country, that leads our country in developing people of character, responsibility, sincere love for others, and of humility that acknowledges our need for You, Lord. Lord, I pray for every person in this room here today. I pray for their health, for their connection with their family members, for a peace that comes from You, Lord. Lord, I pray that You encourage any of our Senators that even today feel discouraged or defeated. Lord, let them know that with You they're never alone. Lord, give our government wisdom to make wise decisions that are based on Your principles. Fill those in this room with caring concern for one another, that loves even despite differences of opinion or party, and let those, Lord, in this room lead the country so that they can see Maine as a model of bi-partisan teamwork that values every person because we love God. Lord, we pray these things in the mighty name of Jesus. Amen.

Pledge of Allegiance led by Senator Benjamin M. Chipman of
Cumberland County.

Reading of the Journal of Tuesday, June 6, 2017.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Confidentiality of Information in the Animal Welfare Laws"
H.P. 998 L.D. 1446
(C "A" H-379)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-379)** (6 members)

Minority - **Ought Not to Pass** (5 members)

In Senate, June 5, 2017, on motion by Senator **DAVIS** of Piscataquis, 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-379)** in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Preserve the Economic Viability of Maine's Historic Properties"

H.P. 803 L.D. 1140
(C "A" H-345)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-345)** (7 members)

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

In Senate, June 5, 2017, on motion by Senator **VOLK** of Cumberland, 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-345)** in **NON-CONCURRENCE**.

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

On motion by Senator **VOLK** of Cumberland, the Senate **INSISTED**.

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Provide Stability and Continuity in the Department of Education"

S.P. 120 L.D. 379
(C "A" S-170)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-170)** (7 members)

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

In Senate, June 5, 2017, on motion by Senator **DAVIS** of Piscataquis, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

Comes from the House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-170)** in **NON-CONCURRENCE**.

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

Sent down for concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.C. 487

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

June 5, 2017

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

Dear President Thibodeau:

This is to inform you that I am today nominating The Hon. Thomas E. Delahanty II of Falmouth for appointment to Active Retired Status of the Maine Superior Court.

Pursuant to Title 4, MRSA §104, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

**STATE OF MAINE
OFFICE OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333-0006**

The Following Communication: S.C. 489

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

The Honorable Sara Gideon, Speaker
Maine House of Representatives
2 State House Station
Augusta, Maine 04333

The Honorable Amy Volk, Senate Chair
The Honorable Ryan Fecteau, House Chair
Committee on Labor, Commerce, Research and Economic Development
The Honorable David Woodsome, Senate Chair
The Honorable Seth Berry, House Chair
Committee on Energy, Utilities and Technology
100 State House Station
Augusta, Maine 04333

Re: *2017 Attorney General Report to the Legislature
Under the Petroleum Market Share Act*

Dear President Thibodeau, Speaker Gideon, Senators Volk and Woodsome, and Representatives Fecteau and Berry:

I am pleased to make this report in accordance with the Petroleum Market Share Act (P.M.S.A.), 10 M.R.S. § 1677. The P.M.S.A. requires the Attorney General to make a report to the Legislature describing the concentration of retail outlets in the State, including a recommendation as to whether additional legislation is needed to further limit or curtail the activity of refiners operating retail outlets.

Enclosed is a report describing concentration of retail outlets in the State. The report, which is based on data collected from wholesalers of both motor fuel oil and home heating oil, includes maps depicting relative concentration in designated markets throughout the State. This report is also available on the Attorney General's website at:

<http://www.maine.gov/ag/docs/PMSA%20Report%202015-2016.pdf>.

Since no refiners of petroleum products operate retail outlets in this State, we recommend no legislation to limit or curtail such operations.

I appreciate this opportunity to provide this information and hope it is useful.

Sincerely,

S/Janet T. Mills
Attorney General

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: H.C. 216

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

June 6, 2017

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Majority Ought to Pass as Amended Report of the Committee on Education and Cultural Affairs on Bill "An Act To Sustain and Attract Skilled Workers to Maine by Improving the Job Creation Through Educational Opportunity Program" (S.P. 392) (L.D. 1171) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-151).

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

The Following Communication: H.C. 211

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

June 5, 2017

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

Dear Secretary Priest:

House Paper 302, Legislative Document 422, "An Act To Create the Water Resources Planning Committee," 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?"

74 voted in favor and 69 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 671, Legislative Document 943, "An Act Regarding the Cancellation of Subscription Services," 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?"

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

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and with accompanying papers ORDERED PLACED ON FILE.

The Following Communication: H.C. 218

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

June 6, 2017

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

Dear Secretary Priest:

House Paper 429, Legislative Document 613, "An Act To Protect Job Applicants from Identity Theft," 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?"

79 voted in favor and 66 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

House Paper 757, Legislative Document 1079, "An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency," 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?"

91 voted in favor and 55 against, with 1 being excused, and accordingly it was the vote of the House that the Bill not become a law and the veto was sustained.

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

Off Record Remarks

The Following Communication: S.C. 483

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

2 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 45, "Resolve, Concerning the Ownership of a Causeway on Long Lake near St. Agatha."

While I understand how uncertain ownership of causeways can be problematic, this resolve does not address that issue in a final way. Rather, this resolve creates an unfunded mandate on the Executive Branch. It mandates the Commissioner of Environmental Protection, the Commissioner of Agriculture, Conservation and Forestry and the Commissioner of Transportation convene a "working group" to study the ownership of a causeway near St. Agatha.

Typically when there are disputes as to ownership, these disputes are settled in the Judicial Branch, not in the Legislature and certainly not by three of the most important managers in the Executive Branch. I recommend those who have question about the title of the causeway seek redress in court.

For these reasons, I return LD 45 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 Concerning the Ownership of a Causeway on Long Lake near St. Agatha

S.P. 25 L.D. 45

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#232)

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

NAYS: Senators: BRAKEY, KATZ

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.

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

The Following Communication: S.C. 484

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

2 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 582, "An Act To Provide for Timely Physical Examinations of Children Entering State Custody."

While I appreciate the efforts of the Legislature to urge Maine toward the fastest possible health and behavioral assessments for kids being brought into foster care, this proposal is neither

possible nor practical. Today, Maine law requires the Department to ensure that a medical appointment is scheduled within 10 days of a child coming into state custody. Ten days is a quick turnaround that still allows for the complexities of a case to be fully considered, as well as for the difficulties of scheduling an appointment in a state that had a shortage of clinicians.

As the Legislature considers the issues highlighted in this bill, it must not lose sight of the broader issue. Tax policy is driving doctors and other high-income earners out of Maine and makes recruitment of new professionals nearly impossible and restricts access to the medical care that Mainers need.

I support and am committed to ensuring that all children who enter state custody have their physical and mental health needs met as quickly as possible, but imposing an arbitrary deadline that cannot be met does not address this. Today, child welfare case managers work tirelessly to meet the needs of Maine's foster kids. Additionally the Office of Child and Family Service partners with the Maine Chapter of the American Academy of Pediatrics and numerous physicians across the state, and it has created a new billable service in MaineCare to cover visits known as Comprehensive Health Assessments specifically to serve our most vulnerable kids.

For these reasons, I return LD 582 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

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

S.P. 197 L.D. 582

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen, I'll speak just very briefly to this. This is a bill that was put forward by the pediatricians, those doctors caring for kids in the State of Maine, to try to be sure that kids going into foster care - our most vulnerable kids coming from very, very difficult situations - have an evaluation, a medical evaluation, early on. There's actually an issue, quite a complicated bill. It's been narrowed down so that it makes - assures - that an appointment will be made within three days, and the person will actually be seen within ten days of being placed in a foster home. It really is a mandate, a requirement, that the foster parents take the health of their new child very seriously. I urge very much for you to follow my light. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#233)

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

NAYS: Senators: BRAKEY, COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, KEIM, LANGLEY, MAKER, MASON, ROSEN, WHITTEMORE, PRESIDENT THIBODEAU

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 21 being less than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **SUSTAINED**.

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

Off Record Remarks

The Following Communication: S.C. 485

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

2 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 820, "An Act to Protect Maine's Clean Water and Taxpayers from Mining Pollution."

This bill will deter any company from mining in Maine, and it will discourage exploration of our mineral deposits because this bill would make them undevelopable. As a state we should encourage innovation and welcome businesses that will employ

our citizens and contribute to our gross domestic product. This bill takes away the opportunity for innovative companies to select safe and cost-effective methods to mine, and it perpetuates the hypocritical, not-in-my-backyard attitude that keeps Maine at a competitive disadvantage.

In a world of rapidly developing technology, people want the latest electronic device- which requires metals mined from somewhere-but they refuse to believe that same level of technological advancement can occur in our manufacturing and resource extraction industries. Establishing clear and reasonable standards for mining could bring mining jobs to Maine. Unnecessary prohibitions based on fear, not science, prevent job creation.

Companies will continue to choose other states to do business until we can offer them a regulatory environment that supports new ideas. I will not support a bill that takes us in the wrong direction.

For this reason, I return LD 820 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 Protect Maine's Clean Water and Taxpayers from Mining Pollution

S.P. 265 L.D. 820

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#234)

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

NAYS: Senators: None

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

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

The Following Communication: S.C. 486

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

2 June 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 832, "Act to Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors."

What LD 832 proposes is not simply to force the Executive to issue a handful of currently authorized, but unissued bonds. Rather, this bill is a complete overhaul of Maine's entire bonding process that would apply to "all general obligations bonds," both past and future. This is a major departure from our current bonding process that must be carefully considered.

When the Legislature wishes to borrow through a general obligation bond, the Maine State Constitution proscribes how this must be done: voters must be asked via a state-wide ballot if they would authorize the proposed borrowing. This is a process that must be followed scrupulously. Furthermore, federal tax law is overlaid on this entire process so these bonds may be properly registered by the Internal Revenue Service in order to enjoy tax-exempt status. In addition to these legal considerations, there are the practical considerations of the market-those entities that actually purchase the state's bonds.

Any departure from our current bonding process creates market uncertainties. Those who purchase our state's debt will have their own financial questions regarding the soundness of this new process. Market uncertainties only mean one thing: financial risk. That risk will be cured by increasing the cost of borrowing for the people of Maine.

Currently, the state does not issue bonds until the funds are needed. There are a host of reasons why that is the case, included among them are the Internal Revenue Service's arbitrage requirements. This bill, however, simply says that the Governor shall authorize the issuance of bonds. There is no consideration given to timing other than the very limited,

enumerated exceptions set forth in this bill. Arbitrage requirements, however, do not appear in this list.

More concerning, however, are the constitutional infirmities this bill suffers. The first constitutional issue is the discreet problem caused by the retroactive application of this bill. LD 832 seeks to eliminate the Executive's discretion, completely altering the process of issuing bonds. What supporters of this bill fail to recognize is that currently authorized bonds themselves set forth the Executive's role in the issuance of those same bonds, a role that has received the approval of the voters. This bill seeks to alter that role retroactively via a simple legislative enactment--one that cannot withstand constitutional scrutiny.

It is a long-held principle that bonds cannot be amended without sending the amendment itself out to the voters. Simply put, already authorized bonds were approved by the voters and contain a process for issuance of those bonds that includes the Executive's exercise of discretion. That issuance process cannot be amended by a simple legislative enactment. The only way to alter a bond that has received the approval of the voters is to send the amendment itself to the voters. This bill does not do that and cannot amend already authorized bonds retroactively.

Most concerning, constitutionally, is this bill's impermissible exercise of Executive power by the Legislature. Under this proposal, the Executive would be stripped of all discretion related to the issuance of these bonds and, rather, the Governor would be commanded to issue bonds by the Legislature through the use of the word "shall." Five enumerated exceptions follow this blanket command, with the Treasurer, an agent of the Legislature, determining if three of these exceptions apply. The two other exceptions would be fact-specific occurrences outside of the discretion of the Executive. This legislative enactment, however, would be an impermissible exercise of the executive power by the Legislature by commandeering the Executive and ordering the Governor to act without discretion.

Those buying our debt expect the full faith and credit of state to stand behind these general obligation bonds, and only the Executive stands in a position to speak for the entire state--not a bicameral body comprised of 186 separate members. The Governor occupies a full-time position with constant access to information and the ability to execute on a decision, unlike Maine's part-time Legislature that is adjourned for months at a time. The Executive is the only logical place where the authority to issue bonds should reside.

This bill, however, would constitute the Legislature exercising the Executive's discretion by dictating how and when the decision to issue bonds must take place. The doctrine of separation of powers, however, specifies that one branch of government cannot exercise the authority of another branch.

Clearly, this bill does not withstand constitutional scrutiny and cannot succeed in stripping the Executive of this authority. However, if allowed to go into law, this bill will certainly succeed in creating legal and market uncertainty for past and future bonds. This is nothing more than an unconstitutional power grab by one branch of government to use as a political bludgeon against another branch. Questions of separation of powers between branches of government can only be finally determined by our

state's highest court. Until that determination, all general obligation bonds would proceed under a legal cloud.

For these reasons, I return LD 832 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 Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors (EMERGENCY)

S.P. 278 L.D. 832

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

Senator **KATZ:** Mr. President, men and women of the Senate, I just want to remind everyone about this bill. We had some debate on it at the time. This is the Senior Housing Bond bill which essentially seeks to make sure that the will of the people who, by a 71% margin, said they wanted a \$15 million senior housing bond gets carried out. The reason I rise in particular, Mr. President, is for the record to comment on the veto letter and three things in the letter which I would respectfully suggest are not accurate. First of all, the veto letter suggests that "this bill is a complete overhaul of Maine's entire bonding process that would apply to all general obligation bonds." In fact, Mr. President, this bill is directed to this single bond issue, for this single housing bond issue. Secondly, Mr. President, the Executive asserts that any departure from the current bonding process creates market uncertainties. I just want to assure the membership that this bill was drafted in conjunction with the Treasurer to make sure that the bill would, in fact, not run afoul of bond counselors and interfere in any way with the sale of these bonds. Third, Mr. President, is the statement "more concerning, however, are the constitutional infirmities this bill suffers." In fact, as we discussed before when we debated this bill, Mr. President, the Constitution gives the Chief Executive no role, whatsoever, in the issuance of bonds. The only role the Chief Executive has are those powers and duties throughout the process that we assign to the Chief Executive through statute. So there are, I would respectfully suggest, no constitutional issues whatsoever, that the Legislature determines the process. Thank you, and I would urge that this veto be overridden. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#235)

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

NAYS: Senators: BRAKEY, CUSHING, CYRWAY, DAVIS, HAMPER, KEIM, MASON, WHITTEMORE, PRESIDENT THIBODEAU

26 Senators having voted in the affirmative and 9 Senators having voted in the negative, and 26 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: H.C. 204

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 297, "An Act To Improve the Administration of Election Recounts."

There are several provisions of this bill I believe will disenfranchise voters and candidates if they do not have the financial means to contest elections. I believe the law as it exists today is sufficient and that to change the law in the way this bill proposes would be detrimental to our system of government.

For these reasons, I return LD 297 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Improve the Administration of Election Recounts
H.P. 230 L.D. 297

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#236)

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

NAYS: Senators: None

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

The Following Communication: H.C. 206

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 457, "An Act to Repeal the Sunset Date on the Children's Guardian Ad Litem Law."

I am of the opinion that the Guardian Ad Litem Law should sunset. I understand there is still a need to have a better guardian ad litem system in our state. There is a tendency in the Legislature to pass a law, then to assume the problem is fixed. I believe that is what happened when the Legislature passed the Guardian Ad Litem Law. Because the system still needs to be fixed, I support the sunset of our current law so a new and serious debate can occur on what other options are available.

For this reason, I return LD 457 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 Repeal the Sunset Date on the Children's Guardians Ad Litem Law (EMERGENCY)

H.P. 324 L.D. 457

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#237)

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

NAYS: Senators: None

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

The Following Communication: H.C. 203

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 56, "An Act To Include 50ml and Smaller Liquor Bottles in the Laws Governing Returnable Containers."

I have several objections to this bill. The Legislature purports to care about how each dollar entrusted to the state is spent, yet this bill was exempted from scrutiny by the Appropriations and Financial Affairs Committee despite the cost for implementation that it imposes, which totals over \$1 million. I am troubled by the precedent this bill sets; it suggests that any time a legislator identifies a pet cause that needs funding, they should raid the state's liquor business. That type of thinking has gotten the state into financial trouble in the past, and it runs counter to the steps this Administration has taken to strengthen the liquor contract, which is now producing tens of millions of dollars more a year to fund state government and enable us to pay back the hospital debt. This bill takes us in the wrong direction.

If proponents of this bill are truly concerned about the litter caused by discarded 50ml bottles on the side of the road, they have two options: either increase penalties for discarding these bottles or discontinue sales of these bottles all together.

The case to increase the penalty for discarding 50ml alcohol bottles on the side of the road is clear. In speaking with members of the public and in law enforcement about this issue, they have informed me that 50ml containers on the side of the road often result from consumption inside a moving vehicle. Whether consumed by the driver or a passenger in a vehicle, in violation of Maine law, this is dangerous, illegal and unacceptable. The behavior is more egregious because the act of discarding the bottle out the window is merely an attempt to eliminate the evidence of the crime. I cannot condone this unlawful behavior, and I believe increased penalties are warranted.

Last week I vetoed LD 671, which sought to ease penalties on license suspension for people who have been caught driving while drunk. I am becoming concerned the Legislature does not take drunk driving seriously and is unwilling to protect the public from such reckless behavior. In this bill, the Legislature has once again failed to seek penalties for those creating the threat to public safety.

Absent increased penalties, which this bill failed to impose, an alternative approach is to discontinue the sale of 50ml bottles containing alcohol all together. If this bill passes, I have directed the Bureau of Alcoholic Beverages and Lottery Operations to work with the Liquor and Lottery Commission to delist these products for sale in Maine.

Rather than support this costly bill, which will not reduce drunk driving and does nothing to curb the destruction of evidence through littering, I return LD 56 to you 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 Include 50 Milliliter and Smaller Liquor Bottles in the Laws Governing Returnable Containers
H.P. 43 L.D. 56

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#238)

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

NAYS: Senators: BRAKEY, CUSHING, HAMPER, LIBBY, MASON, WHITTEMORE

29 Senators having voted in the affirmative and 6 Senators having voted in the negative, and 29 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

The Following Communication: H.C. 208

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1055, "An Act To Update the Statutes Under Which Maine's Credit Unions Are Chartered."

With their tax-exempt status, credit unions enjoy a significant competitive advantage over banks. This bill would expand that competitive advantage inappropriately by increasing the amount of total surplus a credit union may invest in real estate from 50 to 60 percent and by eliminating the requirement for a guaranty fund. I believe in a level playing field for economic competitors. For this reason, I return LD 1055 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 Update the Statutes under Which Maine's Credit Unions Are Chartered
H.P. 738 L.D. 1055

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

The President laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor?"

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

The Following Communication: H.C. 209

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1085, "An Act To Amend the Requirements for Licensure as an Independent Practice Dental Hygienist."

While I support this bill's lowering of a barrier to entry into the dental hygienist profession—by reducing the number of experience hours a holder of an associate's degree needs from 5,000 to 2,000—I do not believe this change should be retroactive.

For this reason, I return LD 1085 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 Amend the Requirements for Licensure as an Independent Practice Dental Hygienist (EMERGENCY)
H.P. 763 L.D. 1085

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#239)

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

NAYS: Senators: None

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

The Following Communication: H.C. 212

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 459, "Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices."

My primary opposition to this resolve is the amendment. I believe a candidate who wishes to participate in "Clean Elections" should be responsible to collect the qualifying contributions. The candidate should not leave that task up to volunteers. Because this resolve contemplates volunteers collecting contributions, I cannot support it.

For this reason, I return LD 459 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve:

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices (EMERGENCY)
H.P. 326 L.D. 459

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#240)

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

NAYS: Senators: None

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

The Following Communication: H.C. 214

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

June 2, 2017

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

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 917, "Resolve, To Require a Review of the State Employee and Teacher Retirement Plan."

I fully support the goals of the proposed review. We are overdue to reform Maine's retirement system to improve portability that allows greater movement for skilled employees into and out of jobs in state government and in our schools. The threat of penalties from the federal government by limiting eligibility for Social Security does not allow optimal recruitment and workforce mobility. With Maine's demographic challenges and labor

shortage, now it is more important than ever to ensure we remove such barriers.

I cannot support this bill, however, as it is a directive without providing resources to get the job done. The Legislature recently authorized a similar review to that which is proposed in this bill. That review was completed, and sound recommendations were made; yet it was never acted upon. We already know what needs to be done, I call on the Legislature to take steps to implement it. This is not the time for another unfunded study—this is the time for action.

For these reasons, I return LD 917 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Resolve: Resolve, To Require a Review of the State Employee and Teacher Retirement Plan (EMERGENCY)
H.P. 645 L.D. 917

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#241)

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

NAYS: Senators: None

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

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

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

Senate at Ease.

The Senate was called to order by the President.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Prohibit the Creation of a Firearms Owner Registry"

H.P. 10 L.D. 9

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-87)**.

Signed:

Senators:

- ROSEN of Hancock
- CYRWAY of Kennebec
- DIAMOND of Cumberland

Representatives:

- COREY of Windham
- GERRISH of Lebanon
- GROHMAN of Biddeford
- HERRICK of Paris
- MAREAN of Hollis

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

Signed:

Representatives:

- WARREN of Hallowell
- LONGSTAFF of Waterville
- RECKITT of South Portland
- TALBOT ROSS of Portland

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-87)**.

Reports **READ**.

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

On motion by Senator **DAVIS** of Piscataquis, 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 (#242)

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

NAYS: Senators: None

35 Senators having voted in the affirmative and no Senator having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-87) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow Municipalities To Prohibit Weapons at Municipal Public Proceedings and Voting Places"

H.P. 257 L.D. 351

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

Signed:

Senators:

- ROSEN of Hancock
- CYRWAY of Kennebec

Representatives:

WARREN of Hallowell
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

COREY of Windham
GERRISH of Lebanon
MAREAN of Hollis

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-89)**.

Reports **READ**.

On motion by Senator **ROSEN** of Hancock, **TABLED** until Later in Today's Session, pending **ACCEPTANCE OF EITHER REPORT**.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Enhance Safety on College and University Campuses by Allowing Firearms To Be Carried on the Campuses of Public Colleges and Universities"

H.P. 949 L.D. 1370

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
STEWART of Presque Isle

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-373)**.

Signed:

Representatives:

SAMPSON of Alfred
TURNER of Burlington

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide MaineCare Coverage for Music Therapy"

H.P. 479 L.D. 688

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-297)**.

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

HAMANN of South Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Allow Municipalities To Opt Not To Enforce the Maine Uniform Building and Energy Code"

H.P. 966 L.D. 1392

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

Signed:

Senator:
BELLOWS of Kennebec

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-211)**.

Signed:

Senator:
VOLK of Cumberland

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

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

Reports **READ**.

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

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

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I just want to take a second to

clarify that what this amendment does. The amendment is really just about local control. So if they wanted to a local municipality of 4,000 or more could decide to hold a vote on whether or not they would like to be a part of the Maine Uniform Energy Code and that's all. They would just have to affirmatively opt out. It only applies to municipalities 4,000 or higher and, again, it would have to be a vote of the local people. Thank you.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of this report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#243)

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

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

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

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

Divided Report

The Majority of the Committee on **TAXATION** on Bill "An Act To Encourage Family-friendly Businesses through a Tax Credit for Child Care"

H.P. 914 L.D. 1317

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

Signed:

Senators:
DOW of Lincoln
CHENETTE of York
CUSHING of Penobscot

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham
WARD of Dedham

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

Signed:

Representative:

POULIOT of Augusta

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-234).**

Reports **READ.**

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

Bill **READ ONCE.**

Committee Amendment "A" (H-234) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

The Majority of the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act for Providers across Multiple Sectors To Inquire of Clients and Customers about Former Military Service"
H.P. 204 L.D. 271

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

Signed:

Senators:

MASON of Androscoggin
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor

WHITE of Washburn

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-406).**

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

HANINGTON of Lincoln
HICKMAN of Winthrop

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

Reports **READ.**

Senate at Ease.

The Senate was called to order by the President.

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

Senate

Ought to Pass

Senator DAVIS for the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act Regarding State Hiring and Retention for Persons with Disabilities"

S.P. 469 L.D. 1361

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

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

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

Sent down for concurrence.

Ought to Pass As Amended

Senator DAVIS for the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund"

S.P. 201 L.D. 586

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-202)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-202) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator LANGLEY for the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Ensure the Integrity of For-profit Colleges"

S.P. 482 L.D. 1404

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-204)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-204) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator BRAKEY for the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding MaineCare Coverage for Telehealth Services"

S.P. 515 L.D. 1485

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-205)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-205) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator CYRWAY for the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Authorize the Revocation, Suspension or Denial of a Guide License under Specified Circumstances"

S.P. 518 L.D. 1489

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-206)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-206) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Adopt the Interstate Medical Licensure Compact"

S.P. 467 L.D. 1359

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-208)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-208) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Senator VOLK for the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Electricians' Examining Board Licensing Laws"

S.P. 556 L.D. 1583

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-211)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-211) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve the Quality of Teachers" S.P. 263 L.D. 818

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-203)**.

Signed:

Senator:

MILLETT of Cumberland

Representatives:

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

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

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

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide MaineCare Coverage for Chiropractic Treatment"

S.P. 94 L.D. 320

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-199)**.

Signed:

Senators:

BRAKEY of Androscoggin
CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
PARKER of South Berwick
PERRY of Calais
SANDERSON of Chelsea

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

Signed:

Senator:

HAMPER of Oxford

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-199) **READ** and **ADOPTED**.

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

Sent down forthwith for concurrence.

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Exempt a Person under 18 Years of Age from the Requirement To Wear a Helmet While on an All-terrain Vehicle in Certain Circumstances"

S.P. 21 L.D. 41

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

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson
HARLOW of Portland
MASON of Lisbon
NADEAU of Winslow
WOOD of Greene

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-207)**.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ALLEY of Beals
LYFORD of Eddington
REED of Carmel
STEARNS of Guilford

Reports **READ**.

Senator **CYRWAY** of Kennebec moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report.

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

Senator **CARPENTER:** Thank you, Mr. President. I would oppose the pending motion and request the vote be taken, it be taken by the yeas and nays.

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

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

Senator **DAVIS:** Thank you, Mr. President. In regards to this matter, I'd just like to point out that a person of 14 years of age they have to be securely fastened with a seatbelt on. They have to be beside a parent or a grandparent, and the vehicle they are riding in has to have roll bars, and they may, instead of wearing a full helmet, wear a bicycle helmet. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Mr. President, I'd like to pose a question through the Chair.

THE PRESIDENT: The Senator may proceed.

Senator **JACKSON:** Having served on IFW, I thought that people under 16 could actually operate four wheelers if they were accompanied with their parents and in those cases, if they are actually operating the four wheeler, would they still need to be belted in, with the roll bar, and things like that?

THE PRESIDENT: The Senator from Aroostook, Senator Jackson, has posed a question through the Chair to anybody who cares to answer. The Chair recognizes the Senator from Kennebec, Senator Cyrway.

Senator **CYRWAY:** Thank you, Mr. President. I believe they still have to be belted in if it's available, and also that, on this helmet law, they would still have to wear the helmet, but with this amendment it would go to a bicycle helmet on strictly a side-by-side, not an ATV, and the parent, guardian, or grandparent would have to be the driver, and they would be sitting adjacent to them.

THE PRESIDENT: The pending question before the Senate is Acceptance of the Ought to Pass as Amended by Committee Amendment "A" Report. If you are in favor of accepting that report you will be voting yes. If you are opposed you will be voting no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#244)

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

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

16 Senators having voted in the affirmative and 19 Senators having voted in the negative, the motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report **FAILED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **JUDICIARY** on Bill "An Act To Protect Homeowners from Improper Foreclosure Fees"
S.P. 350 L.D. 1047

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-198)**.

Signed:

Senator:

HILL of York

Representatives:

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

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

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

Reports **READ**.

Senator **KEIM** of Oxford moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** 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 (#245)

YEAS: Senators: COLLINS, CUSHING, HAMPER, KEIM, MAKER, MASON, SAVIELLO, WHITTEMORE

NAYS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DILL, DION, DOW, GRATWICK, HILL, JACKSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, ROSEN, VITELLI, VOLK, WOODSOME, PRESIDENT THIBODEAU

8 Senators having voted in the affirmative and 27 Senators having voted in the negative, the motion by Senator **KEIM** of Oxford to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-198) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Restore the Tip Credit to Maine's Minimum Wage Law" S.P. 235 L.D. 673

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-209)**.

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
VACHON of Scarborough

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

Signed:

Senator:

BELLOWS of Kennebec

Representative:

SYLVESTER of Portland

Reports **READ**.

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

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

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

Senator **VOLK:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I think that this is probably one of the more high profile pieces of legislation that we will be dealing

with in this session of the legislature, so I do want to take a few minutes to talk about the process and then I also want to take some time. I went and got my file in my committee because I really want to take a few minutes to make sure that you hear the voices of the hundreds of servers that have contacted the Labor, Commerce, Research and Economic Development Committee, who showed up for what turned out to be the longest committee hearing that any of the staff here at the State House could remember. It ran about 15 hours, beginning at 10 am and ending at 1:30 in the morning, it was the time that we all finally shut the lights out and went home. So this was historic and I understand that it's very challenging for some people to feel as though the voters voted on something and now we're being asked to change it. I would just like to assert that, unfortunately, there is quite a bit of evidence that a lot of the people who voted in favor of increasing the minimum wage, when they voted on the referendum in November, wanted to increase the minimum wage. What they didn't understand, or didn't really want to do and hoped that we would fix, was the portion that we are addressing today, which deals with the tip credit. In fact, there was a Google consumer survey tool that polled 500 Maine residents who voted on the ballot question either for or against. One quarter of yes voters did not understand that the ballot measure also raised the required base wage for tipped employees by a triple digit percentage, even if they already earned far more than \$12 an hour with tips included. We certainly heard from the testimony of the hundreds, and I'm not exaggerating when I say we have been contacted literally by hundreds of servers who said, "Please leave this alone, we do not want to make minimum wage. We make far above and beyond \$12 an hour in an average shift."

In the words of some folks: Todd, who is an owner of a restaurant, said, "It's not that I don't want my servers to make more money, it's that I don't know where it will come from." It was very interesting, towards the end of, it was probably 11 or 12 o'clock that night, we heard from an older woman who had been with us all day, and she was there because she had actually campaigned for this referendum question. She had, she ardently supported it. She went door-to-door. Took her own time. I don't think she was paid. She was a volunteer. She was an older person. I think she told us her age, she was in her 60's or even 70's. I don't recall exactly. She got up at the end of listening to all of the servers who came up, and the business owners who own restaurants in Maine, and said, "You know, I really didn't understand the business model of restaurants. I didn't understand how restaurants work and I think we should listen to these people." I thought that was pretty amazing from somebody who had campaigned ardently for the passage of this referendum question.

So the people from Moody's Diner, several of their servers came, and Moody's Diner was started in 1927 and a resident of Waldoboro testified that the removal of the tip credit will seriously jeopardize their 90th celebration and they really want to be in business to celebrate their 100th celebration. With the removal of the tip credit, their payroll will increase \$30,000 to \$40,000 in 2017 and it will compound annually until 2024 to create a staggering \$300,000 annual payroll increase. This to a 90 year old business in the State of Maine that really would like to live to see 100 years.

We heard from a lot of servers. I think sometimes there is a perception that people wait tables when they don't have other skills or other choices in life, and I want to tell you that we actually heard from scores of servers who testified and sent e-mails and

phone calls to say this is a lifestyle choice. Many, many, many of them could be doing other things. Many, many, many of them have college degrees. Many, many, many of them have chosen to wait tables because they can earn a good living, they can have a flexible schedule. This is an example: Amber from Kenduskeag, "I think there is this perception that servers end up waiting tables because they have no other viable options. That is not the case. Serving works best for me and my family. I love the opportunity that my industry affords my family. I am able to stay home with my children during the day and my husband stays with them in the evenings. Our children benefit from having the undivided attention of their parents while they're young. Eliminating the tipped wage means I will work longer hours to support my family at the level I have in the past. As a numbers person, I keep track of my daily take-home income and I can tell you 100% that I have lost money due to the confusion surrounding the tip credit." This is something we heard a lot and I believe that if you have taken the time to speak to servers you will hear this also. There's already the perception from some people in the public that servers are earning minimum wage and that they no longer need to either tip at all or tip at the same rate, which is customarily 20%, and many, many servers have seen a decrease in the amount of tips that they are taking home already when they are only now making \$5 an hour. "I have made \$2,717 less so far this year than I had in 2015 and 2016. In 2015, I made \$7,112 in the first quarter, averaging \$647 a week, and that includes two weeks when we were closed to relocate. In 2016, I averaged \$648 a week in the first quarter, and that includes being out of work for the month of March." Because she actually donated a kidney to a complete stranger. "So far this year I am averaging \$439 a week. Can any of you reconcile a 30% loss of income in your budget?"

Heather, from York, said that, "As the bookkeeper, staff is required to claim all their gratuities. If their hourly, with the tip credit, is less than minimum wage it is my job to make up the difference in their paycheck. I have had to utilize this less than 5 times in the 15 years, and only for the valet parking position. The employer is, and has been, required by law to pay minimum wage and not take the tip credit if the tips collected by the employee do not equal minimum wage."

This testimony, I just wanted to highlight, it's a lot, I apologize, but this highlights the fact that a lot of people didn't even understand what a tip credit means. What a tip credit means is that it is illegal for a server to make less than minimum wage. Part of what we did in the amendment to this bill that we are going to be voting on is we clarified that over a week period that is the pay period, and a server's wage, if they do not earn at least minimum wage, then that difference needs to be made up by the employer. That is current law. It's further clarified in the amendment that we will be voting on. So this was, and I promise you I'm almost done, I know there's a lot of other people that want to speak on this.

This is by Christina, who is a resident of Kennebunk, works at a restaurant in Wells. "Last year I made in wages, salary, and tips a total of over \$53,000. \$9,363 of that was my various hourly wages. \$5,200 of that is a salary I received for a management position. \$38,723 of that was in tips." 72.66% of her 2016 income was tipped income. I asked her. This woman works 3 to 5 shifts a week, 7 to 9 hours at a time. She went on to say, "75% of those odd tipped checks were guests I see regularly." She, too, has begun to see a decline. "Not necessarily weekly or monthly, but often enough for me to know what they drink, what

they gravitate to on our menu, whether they've met our new bar back yet, and often enough for me to know they usually tip 15 to 18 to 20%. Of those checks whose tips were far below the norm, half of them were at a 10% tip. This starts to scare me. The food hasn't gone downhill, nor has my level of service. When I'm a server I'm making roughly \$27 to \$28 an hour. If the majority of my tips stop being 15 to 20% and are more like 10% I'm then making only around \$16 an hour. That adds up quickly in a week to a huge deficit. There goes my debt to income ratios for my mortgage. A \$350 to \$450 deficit in a week is tough to make up without taking another job somewhere. There goes the schedule my household needs of me."

Lastly, Kenneth, from Falmouth, who is an owner of a restaurant in Portland says: "I supported Question 4 with a heavy heart knowing that the tip credit was included and still hoping at the time we would be able to reinstate the tip credit. The reason I did support it was I do believe all Mainers deserve a fair wage. That being said, I believe the servers in Maine make a very fair wage." His restaurant had 20,009 server hours in 2016. The average wage for the servers was almost \$20 an hour, for an average of 15.9% of sales. They do 80% of their business between June 10th and October 20th.

So, ladies and gentlemen, I really do hope that you'll be able to follow my lead and follow that of 11 members of the Labor, Commerce, Research, and Economic Development Committee who have sorted through all of the testimony, the 15 hours of testimony, the overwhelming majority of which supported this fix to referendum Question 4. I ask that you listen to the hundreds of Maine servers who are begging us to not change the way that they are paid, to not change their ability to live a lifestyle that gives them flexibility, high wages. It's their choice. And also to the business owners who built their model of business based upon being able to pay, at the time, \$3.75 an hour, it would now be \$5 an hour, which is current law, and allow the public to reward excellent service, which we are all accustomed to in the many restaurants where we enjoy eating. Thank you very much.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion and I want to congratulate my Chair as this was a very civil and respectful and long hearing, and we certainly did hear very good and heartfelt testimony for and against this bill from restaurants and restaurant servers alike on both sides. One of the most compelling pieces of testimony I heard was from a restaurant server in my own district, Jenna Rhea of Gardiner, and I read from her testimony because only she can tell her story. "The hardest thing about working a tipped job is the inconsistency, not knowing what you will make when you go to work, not being able to budget. Most of the other women that worked around me were raising families, many of them are single mothers like my sister who has been in the restaurant world for almost 20 years, and like me, she has learned to budget for that inconsistency over the years, because she's come to see a pattern. Saving during busy seasons, fall, winter and the holidays, to prepare for late spring and summer, which are the hardest for restaurants in the Lewiston/Auburn area, and, of course, there are the dead of winter nights when traveling to work is dicey and the tips just aren't there when the customers aren't. But we were there, making less than \$4 an hour. If servers like

my sister and me could count on their tips and more money in their pockets in wages from their employer that would be great. I think it will do a lot for bringing more economic stability to so many families across the state. Both my sister and I have experienced sexual harassment on the job, to be in the position where she felt she had to allow a man to hug her or touch her because if you don't, in her words, they might not come back, or they might not tip well. It's the tipped wage system that puts my sister, a single mother as I said, in a position where she is forced to allow that behavior from her customers. She doesn't have the luxury of walking away when she has to think about paying her bills and feeding her kids. For the economic security it would bring and for the sexual harassment that it could prevent, I ask you to support L.D. 117 and oppose any bill being heard today that would weaken the raise that tipped workers deserve." That's from Jenna Rhea of Gardiner and many other servers like Jenna testified that they had seen their pay increase since voters voted to raise their minimum wage too. For those servers, the increase in take-home pay is a matter of increased economic security and, contrary to fears expressed by proponents at the hearing, many of the servers testified that their tips had not decreased since the law went into effect in January. Indeed, the data from seven other states who have one fair minimum wage for all workers, including tip workers, shows that tips for workers in those states remained equally high. So the net impact in states that have eliminated a sub-minimum wage and established, as the Maine voters have approved, one fair wage for restaurant workers, their restaurant workers saw higher take-home pay and tips. A tips-plus system.

Restaurant owners at the hearing were similarly divided. There is no question that there are restaurant owners who are strongly opposed to what the voters did, but there were other restaurant owners who testified against this bill and urged us to uphold the will of the voters. They pointed to data from the first quarter here in our state that demonstrates that since implementation of the law we have not seen a decrease in the restaurant industry, and they pointed to data from the other states as well. McKinley Jones of the Sun Rise Café and Bakery of Lubec said, in testifying against this bill, "if we can pay my servers a fair wage in Washington County Maine anyone in Maine should be able to."

Ladies and gentlemen of the Senate, I think if we are to overturn the will of the voters we should have clear and overwhelming evidence that the actions of the voters have harmed our state. I listened very carefully and read literally hundreds of pieces of testimony and e-mails from the Maine Restaurant Association and restaurant servers who disagreed with the voters last November, as well as those who agree. I have not seen compelling evidence that the fears expressed have come, or would come, to pass. Voters approved a raise for all workers in November. I don't believe we should do anything to undermine or overturn that. I encourage you to join me in upholding the will of voters and voting no on the pending motion.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I was proud to sponsor this bill and I'm proud to speak in support of the pending motion. Last November, when voters approved an increase in our state minimum wage, I'm sure they did not intend to drive down the earnings of thousands of

Maine servers and hurt our restaurant industry, but that is overwhelmingly what we are hearing the referendum has done, and we need to fix it. We're hearing it loud and clear. For those of you who've spent time here, if you go to the Downtown Diner in Augusta, and they know you are a legislator, I'll bet you've heard it down there. If you go to the Red Barn for lunch, and they know you're a legislator, I'll bet you've heard it over there. We've heard from this grassroots movement of literally thousands of servers and they are basically saying, "Thanks for trying to help us, but you're not helping us. You're hurting us. Please don't do this to us." So if we don't reinstate the tip credit are bad things going to happen? I think the answer is yes, and we're already seeing it, Mr. President, even if only anecdotally. Menu prices are starting to go up, and you don't need a PhD in economics to figure out why. For a small year-around restaurant with 10 tipped servers the increase in effect will result in an additional expense of about \$20,000 this year, and almost as much every year thereafter. So how does a small Maine business absorb that cost? We know that restaurants operate on a tiny margin. The only way they can make it up is by increasing restaurant menu prices or laying off servers, or perhaps both. Of course we should honor the real intent of Maine voters, but no one intended to hurt servers and no one wanted to hurt restaurants. When we hear from the overwhelming majority that that's exactly what we're doing we have a duty to act. I think we're kind of, in the Legislature, we're kind of like doctors. Our first obligation is to do no harm. If we don't reinstate the tip credit I fear, Mr. President, that we are doing harm. Thank you.

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

Senator **MIRAMANT:** Thank you, Mr. Chair. Men and women of the Senate, I've been working on this issue for many years. I'm sure the votes are pretty set, but a couple of statements came out. There is a lot of misinformation, a lot of people who have been given partial information. It's not about the referendum. It's about the association that spreads lies about the effects. We have many places in the world that don't use tips as a way of compensating employees. They work quite well. We have seven states here that either never had a tip exemption or got rid of it. Servers at both ends of the economic spectrum are making more money. There are restaurants that don't like switching to a model - that their employees are compensated fairly, that people still tip, and they make above minimum wage because it's a combination. There are some that resist any change. It makes it ripe for someone to get misinformation and spread it on and not have it checked. There are restaurants that sent a lot of folks to the hearings by paying them to go and pass on the word that was being spread by their employers. Who wants to resist that? We hear about that all the time. It's part of the problem in any job. Having a wage that gets paid and can be verified and can be challenged if something unfair is happening is a good system. If I want to start a business I have to figure out how to pay my employees. That's a model that we can turn to. If there was no proof that it worked we could change it, but that's why it passed, because there is proof that it works. We will have a chance to change this, but we're starting to see a challenge to every citizen's referendum that passed and saying that the voters didn't know what they were talking about. Well the voters in my district did and they still do, and they come and they talked about this, and they thanked me for spreading the word about how to end

wage theft, sexual harassment on a job, how to improve wages when they understand what's happened in other places. These are all things that they are thanking me for. I've gotten more thank you letters than I have those against, and I never wanted to say that on the floor because they can organize a campaign pretty quickly to flood my in box, but it's okay now because here we are. So I don't like this. The Legislature can fix anything, but we can find what the problems are first. I can't talk about that, so thank you and I'm going to vote against this motion.

THE PRESIDENT: The Chair would caution members not to impugn or question members or organizations motives in the debate here today. The Chair recognizes the Senator from Hancock, Senator Langley.

Senator **LANGLEY:** Thank you, Mr. President. Women and men of the Senate, I rise today in favor of the motion in front of us, and if there's one issue that I know just a little bit about this is the one. Today I rise to speak on the human interest story of this on behalf of the 5,000 plus Maine restaurant workers who have banded together, not unlike the rebels in Star Wars known as the Rebel Alliance to restore the republic. That's how I see them, men and women of the Senate, as rebels who are to stand up against the incredible odds they faced when they learned they were caught up in the middle of a three part question on the ballot that only allowed a one part answer, a yes or a no. These 5,000 plus workers have no objection to raising minimum wage, and the testimony on record will bear out my claim. Linked to that referendum, however, was elimination of the tip credit, a vital credit that has direct bearing on the incomes of servers. As I said, the servers found themselves caught up in a people's referendum, a referendum initiated without input from servers. They found themselves questioning what had happened and how they were ever going to effect change. As it turns out, a single server started a Facebook page to communicate with other servers around the state for the purpose of creating a community, a community that self-organized, a community that questioned why, a community that reached out to supporters of the referendum to explain how their livelihoods would be negatively affected, a community of citizens who just wanted to be heard. A grassroots community of restaurant workers grew, grew into a community of over 5,000 Maine citizens made up of servers and bartenders from Presque Isle to Kittery, from Calais to Bethel, from Mapleton to Porter and beyond. Servers and bartenders from Maine's iconic restaurants such as Moody's Diner, Governor's, Miss. Portland Diner, Dysart's, Helen's, and Geaghan's, just to name a few, and servers from new start-ups, just getting off the ground all wanted their voices heard. The really inspiring thing, this was driven by servers not by owners. Leaders of this rebel alliance emerged. Young and not so young. College educated and high school graduates. A diverse cross-section of Maine that does not exist in many industries. It was really impressive to watch. It's what makes Maine really great. This alliance is not a political alliance. It just is not. It's made up of real Maine people wanting to go to work every day. It took great courage for them to enter into the world of politics. It took courage for them to step outside their comfort zone and it took a great deal of courage to come here and testify. They reached out, as citizens of a democracy should, to their elected representatives. They found likely allies in our caucus, such as myself, Senators Katz and Volk, and others from my side of the aisle in both Bodies.

A true story of courage, however, lies with the sponsors of this legislation from the other side of the aisle. Mr. President, I stand here today to recognize those members who listened to their constituents and cosponsored legislation to reinstate the tip credit. Mr. President, we all cosponsor each other's bills, and that's nothing new, but it takes courage to cosponsor bills that so goes against party lines that retribution is swift and hard hitting. Mr. President, I found disparaging statements on line from those who opposed this legislation calling out my colleagues from across the aisle. The pressure was intense. One sponsor told me that he received phone calls from the west coast, Washington State, that were hostile and the person called him every name in the book. Mr. President, he just happens to be a lobsterman and responded to the caller with salty Downeast insults. The 5,000 plus restaurant workers want very much to thank all the bill sponsors, but want to publically thank Senator Bill Diamond, Senator Jim Dill, Representative Bob Alley, Representative Marty Grohman, Representative Brian Hubbell, Representative Louis Luchini, and Representative Anne-Marie Mastraccio, and Representative Catherine Nadeau. They've asked me to do that.

Mr. President, on April 5th a public hearing was held on this legislation. Restaurant workers filled the committee room at 8 am for a 10 am public hearing. Nearly 200 restaurant workers gave up a day of work and Moody's Diner closed for the day so the whole crew could come to participate. They came of their own doing. They waited for hours to testify. The testimony was heartfelt and written by their own hand. The public hearings that day went well after 1 am. It was the longest day I've ever had for public hearings in my 9 years in the Legislature. Right about now you're all thinking my floor speech is going to last that long. I promise you it will not. I've never been so proud of my industry and the workers who came and testified. Hour after hour they told their stories such as these, and Senator Volk listed quite a number of them so I'm going to pare down mine to just one of two. Terry, from Warren, is a 62 year old server who has spent most of her life as a server and in the 1980s found herself in a position of being a single mother. Serving allowed her to purchase a home and raise her children in a pleasant and safe neighborhood. Keri, from Bangor, started working in a restaurant at 15. At 18, she was pregnant. At 20, was a single mom. Serving was the best option for her to make a fantastic income with a flexible schedule. She testified that she was able to keep her boys at home without daycare, financially provide for her family, stayed involved with school activities because of above average earnings and a flexible schedule. She says, and I quote, "To me, that independence is women's rights at its best." I'm going to pare out the other in the interest of time. The other example, as Senator Volk has done a tremendous job, but one that I wanted to respond to in particular was a server who by night is a server but by day is a sexual abuse counselor. She was appalled that sexual harassment is used in this debate. She took great offense to it and that she took offense that being a server invites sexual harassment. She said we've moved past that. Sexual harassment is sexual harassment no matter where it occurs.

Here's the bottom line, and the end of my remarks for today, reinstating the tip credit is the right thing to do. As minimum wage rises servers get a raise. If servers do not make enough in tips to make minimum wage then the employer makes up the difference, guaranteeing minimum wage. Additionally, reinstating the tip credit enables tipped employees to make well above minimum wage. It's win win. No one loses here. We protect the floor and

allow our tipped employees to rise to their potential. Mr. President, men and women of the Senate, this is the right vote to take. I thank you for your patience today and it is so important that these workers' stories make it into the public record. Thank you.

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

Senator **DILL:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I imagine that almost every one of you has been asked by a single constituent to put a bill in for them, and probably most of you have obliged. Sometimes that bill may impact them only or perhaps it impacts many. The key word here is impact. I've heard a colleague say that I have a constituent who contacted me and asked me to vote against a bill and I'm going to do it. A single constituent. What do you do when 30 or 40 impacted constituents contact you and ask you for your help? Ignore them? What is the magic number? One, ten, a hundred. Evidently it could be one for some of us, depending on the situation. Again, I heard a colleague say sometimes you have to break from party ranks and vote with your constituents. That's exactly what I did. I could have listened to the servers and wait until today and voted for them. No one would have known that the issue was in my mind, and, I'll tell you, my life would have been a heck of a lot easier. But no, I took what I feel is the right way and co-sponsored this bill and stood up for these servers and got blasted for it. Now, early on I heard from lots of people state wide, mostly against me for co-sponsoring the bill. When I talked to them, or e-mailed them back, probably 99% of them weren't even servers. However, over time the numbers evened out, with many servers contacting me and supporting me for standing up for them.

Some of you may not know that I'm on the local school board, two actually with the CTE School in Bangor, and I've been Chair for 20 years. There's always been an issue with which we've had to deal. That's bullying. It may have changed form in some ways - Cyber bullying - but it's still old fashion bullying. But old fashion bullying is still alive and well, so to speak. When there is bullying the parents and other adults are there wanting to know what's being done about it. Adults. I'll tell you, there was major bullying going on over this bill, focused on me, Senator Diamond, and our six colleagues down in the other Chamber. I can take the calls and e-mails saying shame on you or we're going to make you lose your reelection or we're going to primary you. However, some of our allies took us to task for going against the voters' will and it got nasty. So nasty, in fact, in some of the voicemails, with explicit every other word, that my wife was concerned that they'd be showing up on our doorstep. So now our door is locked at all times. I could even run to the store for ten minutes and come back and the door is locked. That's all it was, bullying, and so-called adults at that.

Sometimes we get bills right and sometimes we get them wrong when it comes to impacted people, and I'll give you a quick example, if you'll indulge me for a moment. Last session we had the opioid bill going from 300 milligrams to 100 milligrams. I voted for that. Thought it was the right thing to do. But I'll tell you, when I was out knocking on doors I heard from only about half-a-dozen people "I think you got it wrong." So what did I do? I teamed up with a colleague and we put a bill in to try to make it right and that's what we're doing here. I think we're trying to make this right - that may have been a wrong. So even after all

the vetting, the hearings, the work sessions that have seemed to get it wrong and not totally right. One size fits all is not true. So when there is a problem we can, and should, fix it. If I decided to gather signatures for a referendum that says, let's say, lawyers or doctors can only get \$12 per hour. I might get that pretty easily passed. Is that fair to the lawyers or the doctors? I'm sure they didn't want it passed, and would be upset because they're the ones impacted and the rest of us aren't. No offense to my colleagues, but the point is that there are unintended consequences. The bottom line is this - so in the case of this bill the impacted constituents have reached out to us, including 12 hours plus of testimony. They've asked us to fix this. So let's go ahead and fix the tip credit. If I don't listen to my constituent servers - shame on me. If you don't listen to your server constituents and stand up to bullying than shame on you. To paraphrase Senator Katz from a couple of weeks ago, when they come for you I hope there is someone to stand up for you. Thank you, Mr. President. I hope you all follow my light.

Off Record Remarks

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. I am a proud co-sponsor of this legislation and, in fact, I couldn't be prouder. I live in a high tourist area, the Sebago Lake region, and about September of last year servers started to contact me, one at a time and then two or three at a time, as they learned more about what was in the referendum, and they became very concerned. Most of the people that contacted me were women who were heads of their households, and they were becoming more and more concerned about what this would mean to them. I would say to them, "You know, there are studies. I'm hearing about studies that may put your mind at ease." Their response to me was, "Look, we make - I make - \$20 to \$30 an hour. We're not, nor do we want to put at risk, all of that based on some study." To them, it was about mortgage payments and about car payments and about taking care of their kids in a way that they could not do in any other position that they were able to work in, and they, as a result of that, were willing to speak up - speak up for their families and what they were doing. Now the organization, organized effort, against them and me and others was intense, as you've heard. Certainly, in some cases, has got very personal and very nasty and all of that. Mostly bush-league kind of things, but the thing that I think that got me more determined was because, as they were going through some of this as I and others were, they became more determined to speak up and stand up for what they believed in. Some of the telephone calls were so bad that my wife and I had to make sure we got back to the house to erase them before our grandchildren would hear what was left. Pretty bad stuff. Pretty intolerant, actually. I think, for the most part though, people have started to see the benefit of this and, all my constituents and servers have contacted me, all they really want to do is continue doing what they're doing now - earn the money they can earn and are earning now so they can take care of their

families. To me, that's not asking for much. Thank you, Mr. President.

Off Record Remarks

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

Senator **BRAKEY:** Thank you, Mr. President. I will keep my words remarkably brief. A certain Chief Executive once told us the nine most terrifying words in the English language: I'm from the government and I'm here to help. The elimination of the tip credit is proving to be a classic case of government imposed solutions, helping people who never wanted our help and whose lives we make more miserable by it. Mr. President, sometimes I think that with the best of intentions we try to use government to help people so much, whether they ask for that help or not, that we forget our primary purpose here, protecting the liberties and freedoms of the Maine people so they can make their own choices in the marketplace. They don't need a paternalistic government telling them what's best for them in terms of the jobs they work and sometimes we need to just get out of the way. So today I hope we can restore some economic freedom for our restaurant workers here in Maine. Let's restore the tip credit today. Thank you.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to certainly rise and speak in opposition to the pending motion, but I certainly would like to reference the good Senator Dill, the good Senator Diamond. Certainly no one should ever feel that they can't support a position, that they can't support their constituencies. That's something that I believe wholeheartedly and, as a Democrat, I've certainly found myself on the other side of issues that Democrats didn't support and certainly during this whole debate I would hope that both of you would think that I certainly never did anything to force you, but I, first and foremost, just believe that what happened to yourselves and your families is something that's totally unacceptable in politics, regardless of what your party is. You know, I've certainly been at the long hearings. I served on the Labor Committee for ten years. Minimum wage hearings consistently were some of the longest ones, as the Senator from Cumberland, Senator Volk, has said. I don't believe the hearing that they had on this issue, I think it probably was one of the longest ever, but minimum wage issues certainly bring a lot of people out to speak, and I know, in my time, when the minimum wage was asked to raise just 50¢ an hour, a lot of people came and spoke - spoke in favor of that, and over the last ten or so years 50¢ an hour for the minimum wage was rejected time and time again. That certainly has brought a lot of frustration to people out there, and I think that's why you saw such a big effort to have minimum wage, have the CPI, and have tip credit put onto the ballot. That minimum wage referendum that was put on the ballot - one with more votes on a referendum in Maine history, one where the majority of Maine counties and more people voted

on this question than they did for President. In my Senate District President Trump won very convincingly. Representative Poliquin won even more convincingly. But way down on the ballot, this question did extremely well, better than both of them. So I think that, you know, certainly people around the state understood what they were voting on. While they may have had some concerns, I think their frustration certainly bared out that they were going to vote for something to change the way things were going in this building. One may not like those specific policies, but each is a very rational policy with compelling logic behind it.

Regarding the effort to ensure tip workers receive higher base wages with steady tips on top of them, there are a few things that we do know. First, we know that the restaurant industry in Maine is growing and exploding. Secondly, while there are plenty of places in the restaurant industry where one can make very good money, and we've heard that today and I certainly believe that, we also know that in many corners of this industry it's a low wage, precarious industry. The most objective, reliable data we have comes from the U.S. Government Bureau of Labor Statistics, State Occupational Employment and Wage Estimates. Over and over again those numbers show that many occupations in the restaurant industry earn low wages. Ladies and gentlemen, realize that even after the referendum, where we are right today, men and women servers are making \$200 a week after 40 hours before taxes. That's what they have to be paid before tips. That's what you're giving a worker right now, \$200 a week on a 40 hour week, with the restaurant worker having to make up the rest. That seems like quite a bargain. So finally we know that the model the Maine voters adopted is already the model for nearly 1 in 5 Americans. More than 60,000 people live and work in states with profitable restaurants where servers receive a regular, higher base wage with tips on top of it, and that model has worked very well in those places. I can't stress this point enough. We're not going to be the first in the nation with this policy. It is, and has been, the law of the land in seven other states for a long time. I understand it was said earlier that it is not a one size fits all, and I do agree with that, but there are a lot of workers in this state that aren't making the \$20 and \$30 an hour, and I hear from those people consistently. I've heard from them for a long time. I certainly understand that everyone has to support and vote for their constituency, but I believe that the constituency of low wage workers needs to be represented in this building, and that's what I'll do today with my vote.

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

Senator **DOW:** Thank you, Mr. President. I don't have anything to read. I guess that's the usual. I just get up occasionally and speak. We've talked about change and we've talked about models to help out the surviving waitresses. I call them the surviving waitresses because change is coming. It may be the change that we never intended to come. I can remember during this campaign somebody said, "Oh, there is a restaurant down in Portland, they don't have waitresses. They've got machines where you just order on." I thought, "Well, that's something new." I discovered it wasn't new. I came through New York City during Christmas time. As a matter of fact, I took an air flight out of New York City at Christmas. You want to enjoy yourself driving through Manhattan? Go through at Christmas Day. There's no traffic. None. Just zip right through. You go to the airport, there aren't many people there. Plenty of places to eat, so you just go

find a place. So I did. I came to a pretty good sized room that is as big as this. Lots of tables. No waitresses. None. Just tablets. Something I had seen at one of the chain stores in Maine before where you could order your drinks, play games on, but at least we had a waitress at the chain store, but not at this place. There weren't any waitresses. They had been eliminated already because of the tablets. So I sat at the counter. I was the only one at the counter. I'm looking at the tablet. I don't know what to do with it. I'm not very good at electronics. I just kind of looked at it and the lady that was the bartender comes over and she just kind of turned it on for me and says, "Push this button." She walked away, never spoke to her again. She never said another word to me. Well, I got through the menu very easily, even me, I got through it and she just said, "Run your card through here." You dial your order up on the tablet. You run your credit card through the slot and from that point on your order is placed and then you just wait for a runner, one of the very few people working there other than the cooks. A runner to bring your meal. Same as I've experienced in chain restaurants in Maine. You have too if you've been to one. I'll tell you right now, it isn't going to take very long for these chain restaurants in Maine, because they're already doing it in the rest of the country, to add the entire menu onto the tablet and they've taken care of the entire problem of increased wages for waitresses by eliminating them. This is the change that happens when expenses get too large for business. It doesn't matter whether it's the steel industry, the auto industry, or the restaurant business. So somebody, I noticed, that there were some other customers in there. One lady, something wrong happened. She didn't get what she ordered. Took her five minutes to flag down one of the two or three runners that were there. She tried to get ahold of the cooks. They were right there. It's all no walls or anything. She couldn't get the attention of a cook. After five minutes she got the attention of a runner. He wrote directions on a napkin to give to a cook. Well, that was a very pleasant experience. I can't wait until I do that when I go out to eat a nice lobster dinner in Maine. That ought to be fun.

We're worried about restoring the tips and the wages of our waitresses when this whole process has speeded up the inevitable of eliminating them. They shouldn't be worried about whether they're going to get \$40 an hour. That's not ridiculous, by the way. My wife's cousin, 10 hour shift, \$398 and some odd cents. Another friend of my wife's worked the entire summer in Damariscotta. Averaged \$40 an hour. Now we're telling the runners we're going to pay them \$12 an hour when it gets to \$12 an hour. That's a heck of a tradeoff, but that's what's coming. That's the kind of change that sometimes comes when we don't expect it, but we think we're trying to help everybody out but we're not. We're making things go backwards, at least for the State of Maine where people come to the restaurants on the coast to flock, to have conversations, and to get good waitress service. Have we speeded up the process we don't want at all to come to the State of Maine? Are we still going to be a tourist mecca, where people love their waitresses? I go to Moody's because I enjoy the waitresses. Some are old students of mine. Some are classmates of mine. That's why I go. What have we done? This is just one of the few issues of major change that we're going to have to address from the previous year. We should be careful sometimes what we wish for. So have we helped the situation or is it too late because we've encouraged these major chains, and they're going to win, by the way. They are going to win because they have the resources and the know-how. They're already doing it in other parts of the country where they just come in,

changes everything over. You've got somebody at the door that's going to seat you. You're going to place your order on the tablet. You're going to swipe your card through and somebody's going to bring your dinner. When they get there they'll go, "Is this yours?" You've already experienced it; if you've been to them you've already experienced it. That's what's coming and we haven't done our employees of the state any favors by trying to make these huge changes. We should have left well enough alone. We fixed something that wasn't broken and everybody out there said, "I know what I was voting for." No, you didn't because you didn't think past your nose about the consequences that were going to be caused by some of the changes that we made, and this is just one of them. It's unfortunate that I had to get up to speak on this, but there's going to be two or three more coming along where I'm afraid I'm going to have to do that same thing. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. At risk of belaboring this, I just want to point out a couple of things. Wage theft is illegal. It's illegal under current law, but we are actually clarifying that. If you take a look at the amendment, you can see that, for the purposes of the tip credit, wages must be measured in the context of a 7 day work week. That's in rules. With the passage of this amendment that would actually be placed in statute. Maine is a little bit unique in that Part 2 of the summary on the amendment says, it clarifies, that an employer may not deduct any amount from employee tips charged to a credit card, including service fees. So even though the employer is paying a percentage out of those tips to the credit card company the server does not see a reduction at all for any of that service fee. They get all of the tips that they take. Again, there seems to be a little confusion about what a tip credit means. What a tip credit means is that no one in the State of Maine who is a server is permitted to earn less than minimum wage. Minimum wage in the State of Maine currently is \$9 an hour. It will go up to \$12 an hour by 2020. That is the minimum hourly amount that a server is legally allowed to be paid in the State of Maine. If they are working at a restaurant during a snowstorm or, you know, some other day for whatever reason business doesn't come in, and they fail to earn \$12 an hour, their employer has to make up that difference. This insures that no one is taking home just \$5 an hour. That, again, would be illegal under current law, further clarified by this amendment.

I just want to get back to what we're talking about. We are talking about locally owned, many, many times small businesses. From the stack of testimony I have here, this is from a small business owner in Wiscasset. "I've worked in the restaurant business since I was 16 years old," and, by the way, this was common. We heard from a lot of different business owners who started out as servers, or even as busing tables, or working as dishwashers. They, based upon their income they were able to make working in restaurants, they actually became restaurant owners, sometimes purchasing the restaurants at which they served tables. "I've worked in the restaurant business since I was 16. I've worked as a waitress, bartender, counter server, manager, cook, and dishwasher in restaurants between Bath and Wiscasset. I now own a café on Route 1 in Wiscasset. We are a small diner that offers affordable, home cooked breakfast and lunch 363 days a year. Our staff consists of 9 paid employees,

which are 4 waitresses, including the owner herself, 5 kitchen staff. Some of my staff and I have worked together for nearly 20 years. We have a good steady business. Though none of us are getting rich, we all work hard. The restaurant business is hard work, but our wait staff makes good tips, well over the \$12 an hour they will make if this tip credit portion is not repealed, and most of our kitchen help makes over the current minimum wage. When the minimum wage referendum was being discussed last fall I had no idea that it would actually pass, but I realized after the fact that most people had no idea that the tip credit was part of the referendum, nor that its elimination would have such a profound impact on restaurants like me." She goes on to talk about some of her regular customers. "I try very hard to keep my prices affordable, but I have already had to raise my prices because of rising food costs. This referendum will force me to raise prices further, which will be a burden for many of my customers. You may think that dining out is a luxury. For some of us it is, but it is also a necessity for many of our customers who depend on us for a hot meal, and we check in with them if they fail to come on their regular day. Our staff and our customers are a community and it bothers me to know that at the end of my lease, in about a year, I may have to close my business. After running my budget projections for next year, I came to the sad realization that because of the increase in the minimum wage, along with the elimination of the tip credit, this business will no longer be sustainable. I sincerely hope that you, as our elected officials in Augusta, listen to the voices of those of us who understand and have lived this business; those of us who have spent our life preparing and serving food; those of us who think of our customers as an extended family. Please pass this legislation. It is important to me, my staff, our customers, and to our community. Sincerely, Cindy." Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#246)

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

NAYS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, GRATWICK, JACKSON, LIBBY, MILLETT, MIRAMANT, VITELLI

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-209) **READ** and **ADOPTED**.

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

Sent down for concurrence.

Off Record Remarks

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Base the Minimum Wage on a New England State Average and To Restore the Tip Credit"

S.P. 277 L.D. 831

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

Signed:

Senator:
BELLOWS of Kennebec

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-210)**.

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Reports **READ**.

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

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

Divided Report

The Majority of the Committee on **MARINE RESOURCES** on Bill "An Act To Improve the Enforcement of Maine's Lobster Laws" S.P. 190 L.D. 575

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (S-200)**.

Signed:

Senators:
MAKER of Washington
VITELLI of Sagadahoc

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-201)**.

Signed:

Senator:
BRAKEY of Androscoggin

Representative:
SUTTON of Warren

Reports **READ**.

On motion by Senator **MAKER** of Washington, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-200) **READ** and **ADOPTED**.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

Sent down for concurrence.

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

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

ENACTORS

RECALLED FROM GOVERNOR'S DESK

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

An Act To Limit Questions Regarding Criminal History on State Employment Applications

Emergency Resolve

H.P. 221 L.D. 288
(C "A" H-242)

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 97: Private Non-Medical Institution Services, a Major Substantive Rule of the Department of Health and Human Services

H.P. 941 L.D. 1364
(S "A" S-164)

(In Senate, June 1, 2017, **PASSED TO BE ENACTED**, in concurrence.)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 582), in concurrence.)

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

On motion by Senator **HAMPER** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED** in concurrence.

Ordered sent down forthwith.

On further motion by same Senator, placed on the **SPECIAL APPROPRIATIONS TABLE** pending **ENACTMENT** in concurrence.

Act

ORDERS OF THE DAY

An Act To Address Student Hunger with a "Breakfast after the Bell" Program

S.P. 254 L.D. 809
(C "A" S-163)

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.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/25/17) matter:

Ordered sent down forthwith.

HOUSE REPORTS - from the Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Bill "An Act To Protect Firefighters by Establishing a Prohibition on the Sale and Distribution of New Upholstered Furniture Containing Certain Flame-retardant Chemicals"

H.P. 138 L.D. 182

RECALLED FROM GOVERNOR'S DESK

An Act To Allow and Recognize a Legal Name Change upon Marriage

H.P. 126 L.D. 170
(C "A" H-274)

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-215)** (11 members)

(In Senate, June 1, 2017, **PASSED TO BE ENACTED**, in concurrence.)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-216)** (1 member)

(**RECALLED** from the Governor's Desk, pursuant to Joint Order (S.P. 582), in concurrence.)

Tabled - May 25, 2017, by Senator **SAVIELLO** of Franklin

Pending - **ACCEPTANCE OF EITHER REPORT**

On motion by Senator **HAMPER** of Oxford, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENACTED** in concurrence.

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)**.)

Senator **SAVIELLO** of Franklin moved the Senate **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)** Report, in concurrence.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, firefighters, police, emergency management personnel are unsung heroes that need our special thanks and support. The bill before you, in fact, may be, or could be, that help, and I say could be. Let me explain. Many of you know that I have been here for 14 years, 15 years, probably much too long, but have come down here and fought what I call the chemical of the day. I grew tired of those who take advantage, that have suffered losses, in their own personal lives to convince some that the cancer that may have occurred in their bodies is from chemicals. I can say that because I have been one who has searched for answers and reasons on the loss of my wife, but do not feel that I can blame it on one thing or another. We, as a Legislature, have worked hard in the past to establish procedures to deal with these chemicals, not things that have been called by others a waste of taxpayer's money, but, in fact, a process that takes science into consideration. In fact, finally, at the federal level, the Toxic Substances Review Act, the Lautenberg Act, has been passed. Even with the President deciding to cut EPA, that is one program he has continued to fund as they look into chemicals. My concern is we continue to circumvent the process. Not unexpected, I was told this would happen back when I prevented the bill, certain acts and bills that we had in place, from being destroyed. But in reviewing this particular bill, I have a difference because in reviewing this bill I can find nothing in State law or federal law that says chemical retardants have to be put into furniture. I've looked. The only thing I can find is a memorandum in California. Not enough. So this leads to the policy question that you must answer today and vote on. Do we, as a State, want to allow flame retardants in furniture? Let me add to that. If this bill goes forward there is a pretty large fiscal note and if it is not fully funded then I will be standing up to say we need not to do this until we have the money to do so. In closing, let me warn all the firefighters that are listening. This bill is more than symbolic and it may do some to protect you. However, the NIAS Report from 1950 to the present that looked at 30,000 firefighters concluded smoke is bad. Did not make any statement about fire retardants. It said smoke is bad. So all the things that you have in your home that burst into flames eventually give off all kinds of nasty chemicals. So if you are a firefighter listening at home, celebrate that we've addressed the policy but be sure to protect yourself with the proper protective equipment that you need. Thank you very much, Mr. President.

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

Senator **GRATWICK:** Thank you very much, Mr. President. I, too, rise to speak on this. We dealt with this in detail in the, you know, our committee. The difficulty is there are a number of extremely toxic chemicals in the flame retardants. There are organic phosphates. EPSs are really very difficult chemicals and to ban a class like that seems entirely appropriate in this instance

before asserting that they are favorable. I urge you to follow my light. Thank you.

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

Senator **DOW:** Just a short one this time, Mr. President. I want to tell the public out there that I know of no furniture at this time that has fire retardant chemicals in it. If some of them did in the past they've been eliminated by the major companies. The major brand names are all fire retardant chemical free and it could be in response to people across the nation not wanting these chemicals in their furniture. So they voluntarily took it out, if they even had it. There are other ways of doing it besides chemicals. So if you bought furniture last month, don't worry about it. It doesn't have the chemicals in it anyways. I do support this bill, however. I always support the firefighters and I ask you to vote yes on this bill.

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#247)

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

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, the motion by Senator **SAVIELLO** of Franklin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)** Report, in concurrence, **PREVAILED**.

Bill **READ ONCE**.

Committee Amendment "A" (H-215) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-215)**, in concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/25/17) matter:

SENATE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Transfer the Authority To Issue Nonconcealed Firearm Permits in Certain Cases from the Department of Public Safety to the Office of the Governor"

S.P. 559 L.D. 1585

Majority - **Ought to Pass** (10 members)

Minority - **Ought Not to Pass** (3 members)

Tabled - May 25, 2017, by Senator **ROSEN** of Hancock

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

On motion by Senator **ROSEN** of Hancock, the Majority **OUGHT TO PASS** Report **ACCEPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/17) matter:

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Provide Maine Landlords Advance Notice of Water Disconnection Postings"
H.P. 1038 L.D. 1514

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-273)** (5 members)

Tabled - May 31, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

Bill **READ ONCE**.

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

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

Ordered sent down forthwith for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/17) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To Protect Rights and Privileges Granted under the United States Constitution and the Constitution of Maine"
H.P. 631 L.D. 903

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

Minority - **Ought to Pass** (5 members)

Tabled - May 31, 2017, by Senator **KEIM** of Oxford

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in concurrence

(In House, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/17) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Authorize a Local Option Sales Tax"
H.P. 1046 L.D. 1522

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-279)** (7 members)

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

Tabled - May 31, 2017, by Senator **DOW** of Lincoln

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

Senator **DOW** of Lincoln moved the Senate **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence.

On motion by Senator **CHENETTE** 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 (#248)

YEAS: Senators: BRAKEY, BREEN, CARPENTER, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, HAMPER, HILL, JACKSON, KEIM, LANGLEY, MASON, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, WOODSOME, PRESIDENT THIBODEAU

NAYS: Senators: BELLOWS, CARSON, CHENETTE, CHIPMAN, COLLINS, DILL, DION, GRATWICK, KATZ, LIBBY, MAKER, MILLETT, MIRAMANT, VOLK

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the motion by Senator **DOW** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in concurrence, **PREVAILED**.

The Chair laid before the Senate the following Tabled and Later Assigned (5/31/17) matter:

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restore Public Health Nursing Services" (EMERGENCY)

S.P. 362 L.D. 1108

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-155)** (7 members)

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

Tabled - May 31, 2017, by Senator **BRAKEY** of Androscoggin

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

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

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, first I wish to thank my four Senate co-sponsors on bill L.D. 1108, Senators Maker, Davis, Woodsome, and Katz. I rise to speak in opposition of the pending motion. When the H1N1 influenza virus swept across the U.S. in 2009 it landed in Maine and infected thousands, causing outbreaks at forty summer camps and 200 schools, putting our resident's lives at risk. Because of the preparedness, skills, and hard work of our public health nurses, we were the only state in the country that did not have a death among our school age population. Maine's public health nurses helped set up 238 clinics, safely and effectively managed large amounts of vaccine, vaccinated thousands of citizens, and educated others about how to get this work done quickly and effectively. In 2009 there were 59 public health nurses protecting the health of Maine people, trained and

ready to respond to emergencies like the H1N1 outbreak, treating and tracking infectious diseases like TB, and making home visits to help care for at-risk newborn babies and fragile isolated elderly in rural areas. Maine's public health nursing service earned accreditation to the highest national standards a year later in 2010 and again in 2012. These men and women were playing a critical role in safeguarding and improving the lives and health of Maine people. Today, by contrast, there are only about 20 public health nurses in the field. The best information we have from staff in the AFA office is that 23 public health nursing positions were actually filled as of January of this year. CDC has allowed positions to go unfilled for years and has refused to hire public health nurses as the DHHS attempts to transfer home health assessment visits and other essential public health services to non-medically trained staff or contractors.

Public health specialists spoke about this problem when they testified at the hearing on 1108 saying that Maine is severely unprepared for the next flu or infectious disease outbreak. We all know how many drug affected babies were born in our state last year. We also know, unfortunately, that Maine's infant mortality rate is rising, especially in our poorest counties. With such a depleted public health nursing service, what we do not know is how many of these infants were seen after discharge from the hospital. In fact, there has been such reduction in public health nursing services that some rural hospitals no longer refer. Pediatricians and maternal child health nurses tell us that the best method of preventing a baby's readmission to a hospital during opiate withdrawal is frequent checkups at home by a public health nurse. One physician testified that one week in a neonatal intensive care unit costs about \$28,000. It is time to restore Maine's public health nursing services.

Disease prevention will keep vulnerable residents, adults and children, out of hospitals and other healthcare facilities and will save money. Dr. Diana Wilson, a pulmonary specialist, told the HHS Committee about the kinds of care and costs that are involved in treating TB, relatively rare in Maine but still present here. Public health nurses play a pivotal role in quality care and keeping costs down for the treatment of TB. A patient with what we call latent TB must be monitored carefully and medication must be taken consistently. Over a nine month period of treatment medication costs about \$200. The goal is to prevent the case of TB from becoming active. If the TB becomes active, the estimated cost of a drug susceptible case is \$18,000. Not \$200 but \$18,000 over a six to twelve month period. The cost of treating an extensively drug resistant case of Tuberculosis is estimated by the U.S. CDC at \$494,000.

At the hearing on April 13th more than 50 people, many of whom were doctors and nurses with broad experience in public health, testified in support of L.D. 1108. I will end with brief quotes from two of these statements. From Dervilla McCann, physician, Chief of Population Health at Central Maine Healthcare, and I quote, "At a time when the state is struggling with an opioid epidemic impacting newborns, it seems extraordinarily ill timed to dismantle the single best tool we have to safeguard at-risk children. Similarly, it is foolhardy to leave the citizens of our state in the same state of un-readiness that lead to such tragic loss of life 100 years ago." Referring to the Influenza epidemic of 1918. "Our citizens expect more from modern government, and deserve more." Finally, from Eric Brown from Eastern Maine Medical Center, Family Medicine, an M.D. there, "What we are seeing each day is alarming. Maine's system of care for our most vulnerable babies used to be a model in the

country. However, after years of successful intervention as a community team with markedly decreased fetal and neonatal deaths, Maine's statistics are revealing that while other states continue to improve prenatal and infant death rates Maine's babies are now dying at an increased rate." Dr. Brown concluded, as will I, "If we really care about having healthy babies who turn into healthy adults, we need the whole contingent of public health nurses to maintain a strong, proactive safety net for families at risk as well as rebuilding the decimated, more traditional public health duties and infrastructure." Ladies and gentlemen, I urge you to vote no on the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise today in support of the pending Ought Not to Pass motion on L.D. 1108. Let me be clear, I agree with my colleague from Cumberland County on the importance of public health nursing. Where we disagree is on this narrative that the public health nursing program is being dismantled because, in fact, the opposite is true. Here's what is really taking place. Maine's public health nursing program has had some serious deficiencies which have remained unaddressed for years. Currently, that program is undergoing restructuring and reform. Reform is not always well received by those operating in the status quo, but that does not make reform any less necessary. I'm going to use this short period of time to share with you a brief summary on, one, what have been some of the deficiencies in the public health nursing program. Two, what are some of the reforms that the Department of Health and Human Services have been enacting to address these deficiencies. Three, why this legislation would not help solve any problems and would only perpetuate the failing status quo. The clearest deficiency in our public health nursing program has been the inability to achieve the national standard of productivity. Five visits each day per nurse. Maine public health nurses have, on average, made between zero to two visits per day. This is seriously problematic and we should all expect better. With system changes that are now being implemented, the Department is working to improve our nurses' reach and capacity. Add to this, inadvertently, the State public health nurses have been competing with community health services provided by the private sector for the same clients. DHHS is working to reform the situation with the use integrated professionals and by working effectively with public-private partnerships. By addressing this problem, the Maine CDC is able to increase the capacity of our public health nurses because they have not been working to their highest level of licensure and we're spending time on services that could best be addressed by community health workers and/or social workers.

In summary, to quote Dr. Pezzullo, the Chief Medical Officer at the Maine CDC, he reported to us, "We will continue to reconstruct a public health nursing team that emphasizes accountability and productivity by, one, focusing the work of nurses on populations that truly need our help; substance affected infants and mothers, medically fragile individuals with special needs, and those effected by infectious diseases. Two, building strong program leadership and encouraging champions of change within our workforce. Three, putting nurses back in district offices instead of dispatching them from home. Four, implementing an electronic health record system that links the

health information exchange and other Maine CDC data systems that streamline documentation. Five, using the new EHR to generate management reports on productivity, caseloads, and response times. Six, leveraging technology for direct observation of latent Tuberculous clients through remote medication adherence monitoring. Seven, training and exercising the PHN emergency preparedness team. Eight, creating the maternal and child health network to include state and community health nurses, community health workers, social workers, home visitors, dieticians, and other community based providers."

So that's just a short summary of some of the reforms that are ongoing right now. So, Mr. President, reform is not always welcome, but it is often necessary. I share this information on the activity and ongoing reforms taking place in our public health nursing program not to take up time but to dispel this persistent and false narrative that the program is being in any way dismantled. If the public health nursing program could speak for itself I would imagine it would use this moment to quote the great Mark Twain, "The reports of my death are greatly exaggerated." In committee we heard from DHHS and surprised that their efforts to shift the focus of public health nursing to our most vulnerable populations such as substance exposed newborns, infectious diseases, and the medically fragile, including our elderly, were met with significant resistance. But these reforms reflect the federal CDCs current thinking of a more effective structure that connect primary care with public health.

Now when it comes to this specific legislation, L.D. 1108, its biggest flaw is in the mistaking of quantity of State employees with capacity for work. It calls for the hiring of at least 50 additional public health nurses, but it disregards key elements such as reach, workflow, infrastructure, and productivity. It also disregards that the Maine CDC is currently actively looking to fill several opening positions for public health nurses, but we have a statewide nursing shortage and filling those positions is proving very difficult. As Dr. Pezzullo shared with us, "Positions have been posted and reposted, acknowledging the statewide nursing shortage." Finally, I think Dr. Pezzullo said it best when he said, "No one can determine the magic number of nurses without first addressing productivity, role clarification, and maximizing existing workforce." Mr. President, even Dr. Hymanson, the Health and Human Services House Chairman, openly acknowledged in committee that simply passing legislation to mandate the hiring of new State employees is a clumsy and ineffective way to address any perceived issues. Whether you would agree or disagree with the reforms underway, a blanket mandate like this is not a serious solution to anything. I encourage we vote yes on the motion before us now. Thank you, Mr. President, for the time and consideration of this Body.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I speak from the perspective of having served on the Appropriations Committee for some time and this is an issue which has come up before us many times. I guess perhaps what the question comes down to - is this public health nursing structure being dismantled or isn't it? I believe that it is. I think the choice we have, as a Legislature, is we can sit by and idly watch the dismantling of our public health system or we can begin to reconstruct it at a time which is more important than ever. You know, when I hear that, you know, that our public health nurse

saw two patients in a day that's probably true. You know why? Because there are so few of them that they've got to drive like two hours to get from where they are to get to the patient to see them. That's what's been happening to our public health infrastructure. I don't know how you reconstruct something by gutting it, but that is exactly what's been going on, and I've had a front row seat for the slow starvation of our public health infrastructure. Year after year we have funded public health nurse positions, expressing the will of the Legislature, and year after year the Administration has failed to fill those vacancies, slowly starving the capacity at CDC and something has to give. I hear there's a plan. There's a plan, we're going to do things better.

I'll defer to my colleague from Cumberland, Senator Carson, - and, by the way, who I honor for his passion and commitment on this issue - I'll defer to him, but as I understand it we've been waiting for a plan from the department and waiting for a plan and waiting for a plan and now is the decision day and there is no plan. I think if we look at the current environment in which we make this decision, infant mortality in our state is up a lot. Drug effected births are up a lot. Treatment resistant Tuberculosis is becoming more of a problem that could explode on us at any moment. The H1N1 virus is a recent reminder that a major public health outbreak can be right around the corner at any time. The fact is we don't know what we don't know. We don't know what the next outbreak will be or the next public health crisis will be. The key is to getting to it prepared and presently we are simply unprepared.

Let me return for a moment to the subject of infant mortality. Over the summer those of us on Appropriations had a public hearing where we heard from a former CDC director who was originally from the State of Alabama. They have good football teams down there, but their record on infant health is atrocious. During her time at CDC, Maine was one of the true stars in the country with one of the lowest mortality rates in the entire nation. That has all changed. With no pride in her voice, she said we are in danger of becoming Alabama. Let's not become Alabama.

You hear that others will do this. There'll be some other plan that other providers will provide these public health services, but emergency rooms don't do public health. Medical specialty practices don't do public health. Public health nurses do public health. I respectfully suggest we need to fund these positions and make sure that they are filled. This is, I would suggest, a primary responsibility of the government and us, as a Legislature. Thank you, Mr. President.

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

Senator **BELLOWS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise briefly to be a voice for public health nurses who live in my district. The program has gone from 50 to 20 and requests for information to the Department went unanswered and those brave employees who remained and some of those who were let go were whistleblowers and shared with us what, in fact, was happening. No one argues with some of the reforms that my good colleague from Androscoggin County suggested are useful, but what he didn't point out was that this is a nationally accredited program, that it won a national award and was twice nationally accredited. When lawmakers asked the CDC for information and were denied, and then an employee of the CDC released information that was publically available, that employee was improperly fired. So this, make no mistake, was a

dismantling of the public health nursing program. It was irresponsible and, but for whistleblowers, we might not know about it.

THE PRESIDENT: Senator, we need to confine our comments to the content of the bill that is before us.

Senator **BELLOWS:** Absolutely, and thanks to those whistleblowers we have this bill.

THE PRESIDENT: That's out of order, okay? The Chair recognizes the Senator from Penobscot, Senator Gratwick.

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would speak just very, very briefly on this topic. Simply, three points. One is that public health nursing is a sub-specialty. They do a very different kind of thing. They are trained differently. Just like you'd want to have a cardiac nurse or an orthopedic nurse, an OR nurse, or a nephrology nurse. These are specialized people who do their job very, very well, and they require that extra training. Second is the story related to me by Patty Hamilton, who is head of the Department of Health and Human Services in Bangor, of a two year old kid who came home from the hospital, always sickly, three attacks of asthma, hospitalizations and ER visits. Each ER visit roughly \$1,000. A lot of money spent and the public health nurse going into that home, finding smoking, woodstoves, vaping, homeless people, etcetera. Made a major difference and that position was avoided. Third, the comments, just very briefly on the comments from my good colleague from Androscoggin, that the administrators who he quoted are quoting from administrative positions. The fact is when you talk to the people on the ground, the nurses who are doing the work, they have a very, very different position. We get a different position, opinion here, for Augusta, but when you go and talk to the visiting nurses who have done the work on the job they are the people who say they need more help, they need to be out there in the community. Thank you, Mr. President.

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

Senator **BRAKEY:** I'll be very brief, Mr. President. I apologize for rising a second time but I just wanted to share some data that is contrary to, I think, some claims that have been made. We are consistently being - what's being raised here is the idea that we - that our infant mortality rate is rising. While every infant mortality is a tragedy, in 2016 our rate, our infant mortality rate, was 5.4 per 1,000, which is a significant decline from the year before and I also believe below the national average. Thank you.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#249)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KEIM, MASON

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

5 Senators having voted in the affirmative and 30 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report **FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (S-155) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/1/17) matter:

HOUSE REPORTS - from the Committee on **TAXATION** on Bill "An Act To Prevent Tax Haven Abuse"
H.P. 564 L.D. 784

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-169)** (7 members)

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

Tabled - June 1, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **DOW** of Lincoln to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE**

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-169)**.)

On motion by Senator **CHENETTE** 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 (#250)

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

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

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Clarify the Laws Governing Hunting from a Vehicle"
H.P. 484 L.D. 693

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-349)** (11 members)

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

Tabled - June 5, 2017, by Senator **JACKSON** of Aroostook

Pending - motion by Senator **CYRWAY** of Kennebec to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-349)**.)

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

Senator **CARPENTER:** Mr. President, I rise to oppose the pending motion. For years we have had a prohibition in the State of Maine about hunting from a motor vehicle and this moves us in the wrong direction. It's a very minor movement, but I really think it's a step that we don't need to take. I'd respectfully request that you vote against the pending motion and request the yeas and nays when the vote is taken.

Senator **CARPENTER** of Aroostook requested a Roll Call.

Senate at Ease.

The Senate was called to order by the President.

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-349) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Reduce the Annual License Fee for High-stakes Beano and To Allow the Passamaquoddy Tribe To Operate 50 Slot Machines in the Tribe's High-stakes Beano Facility" (EMERGENCY)

H.P. 755 L.D. 1077

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-366)** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-366)**.)

On motion by Senator **CARPENTER** of Aroostook, 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 (#251)

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

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

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

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

Bill **READ ONCE**.

Committee Amendment "A" (H-366) **READ** and **ADOPTED**, in concurrence.

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

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Allow Municipalities To Adjust Times of Operation for Establishments That Serve Alcohol" H.P. 781 L.D. 1107

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-266)** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-266)**.)

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

YEAS: Senators: BELLOWS, BRAKEY, CARPENTER, CHIPMAN, COLLINS, CUSHING, DESCHAMBAULT, DIAMOND, DILL, DION, HAMPER, HILL, JACKSON, MASON, MIRAMANT, VOLK, WOODSOME

NAYS: Senators: BREEN, CARSON, CHENETTE, CYRWAY, DAVIS, DOW, GRATWICK, KATZ, KEIM, LANGLEY, LIBBY, MAKER, MILLETT, ROSEN, SAVIELLO, VITELLI, WHITTEMORE, PRESIDENT THIBODEAU

17 Senators having voted in the affirmative and 18 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report, in concurrence, **FAILED**.

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

Sent down for concurrence.

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Amend the Campaign Reports and Finances Law and the Maine Clean Election Act" H.P. 786 L.D. 1122

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-367)** (12 members)

Minority - **Ought to Pass as Amended by Committee Amendment "B" (H-368)** (1 member)

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

Pending - motion by same Senator to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)** Report in concurrence

(In House, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)**.)

On motion by Senator **MASON** of Androscoggin, the Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)** Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-367) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-367)**, in concurrence.

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

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Create Veteran-friendly Workplaces"

H.P. 996 L.D. 1441

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-369)** (8 members)

Minority - **Ought Not to Pass** (5 members)

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

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

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-369)**.)

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

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, as a veteran, I rise to speak in opposition to the pending motion. It's important for any veteran to be able to get to a medical appointment, whether at the VA Togus, which is what this measure addresses, or anywhere else. This is a very modest proposal. It simply says if an employer who has 25 or more employees provides paid leave that employer shall allow a veteran time off to go to a medical appointment. For those employers with under 25 employees, the veteran needs to give the employer two weeks advance notice, in which case the employer is required to allow the veteran to go to that medical appointment. If the veteran gives less than two weeks notice the law does not require the employer to allow the veteran to go. As I say, it's a modest proposal and I believe that it is the least that we owe our veterans. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#253)

YEAS: Senators: BRAKEY, CUSHING, HAMPER, KEIM, MAKER, MASON, PRESIDENT THIBODEAU

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

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **MASON** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-369) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, Bill **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:

SENATE PAPERS

Bill "An Act To Establish the Manufacturing Jobs Energy Program"

S.P. 586 L.D. 1632

Presented by Senator DILL of Penobscot. (GOVERNOR'S BILL) Cosponsored by Representative STANLEY of Medway and Senators: CARPENTER of Aroostook, DAVIS of Piscataquis, JACKSON of Aroostook.

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

Sent down for concurrence.

All matters thus acted upon 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

SENATE REPORTS - from the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend Education Statutes"

S.P. 537 L.D. 1531

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-185)** (5 members)

In Senate, June 5, 2017, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-185)**.

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

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

House Paper

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

H.P. 1128 L.D. 1635

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

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

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

Off Record Remarks

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

On motion by Senator **MASON** of Androscoggin, **ADJOURNED** until Thursday, June 8, 2017 at 10:00 in the morning.