

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

In Senate Chamber
Friday
June 16, 2017

Senate called to order by President Pro Tempore Garrett P. Mason of Androscoggin County.

Prayer by Pastor David Garnett, Open Door Bible Baptist Church in Lisbon.

PASTOR GARNETT: Thank you for letting me come and open the Senate in prayer and I want to thank you, ladies and gentlemen, for giving us the religious freedom that we have today. It's not everywhere. It's only in America we can believe like we want to believe and thank God for you folks and thank God for your hard work. I know you've got a lot going on and so I just want to share a thought with you real quick. You know, we have this religious freedom and we need to be thankful for that and don't take that for granted. We can worship God the way we feel we want to worship God. It's because of you folks and I say God bless every one of you and we have - I have a Down Syndrome grandson and he'll be 30 years old and I tell you he loves everybody. He just loves everybody, but he's just a blessing to have around, but he's funny. We'll set down for supper and it's certain things that he won't eat. I'll say, "Devin, eat your beans." "I don't like green beans." I said, "Have you ever tried them?" "No." "So how do you know you if you like them or not if you've never tried them?"

The bible says in Psalms 19, let me just - I mean 34 - let me just share this quick verse with you because it will help you. It will help you and I want to be a help to you and a blessing to you. Listen to what it says. Talking about tasting. Here's what the bible says. Psalms 34, verse 8. "Oh taste and see that the Lord is good." Some people have never tasted that the Lord is good. They say, "Ah, I don't know about that Christianity. I don't know about this religion or that religion." Well, that's your choice, but how do you know unless you taste it? How do you know? Taste and see the Lord is good. You've got a lot of pressure on you this week, a lot going on, and this is a high pressure job that you have, but you're working for the people and under that you're working for God and giving us the freedoms that we have. Listen, taste and see the Lord is good. Put the Lord in your business affairs. He'll help you through it. It's just a good thought for you. Alright, enough preaching. We need to get to praying.

Dear Lord, thank You, God, for Your goodness towards us. Thank You for America, the greatest country in all the world, and it's because we have great people leading it, giving us the freedoms that we have. Thank You for that. God, may we never take the freedoms that we have for granted. Help us, Lord. Help these men and these women, God, to lead our state, lead our country, in a way that would be pleasing to You. God, they've got a lot pressure on them. I ask You to help them. I ask You, Lord, that they not forget that little verse this morning. Taste and see You are good. When we put You in the equation everything turns

out good. So we pray for Your blessing. I ask this in Jesus' name. Amen. Thank you.

Pledge of Allegiance led by Senator David R. Miramant of Knox County.

Reading of the Journal of Thursday, June 15, 2017.

Doctor of the day, Sydney Sewall, M.D. of Hallowell.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Address Severe and Ongoing Shortfalls in the Funding of Direct Care Workers in Long-term Care Settings and To Establish the Commission To Study Long-term Care Workforce Issues" (EMERGENCY)
S.P. 512 L.D. 1466

Majority - **Ought to Pass as Amended by Committee Amendment "A" (S-186)** (7 members)

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

In Senate, June 12, 2017, on motion by Senator **BRAKEY** of Androscoggin, 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-186) AS AMENDED BY HOUSE AMENDMENT "A" (H-514)** thereto in **NON-CONCURRENCE**.

On motion by Senator **BRAKEY** of Androscoggin, the Senate **RECEDED** and **CONCURRED**.

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.

Joint Resolution

The following Joint Resolution:

H.P. 1130

**JOINT RESOLUTION
HONORING THE MEMORY OF NEIL ROLDE**

WHEREAS, the Honorable Neil Rolde, of York, who died on May 15, 2017, was a longtime public servant, a distinguished historian and author and a dedicated member of the Maine House of Representatives; and

WHEREAS, Neil Rolde was raised in Brookline, Massachusetts and moved to Maine as a young man in the early 1960s; and

WHEREAS, Neil Rolde began his political career as press secretary and special assistant to Governor Kenneth Curtis; and

WHEREAS, Neil Rolde served as State Representative from York during the 106th, 107th and 109th to 114th Legislatures and was also House Majority Leader from 1975 to 1977; and

WHEREAS, Neil Rolde left politics in 1990 but remained active in public service through various organizations, including Maine Public, the Maine Historic Preservation Commission, the Maine Arts Commission and the University of New England board of trustees; and

WHEREAS, Neil Rolde was active on the board of the Seacoast Shipyard Association, which twice fought successfully to keep the Portsmouth Naval Shipyard open; and

WHEREAS, Neil Rolde wrote more than a dozen books, primarily about the history of Maine, including a history of Maine's Native American population and a retelling of the events leading to the establishment of Baxter State Park; and

WHEREAS, it is the desire of the Members of the Senate and the Members of the House of Representatives and the citizens they represent to formally recognize the accomplishments of Neil Rolde and to express the high esteem and affection we have for this outstanding longtime resident of York, Maine; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-eighth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to honor the Honorable Neil Rolde and to recognize his accomplishments and his distinguished service to the people of the State of Maine over many years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be presented to the family of Neil Rolde as a tangible token of our high esteem.

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

READ and **ADOPTED**, in concurrence.

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

Senator **CUSHING:** Thank you, Mr. President. In regards to item 1-3, I just wanted to add my personal comments. Having met Speaker Rolde, he was somebody who cared much for this institution. He did a lot to mentor others and, while philosophically we may have disagreed, I have a great

appreciation for those who love and respect the history of the institution and those who serve in Maine, and so he will certainly be sadly missed and I'm pleased that we were able to take this moment to honor his memory in this Chamber. Thank you, Mr. President Pro Tem.

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

Senator **BELLOWS:** Thank you, Mr. President Pro Tem. I rise also to speak in memory of the Honorable Neil Rolde. I had the privilege of attending his celebration of life ceremony on Sunday. Neil was a mentor of mine. I first met him in 2005 when I was trying to convince him to reenlist in the Maine Civil Liberties Union, an organization he helped grow and develop, and he, very civilly and graciously and with some humor, told me everything that he disagreed with with the MCLU at the time and why he wouldn't be rejoining, but he invited me to continue to have lunch with him on a regular basis. He encouraged me in my efforts here and one of the pieces of advice that he gave me when I was elected was to seek bi-partisan friendships and collegiality across the aisle. I will - Neil will be deeply missed by all of us.

COMMUNICATIONS

The Following Communication: S.C. 522

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

June 13, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Matthew A. Anderson of Hampden, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
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Representatives 7 Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth

EXCUSED: Senators: CARSON, CYRWAY, DAVIS, DION

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Matthew A. Anderson** of Hampden for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

NAYS 0

ABSENT 3 Rep. Sampson of Alfred, Rep. Stewart of Presque Isle, Rep. Turner of Burlington

Ten members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Matthew A. Anderson of Hampden, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The Following Communication: S.C. 523

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

June 13, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of Thomas E. Bolen of Albion, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	9	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle
NAYS		0	
ABSENT		1	Rep. Turner of Burlington

The Chair noted the absence of the Senator from Kennebec, Senator **CYRWAY**, the Senator from Piscataquis, Senator **DAVIS**, the Senator from Cumberland, Senator **DION**, and the Senator from Cumberland, Senator **CARSON**, and further excused the same Senators from today's Roll Call votes.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#317)

YEAS: Senators: None

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

Twelve members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of Thomas E. Bolen of Albion, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#318)

YEAS: Senators: None

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

EXCUSED: Senators: CARSON, CYRWAY, DAVIS, DION

No Senator having voted in the affirmative and 31 Senators having voted in the negative, with 4 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **Thomas E. Bolen** of Albion for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: S.C. 524

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

June 13, 2017

The Honorable Michael D. Thibodeau
President of the Senate of Maine
128th Maine State Legislature
State House
Augusta, Maine 04333-0003

Dear Mr. President:

In accordance with 3 M.R.S.A., Section 157, and with Joint Rule 505 of the Maine Legislature, the Joint Standing Committee on Education and Cultural Affairs has had under consideration the nomination of John B. Herweh of Presque Isle, for appointment to the Maine School of Science and Mathematics, Board of Trustees.

After public hearing and discussion on this nomination, the Committee proceeded to vote on the motion to recommend to the Senate that this nomination be confirmed. The Committee Clerk called the roll with the following result:

YEAS	Senators	3	Langley of Hancock, Maker of Washington, Millett of Cumberland
	Representatives	10	Kornfield of Bangor, Daughtry of Brunswick, Farnsworth of Portland, Fuller of Lewiston, Ginzler of Bridgton, McCrea of Fort Fairfield, Pierce of Falmouth, Sampson of Alfred, Stewart of Presque Isle, Turner of Burlington
NAYS		0	
ABSENT		0	

Thirteen members of the Committee having voted in the affirmative and zero in the negative, it was the vote of the Committee that the nomination of John B. Herweh of Presque Isle, for appointment to the Maine School of Science and Mathematics, Board of Trustees be confirmed.

Signed,

S/Brian D. Langley
Senate Chair

S/Tori P. Kornfield
House Chair

READ and ORDERED PLACED ON FILE.

The President Pro Tempore laid before the Senate the following: "Shall the recommendation of the Committee on **EDUCATION AND CULTURAL AFFAIRS** be overridden?"

In accordance with 3 M.R.S.A., Chapter 6, Section 158 and with Joint Rule 506 of the 128th Legislature, the vote was taken by the Yeas and Nays.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#319)

YEAS: Senators: None

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

EXCUSED: Senators: CYRWAY, DAVIS, DION

No Senator having voted in the affirmative and 32 Senators having voted in the negative, with 3 Senators being excused, and none being less than two-thirds of the Membership present and voting, it was the vote of the Senate that the Committee's recommendation be **ACCEPTED** and the nomination of **John B. Herweh** of Presque Isle for appointment to the Maine School of Science and Mathematics, Board of Trustees was **CONFIRMED**.

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

The Following Communication: H.C. 242

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

June 15, 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 Minority Ought Not to Pass Report of the Committee on Taxation on Bill "An Act To Promote Workforce Development and Provide an Economic Stimulus for Maine-based Filmmakers and Supporting Businesses" (S.P. 501) (L.D. 1450);

the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Clarify Eligibility for Unemployment Benefits during Labor Disputes" (S.P. 455) (L.D. 1341).

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

The Following Communication: H.C. 246

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

June 15, 2017

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

Dear Secretary Priest:

Senate Paper 44, Legislative Document 96, "An Act To Improve Attendance at Public Elementary Schools," 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, 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. 236

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

June 13, 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 324, "An Act To Allow Corrections Officers To Administer Naloxone."

This bill would allow corrections officers to carry and administer Naloxone, which is also known as Narcan. Frankly, this bill is unnecessary as it relates to the Department of Corrections. Narcan is kept in the Department of Corrections system in case there is an overdose. However, most importantly, the Narcan is administered by medically trained professionals in medical units of corrections facilities.

This bill proposes for line corrections officers to administer the drug. Some might say that some county facilities do not have full-time medical units; therefore, this bill is necessary. However, rather than invest in special training for corrections officers to administer Narcan, counties should instead invest in medical services. Also, this bill does not address the issue of immunity from suit if something should go wrong with the administration.

For these reasons, I return LD 324 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 Allow Corrections Officers To Administer Naloxone (EMERGENCY)

H.P. 238 L.D. 324

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

The President Pro Tempore laid before the Senate the following: "Shall this Bill become law notwithstanding the objections of the Governor? In accordance with Article IV, Part Third, Section 2 of the Constitution, the vote will be taken by the Yeas and Nays. A vote of yes will be in favor of 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 (#320)

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

NAYS: Senators: None

EXCUSED: Senators: CYRWAY, DAVIS, DION

32 Senators having voted in the affirmative and no Senator having voted in the negative, with 3 Senators being excused, and 32 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.

SENATE PAPERS

Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services (EMERGENCY)

S.P. 590 L.D. 1640

Presented by Senator SAVIELLO of Franklin. Cosponsored by Senator: MASON of Androscoggin. Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

On motion by Senator **SAVIELLO** of Franklin, **TABLED** until Later in Today's Session, pending **REFERENCE**.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Travis Nickerson, of Augusta, a student at Cony High School, who won First Place in the Maine Developmental Disabilities Council Inclusion Awards Essay Contest. The Inclusion Awards honor schools, teachers and students who demonstrate the exceptional concept of a world in which all people are valued members of their communities. We extend our congratulations to Travis on his receiving this recognition;

SLS 482

Sponsored by Senator KATZ of Kennebec.
Cosponsored by Representatives: BRADSTREET of Vassalboro, DOORE of Augusta, POULIOT of Augusta.

READ.

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

Senator **KATZ:** Thank you very much, Mr. President. Men and women of the Senate, I rise today to congratulate Travis Nickerson and to thank the Maine Developmental Disabilities Council for this Inclusion Awards Essay Contest program that they've done for many years now. I'd just like to take a moment, Mr. President, to read to you just a brief excerpt from Travis' essay. Here's what he wrote about labeling people as disabled. "Right here at my own school I see this misjudging taking place, corrupting the minds of not only the judged but the judge themselves. This creates an 'exclusive' setting for those who are different, making them outcast in their own mind, wondering what it was they did wrong. As the saying goes: everyone is a genius but if you judge a fish by its ability to climb a tree it will live its entire life thinking it is stupid. This quote, unofficially credited to Albert Einstein, shows not only can people understand that inclusion is necessary for the betterment of society but that it is also achievable for everyone." Just a terrific essay for anyone to write, Mr. President, but certainly as a junior in high school. So I'd like to again congratulate Travis and wish him well in his future endeavors. Thank you.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Travis Nickerson and his mother, Wanda Nickerson. They are from Augusta and they are the guests of the Senator from Kennebec, Senator Katz. Would they please rise and accept the greetings of the Senate.

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

COMMUNICATIONS

The Following Communication: S.C. 527

**MAINE DAIRY AND NUTRITION COUNCIL
AUGUSTA, MAINE**

June 2, 2017

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

Dear Speaker Gideon:

Enclosed for your review is the calendar year 2016 Audit Report of the Maine Dairy and Nutrition Council, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

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

Sincerely,

S/Cheryl L. Beyeler, CFCS
Executive Director

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

The Following Communication: S.C. 528

**MAINE DAIRY PROMOTION BOARD
AUGUSTA, MAINE**

June 2, 2017

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

Dear Speaker Gideon:

Enclosed for your review is the calendar year 2016 Audit Report of the Maine Dairy Promotion Board, prepared by Austin & Associates, P.A., Certified Public Accountants. We are pleased to offer it for your consideration.

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

Sincerely,

S/Cheryl L. Beyeler, CFCS
Executive Director

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

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

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

Senate at Ease.

The Senate was called to order by
President Pro Tempore Mason.

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Revise Certification Statutes for Educational Personnel"

H.P. 1080 L.D. 1569

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-515)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-515)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-515) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Protect Maine Children from Lung Cancer by Requiring Radon Testing in Schools"

H.P. 988 L.D. 1433

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-516)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-516)**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-516) **READ** and **ADOPTED**, in concurrence.

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"

H.P. 819 L.D. 1182

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

Signed:

Senators:

DAVIS of Piscataquis
SAVIELLO of Franklin

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-506)**.

Signed:

Senator:

DILL of Penobscot

Representatives:

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

Comes from the House with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**.

Reports **READ**.

Senator **COLLINS** of York moved the Senate **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I know there are visitors here. I wish to speak against the current motion. We all need to have this word in our vocabulary 'phthalates'. Phthalates are a

plasticizer. They make plastics. Most are pliable. Phthalates are one of the many, many, many, many chemicals that exist in our society but they are not always good, and, in particular, they are - part of this group are involved in endocrine disruption. For some of the younger members here, endocrine are some of the glands and the hormones that make us who we are. They help make us boys and girls, men and women, and the endocrine disruptors are - they change who we are as people. They change who we are as a society and these endocrine disruptors have major effects on the development of whether we're men or women, the development of our brain, development of how we learn, some of our autism, other problems we have there. There's a very interesting experiment that they ran in a lake in Northern Canada where they had put in a particular kind of fish, equal number of males and females, and then they added phthalates. Over time, over two years, gradually the male fish died out and when the male fish died out there were no more fish. In other words, phthalates are very real. They are very - they can have major effects. This is a small bill for Maine. There are national efforts underway to change how the U.S. regulates this, but they've been underway for a very, very long time and I think it's extraordinarily important that Maine takes this small step. Washington works, the federal government works, when we pressure it. I urge you to follow my light. Thank you, Mr. President Pro Tem.

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

Senator **SAVIELLO:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise to support the motion, the pending motion before us for a number of reasons. Number one, in my opinion, this is an example of committee shopping. The Environment and Natural Resources Committee has dealt with chemicals, chemicals of the day, which I've talked about and we have a procedure that we have put into place in the State of Maine and we should follow that procedure that was worked out by the good Senator Goodall when he was here and myself. The second thing is the FDA, Federal Drug Administration, already has oversight responsibilities for these because it is a packaging situation. There is no way we, the State of Maine, can set up a program strong enough to do the same kind of review that they do. Number three, and this is probably the most important because this is something those of us that have been in the environmental community dealing with chemicals have been asking for for a long time, TSCA, the Toxic Substance Act, has finally been reauthorized. It's known as the Lautenberg Act. I know many people consider, 'Well, that's at the federal level and we know what's happening with EPA at the federal level.' Well, in this particular case, there's actually 20 more - 50, I'm sorry, 50 more scientists that are being hired into that program to implement this. In fact, they've already identified the top 20. These chemicals are not in the top 20. Finally, you will see right now, I don't believe there's a fiscal note. There was a mistake. The fiscal note alone is over \$200,000. So I would ask you to support the Ought Not to Pass motion.

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

On further motion by same Senator, **TABLED** until Later in Today's Session, pending the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions

H.P. 991 L.D. 1436

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-508)**.

Signed:

Senator:
CHIPMAN of Cumberland

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

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

Signed:

Senators:
BRAKEY of Androscoggin
HAMPER of Oxford

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

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)**.

Reports **READ**.

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

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

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

Senator **CHIPMAN**: Thank you, Mr. President Pro Tem. Men and women of the Senate, this bill simply provides seven days of medically tailored meals to patients leaving the hospital in the interest of reducing hospital readmissions. It brings, statewide, a pilot study that was conducted at Maine Medical Center which demonstrated a 387% return on investment by getting people seven days of Meals on Wheels tailored by a doctor and dietician recommendation when they left the hospital. I hope you will join me when we do take the vote in opposing the pending motion. I further would ask that this bill be tabled until later in today's session. Thanks.

On motion by Senator **CHIPMAN** of Cumberland, **TABLED** until Later in Today's Session, pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Ensure the Right To Work without Payment of Dues or Fees to a Labor Union as a Condition of Employment"
H.P. 52 L.D. 65

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-466)**.

Signed:

Senators:
VOLK of Cumberland
LANGLEY of Hancock

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

Comes from the House with the Majority **OUGHT 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 PRO TEMPORE: The Chair recognizes the Senator from Knox, Senator Miramant.

Senator **MIRAMANT**: Thank you, Mr. President Pro Tem. Men and women of the Senate, I had a couple of questions about this. In looking at it, there's a line that says 'directly or indirectly' as far as who could be prosecuted for this Class D crime now that has up to a year in a county jail and, as a lifetime member of a union with 57,000 members that's operated out of Washington who would be following federal law to do what this says you can't do, then would all 57,000 members have to be held in a county jail for up to a year? I think we might have a little problem in Knox with that one.

THE PRESIDENT PRO TEMPORE: The Chair understands that a question has been asked through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Androscoggin, Senator Brakey.

Senator **BRAKEY**: Actually, Mr. President, permission to ask a question off the record?

Off Record Remarks

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

Senator **BELLOWS**: Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, in response to the good Senator from Knox County's question, this does create a new Class D crime and, quoting from the bill, it would apply to 'a person who directly or indirectly violates any provision of this chapter.' Note that this bill also requires the hiring of a detective by the Attorney General's Office to investigate this, unions, and that the substance of the bill prohibits something that I agree is unnecessary. No one is required to join any union. This bill prohibits that. Something that's a solution in search of a problem. But it also prohibits fees that unions may require reimbursement for collective bargaining and contract enforcement. So I urge you to vote against the pending motion.

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

Senator **VOLK**: Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, this is a familiar issue. I do want to point out that this is the single most important economic development item that we could ever pass in the State of Maine

at this point in time that would not cost us a dime, although I suppose there's a small fiscal note referenced by my colleague from Kennebec. However, 27 other states in the country are now Right to Work. Maine would be the first state in the Northeast and, in my mind, that would be a tremendous asset. That would be a tremendous selling point. It would be a tremendous economic shot in the arm to benefit the people of our state. So I don't have any expectation of winning this vote today, but I do feel that it's an important issue and I, for one, will be happy to be on record voting Ought to Pass.

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

Senator **LANGLEY:** Thank you, Mr. President Pro Tem. I rise in support of the motion on the Floor. As a dues paying member of the MEA to the State still, in my career as a teacher, our dues were voluntary. You had to be convinced that what was being offered for membership was worth the dues that you were being paid and it was the right way to do that. In my school we had nearly 100% participation because of the services that were provided to us. So I think that's a great form of competition. That you'd better do well by your members. If not, then they choose not to pay the dues. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought to Pass motion before us and I just want to share a few missing facts about Right to Work because I think that we often - on this issue there's a lot that gets politicized and a lot that gets put out there that is not altogether accurate.

First, the first myth, there's a myth that goes around that Right to Work prohibits unions but the fact is that Right to Work laws simply make union dues voluntary. Without Right to Work laws unions negotiate contracts that force workers to pay dues or get fired. Right to Work laws protect worker's freedoms. The National Labor Relations Act also protects the right of workers in Right to Work states to unionize. Unions currently represent 4.4 million workers in 24 Right to Work states, including highly unionized Nevada, Iowa, and Michigan, which is now a Right to Work state. Another myth, some say that Right to Work laws undermine unions, but the truth is that Right to Work laws make unions work to earn worker's support. In the long run, this can actually strengthen local unions. Without Right to Work laws unions can take their member's dues for granted and provide lower quality representation. I would point to Gary Casteel, the Southern Regional Director for the United Auto Workers, who explained this. "This is something I never understood, that people think Right to Work hurts unions. To me, it helps them. You don't have to belong if you don't want to, so if I go to an organizing drive I can tell these workers 'if you don't like this arrangement, you don't have to belong' versus 'if we get 50% of you then all of you have to belong whether you like it or not.' I don't even like the way that sounds because it's a voluntary system and if you don't think the system is earning its keep then you don't have to pay." Again, that's the Southern Regional Director for the United Auto Workers.

Another myth, some say that Right to Work laws allow non-union members to free-ride on the benefits of union representation without paying its cost. The fact is that unions

voluntarily represent non-members. The Supreme Court has repeatedly ruled that the National Labor Relations Act allows unions to negotiate contracts covering only dues paying members. As Justice Brennan wrote in *Retail Clerks vs Dry Lion Goods* in 1962, "Members-only contracts have long been recognized. Unions represent non-members only when they act as exclusive bargaining representatives, which require non-members to accept the union's representation." In that case, the law requires unions to represent non-members fairly. They cannot negotiate high wages for their supporters and the minimum wage for non-members, but unions can avoid representing non-members by disclaiming exclusive representative status. They are not required to do that.

Another myth, some say that representing non-members cost exclusive representative unions a lot of money but the fact is unions often spend very little on representational activities. When unions choose to act as exclusive bargaining representatives they often spend relatively little on processing grievances and negotiating contracts. Often union contracts have employers cover these costs by allowing unions stewards to do union business while on company time. As a result, many union locals spend very little representing workers, either members or non-members.

Another myth, Right to Work laws provide no economic benefits. The fact is companies consider Right to Work laws a major factor when deciding where to locate. Organizing victories bring in a lot more money for a union in jurisdictions with compulsory dues. Consequently, unions organize more aggressively in places without Right to Work laws. Companies, in turn, want to know that they can avoid being targeted by union organizers if they treat their workers well. Right to Work laws make that more likely. Economic development consultants report that roughly half of all major businesses refuse to consider locating in jurisdictions with compulsory dues. The Bureau of Labor Statistics data shows that between 1990 and 2014 total employment grew more than twice as fast in Right to Work states as in states with compulsory dues.

Another myth, some say that Right to Work laws lower wages but the fact is workers have the same or higher buying power in Right to Work states. Opponents often derive voluntary dues as Right to Work for Less, but averages wages in Right to Work states are, indeed, slightly lower than in non-Right to Work states but this occurs because almost every Southern state has a Right to Work law and the South has a lower cost of living. Studies that control for differences in cost of living find that workers in states with voluntary dues have no lower, and possibly slightly higher, real wages than workers with compulsory dues.

The last myth and fact I'll leave us with. Some say that Right to Work laws divide Americans, but the fact is Americans overwhelmingly support Right to Work laws. Recent Gallup Polling finds Americans support Right to Work laws by a 71% to 22% margin. That's better than 3 to 1. Independence support Right to Work laws 77% to 17%. Republicans support them 74% to 18%. Democrats support them 65% to 30%. Polling also shows that union members, themselves, support voluntary dues by an 80% to 17% margin. Voters also reward - well, I'll leave it there.

The arguments against Right to Work do not withstand scrutiny. Right to Work laws give workers a choice over where their money goes. This freedom forces unions to earn their member's support. It also attracts businesses and jobs. The law

should not force anyone in America to pay union dues as a condition of employment. Thank you very much, Mr. President.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Prohibit Public Employers from Acting as Collection Agents for Labor Unions"

H.P. 53 L.D. 66

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**.

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

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

Reports **READ**.

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **VOLK** of Cumberland to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE**. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Modernize the State's Procurement Laws"

H.P. 1055 L.D. 1535

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

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-502)**.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

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

Reports **READ**.

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

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

On further motion by same Senator, the Majority **OUGHT NOT TO PASS** Report **ACCEPTED**, in concurrence.

Divided Report

MILLETT of Cumberland

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Relieve Overcrowding in County Jails" (EMERGENCY)

H.P. 982 L.D. 1428

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

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
MAREAN of Hollis
NADEAU of Winslow
TALBOT ROSS 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-507)**.

Signed:

Representatives:

LONGSTAFF of Waterville
RECKITT of South Portland

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

Reports **READ**.

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

Divided Report

The Majority of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act Regarding Sexual Activity and Sexual Assault at Secondary and Postsecondary Educational Institutions"

H.P. 472 L.D. 681

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-505)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

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 Not To Pass**.

Signed:

Representative:

SAMPSON of Alfred

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-505)**.

Reports **READ**.

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

Bill **READ ONCE**.

Committee Amendment "A" (H-505) **READ** and **ADOPTED**.

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 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District
H.P. 32 L.D. 31

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-503)**.

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
CASÁS of Rockport
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
MONAGHAN of Cape Elizabeth
WHITE of Washburn

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

Signed:

Representatives:

LONGSTAFF of Waterville
SCHNECK of Bangor

Comes from the House with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the **RESOLUTION PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-503)**.

Reports **READ**.

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

Resolution **READ ONCE**.

Committee Amendment "A" (H-503) **READ** and **ADOPTED**, in concurrence.

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

Divided Report

Nine members of the Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Improve Science and Engineering Education for Maine's Students"

H.P. 35 L.D. 49

Reported in Report "A" that the same **Ought to Pass as Amended by Committee Amendment "A" (H-497)**.

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston

McCREA of Fort Fairfield
PIERCE of Falmouth

Three members of the same Committee on the same subject reported in Report "B" that the same **Ought to Pass as Amended by Committee Amendment "B" (H-498)**.

Signed:

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle

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

Signed:

Representative:

TURNER of Burlington

Comes from the House with Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**.

Reports **READ**.

Senator **LANGLEY** of Hancock moved the Senate **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**, in concurrence.

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

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **LANGLEY** of Hancock to **ACCEPT** Report "A" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-497)**, in concurrence. (Roll Call Ordered)

Senate

Divided Report

The Majority of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Solar Power for Farms and Businesses"

S.P. 529 L.D. 1504

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

Signed:

Senators:

WOODSOME of York
DION of Cumberland

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "B" (S-277)**.

Signed:

Senator:

CUSHING of Penobscot

Representatives:

HANLEY of Pittston
HARVELL of Farmington
O'CONNOR of Berwick
WADSWORTH of Hiram

Reports **READ**.

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve General Assistance Reimbursements"

S.P. 363 L.D. 1109

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

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

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

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

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

Reports **READ**.

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

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

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

Senator **CHIPMAN:** Thank you, Mr. President Pro Tem. Men and women of the Senate, this bill - just to start out, General Assistance, as you all know, is a statewide program that all cities and towns are required to administer and this bill would simply allow our municipalities to count the cost of administering this program towards their 30% contribution for the assistance that folks receive. I think it's a very reasonable bill.

THE PRESIDENT PRO TEMPORE: For what does the Senator from Androscoggin rise?

Senator **BRAKEY:** I believe that the Senator from Cumberland maybe referring to what takes place in the Committee Amendment, but that's not what's before us. The bill is before us.

THE PRESIDENT PRO TEMPORE: The Chair would remind all that we need to keep our comments restricted to the bill. The Ought Not to Pass report is on the table and the Ought Not to Pass refers to the underlying bill, not the Committee Amendment. So we need to make sure we are speaking about the bill. The Senator may continue.

Senator **CHIPMAN:** I think I've said all I really would want to say about it. I just wanted to remind members, as you probably know, that it is a statewide program and there are costs associated with administering that program and that's what this bill seeks to address and hope that you will join me in opposing this motion when we take the vote. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in support of the Ought Not to Pass motion. I'll say the underlying bill, itself, the concept that was originally brought to us, I actually thought had some merit. The idea that we would - when someone moves from one municipality to another and seeks to receive General

Assistance that the previous municipality would have some accountability for paying for that. There were some mechanical problems to that. Those mechanical problems were never worked out. I would love to see this come forward in some way, shape, or form that resolves those issues in the future. Instead, what we got was an idea to change the parts of the bill I thought were good and replace it with something different. So I hope that we pass the Ought Not to Pass Report and perhaps we can take this idea up again in the future.

On motion by Senator **CUSHING** of Penobscot, **TABLED** until Later in Today's Session, pending the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Create the Procurement Review Board"

S.P. 447 L.D. 1295

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

Signed:

Senator:
DESCHAMBAULT of York

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

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

Signed:

Senators:
DAVIS of Piscataquis
KEIM of Oxford

Representatives:
GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Reports **READ**.

On motion by Senator **COLLINS** of York, the Minority **OUGHT NOT TO PASS** Report **ACCEPTED**.

Sent down for concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Effectiveness of Notices Required by State Law"

S.P. 580 L.D. 1630

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

Signed:

Senators:
DAVIS of Piscataquis
DESCHAMBAULT of York
KEIM of Oxford

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

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (S-275)**.

Signed:

Representatives:
GRIGNON of Athens
HARRINGTON of Sanford
ORDWAY of Standish

Reports **READ**.

On motion by Senator **COLLINS** of York, Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

Sent down for concurrence.

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

ENACTORS

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

Acts

An Act Regarding the Taxation of Flavored Malt Beverages
H.P. 574 L.D. 794
(C "A" H-472)

Off Record Remarks

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

RECESSED until the sound of the bell.

After Recess the Senate was called to order by President Pro Tempore Mason.

An Act To Amend the Laws Governing the Maine State Housing Authority

S.P. 454 L.D. 1340
(C "A" S-243)

ORDERS OF THE DAY

Unfinished Business

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

Ordered sent down forthwith.

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

The Chair laid before the Senate the following Tabled and Later Assigned (5/23/17) matter:

HELD MATTER

SENATE REPORTS - from the Committee on **TRANSPORTATION** on Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"

S.P. 122 L.D. 381
(C "A" S-238)

An Act To Promote Small Diversified Farms and Small Food Producers

H.P. 584 L.D. 835

Majority - **Ought Not to Pass** (10 members)

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-238)** (3 members)

(In Senate, June 12, 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-238)**.)

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

(In Senate, June 15, 2017, that Body having **INSISTED** on its former action whereby the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)**.)

On motion by Senator **CUSHING** of Penobscot, the Senate **RECONSIDERED** whereby it **INSISTED**.

On further motion by same Senator, **TABLED** until Later in Today's Session, pending motion to **INSIST**.

Tabled - May 23, 2017, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT** in concurrence

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#321)

YEAS: Senators: BELLOWS, BRAKEY, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, COLLINS, CUSHING, DESCHAMBAULT, DION, DOW, HILL, JACKSON, KEIM, LANGLEY, MAKER, MIRAMANT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: CYRWAY, DAVIS, DIAMOND, DILL, GRATWICK, HAMPER, KATZ, LIBBY, MILLETT, THIBODEAU, VITELLI

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

24 Senators having voted in the affirmative and 11 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/7/17) matter:

HOUSE REPORTS - from 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

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-89) (8 members)

Minority - Ought Not to Pass (4 members)

Tabled - June 7, 2017, by Senator **ROSEN** of Hancock

Pending - **ACCEPTANCE OF EITHER REPORT**

(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-89)**.)

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

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

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

Senator **BRAKEY:** Thank you, Mr. President. I rise in opposition to the Ought to Pass Report before us on L.D. 351. Mr. President, this legislation would undermine Maine's longstanding Second Amendment preemption laws which established that firearm policy is established at the State level so that we do not have a confusing mish-mash of policies across the State. If you don't regularly carry a firearm such confusion may not seem like a big deal, but if you do a simple misunderstanding about which municipalities chose to uphold your Second Amendment Constitutional rights and which ones don't could be the difference between being convicted of a felony or not. But, sadly, that's not the end to the extent of harm that this legislation could result in because the legislation before us would allow the further establishment of what are often popularly called gun free zones, but could in fact be more accurately described as unarmed victim zones. Let us not fool ourselves that gun free zones make us in any way safer. They put everyone in danger. When a disturbed individual decides to inflict harm on others with a firearm, a sign declaring a gun free zone in a particular area will not stop them. If that worked we might as well declare the entire State of Maine a murder-free zone and be done with it. That would work just as well. Instead gun free zones disarm law abiding citizens. They guarantee that should that disturbed individual arrive on a particular day looking for a body count no one will be able to stop

him. That's why they seek these areas out. Mr. President, according to the Crime Prevention Research Center, between the years of 2009 and 2014 92% of all public mass shootings in America took place in gun free zones and, if you read the analysis from the Crime Prevention Research Center, they go into great detail on this. I'll just share a very small quote of two cases. "The summer of 2014 clearly illustrated how mass public shooters pay attention to whether people with guns will be present to defend themselves. Eliot Roger, who shot to death three people in Santa Barbara, explained why he picked his target. In his 141 page manifesto he shows how he worried someone with a gun would stop him before he was able to kill enough people. He wrote another option was Deltopia, a day in which many young people pour in from all over the state to have a spring break party in the area. 'I figured this would be the perfect day to attack but after watching YouTube videos of previous parties in the area I saw that there were too many cops walking around on such an event. It would be impossible to kill enough of my enemies before being dispatched by those damnable cops.' In another case they quote the killer of the Aurora Colorado movie theater shooting in July 2012, provides another example. He lived within a 20 minute drive of seven movie theaters that were showing the premiere of the Batman movie. He could have simply chosen the theater that was closest to his apartment or the ones with the largest auditorium in the state. Instead he picked a single theater...

THE PRESIDENT PRO TEMPORE: For what does the Senator from Knox rise?

Senator **MIRAMANT:** (Unintelligible) require people can't carry guns in movie theaters.

THE PRESIDENT PRO TEMPORE: I'm sorry. Say again.

Senator **MIRAMANT:** This bill does not mention any carrying of guns to movie theaters. It's germaneness is in question to me.

THE PRESIDENT PRO TEMPORE: The Senator will defer. The Chair would remind members that we are debating the Ought to Pass as Amended by Committee Amendment "A" Report. We will keep our comments to the bill. As far as the matter of germaneness, I would rule that it is germane. The issue before us is germane. The Senator from Androscoggin may continue.

Senator **BRAKEY:** Thank you, Mr. President. He could have simply chosen the theater that was closest to his apartment or the one with the largest auditorium in the state. Instead he picked the single theater where guns were banned and the victims would be defenseless. I won't quote any more from the Crime Prevention Research Center's analysis, but I'll just say this, if I could provide those of us in this Chamber with any other correlation that staggering, with a 92% correlation, I bet we would take action. But instead this legislation would allow government entities to further curb law abiding citizens' Second Amendment rights, making citizens defenseless against those who would seek to do massive harm. Mr. President, I urge this Body to reject the motion in front of us and I ask that we defend the constitutional rights of Maine people. Thank you very much.

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

Senator **DIAMOND**: Thank you, Mr. President and ladies and gentlemen of the Senate. I would like to urge you to vote against this motion and I would like to bring it down to home a little bit more about the reasons why I voted the way I did. There are municipalities in this state that do not want to find themselves in the position of having to come up with some kind of regulation in their town that will meet everybody's agreement. There are a lot of communities where this would open up such controversy that they had expressed they would rather not put - get themselves and their communities in that position. I suspect there are communities on the other side of that, but I think the ones that I listened to and the ones that were - made a good case was that 'Please don't put us in this situation' because they're not going to make anybody happy once they get down into the weeds in trying to come up with such an ordinance that's going to please everybody. So to avoid that division, and avoid all of the work that goes into trying to make someone happy or groups happy that probably would never happen, I would urge you to vote against this motion. Thank you, Mr. President.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#322)

YEAS: Senators: BREEN, CARSON, CHIPMAN, DESCHAMBAULT, DION, KATZ, LIBBY, MILLETT, MIRAMANT, VITELLI

NAYS: Senators: BELLOWS, BRAKEY, CARPENTER, CHENETTE, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DOW, GRATWICK, HAMPER, HILL, JACKSON, KEIM, LANGLEY, MAKER, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

10 Senators having voted in the affirmative and 25 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock 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 (6/8/17) matter:

HOUSE REPORT - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Establish Energy Policy in Maine"

H.P. 910 L.D. 1313

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-429)**

Tabled - June 8, 2017, by Senator **WOODSOME** of York

Pending - **ACCEPTANCE OF REPORT** in concurrence

(In House, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-429)**.)

Report **ACCEPTED**, in concurrence.

Bill **READ ONCE**.

Committee Amendment "A" (H-429) **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 (6/8/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Prohibit Payment Per Signature for Citizen Petition Drives

H.P. 39 L.D. 53

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-436)** (10 members)

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

Tabled - June 8, 2017, by Senator **COLLINS** of York

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the RESOLUTION **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-436)**.)

On motion by Senator **COLLINS** of York, 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 (6/9/17) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act Regarding Parental Rights"

H.P. 335 L.D. 472

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-441)** (5 members)

Tabled - June 9, 2017, by Senator **KEIM** of Oxford

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

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

Senator **KEIM** of Oxford requested and received leave of the Senate to withdraw her motion to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**.

On motion by same Senator, Bill and accompanying papers **COMMITTED** to the Committee on **JUDICIARY**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/9/17) matter:

An Act To Amend the Direct Initiative Signature Gathering Process

H.P. 917 L.D. 1323
(C "A" H-405)

Tabled - June 9, 2017, by Senator **MASON** of Androscoggin

Pending - **ENACTMENT** in concurrence

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

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

Senator **CHIPMAN:** Thank you, Mr. President Pro Tem. Men and women of the Senate, I'm not rising to request a roll call vote, but I would like the Legislative Record to reflect a couple of things regarding this bill, some concerns that I and others have about it. The bill does three things. It requires that notaries finish all the notary work in the presence of the circulator. Probably a good idea. Requires they keep they keep a log. That's a good idea. The third part goes down a road that we have not gone down in Maine, and that is getting into the realm of telling folks who are employed at a particular workplace whether they can be involved in notarizing documents at the workplace. I know banks do this all the time and other employers have notaries within the workplace that notarize documents on a regular basis and documents that are regarding transactions that the business is involved in. I just think that it's a dangerous sort of bad precedent

for us to set, start telling folks who are notaries, who are employed in a particular workplace, they cannot notarize documents at the workplace. That's what this bill would do, by saying that, basically, once a notary, they are working on a campaign, they can't notarize petitions for that campaign. The other issue I'd like to raise, and I hope the Legislative Record will reflect, is the fact that once a notary notarizes one petition sheet their First Amendment rights, their ability to work on that particular issue in that political season, are out the window. They are not allowed to work on that issue any more once they notarize a petition sheet for that issue, and I think that that's unconstitutional and I just wanted the record to reflect that, and I thank you for your time.

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

Ordered sent down forthwith.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/13/17) matter:

An Act To Reduce the License Fee for High-stakes Beano
H.P. 755 L.D. 1077

Tabled - June 13, 2017, by Senator **DESCHAMBAULT** of York

Pending - **ENACTMENT** in concurrence

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

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

Senator **CARPENTER:** Thank you, Mr. President. Mr. President, has a roll call been asked for on this?

THE PRESIDENT PRO TEMPORE: It has not.

Senator **CARPENTER:** I would so request and speak briefly if I might. Ladies and gentlemen of the Senate.

THE PRESIDENT PRO TEMPORE: The Senator will defer.

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 PRO TEMPORE: The Senator may continue.

Senator **CARPENTER:** Thank you, Mr. President. Calling your attention to item number 26 on our calendar today. It is a small bill. It will allow the Passamaquoddy Tribe in Downeast Maine to once again run their beano, which they've done for many years.

The reason they're not doing it now is the cash requirement of \$25,000 is just not attainable. Just not enough people coming to their beano. So this would simply do one thing, and one thing only, and that's lower the fee from \$25,000, which the State's not going to get anyway, to \$5,000. It would allow them to start their beano and I would ask you to seriously consider allowing the tribe this right. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Enactment. If you are in favor you will vote yes. If you are opposed you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#323)

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

NAYS: Senators: COLLINS, CUSHING, CYRWAY, DAVIS, DOW, HAMPER, HILL, KATZ, LANGLEY, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, PRESIDENT PRO TEMPORE MASON

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, this Bill was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

The Chair laid before the Senate the following Tabled and Later Assigned (6/14/17) matter:

House Reports - from the Committee on Criminal Justice and Public Safety on Bill "An Act To Prohibit Female Genital Mutilation"

H.P. 525 L.D. 745

Report "A" - **Ought to Pass as Amended by Committee Amendment "A" (H-483)** (7 members)

Report "B" - **Ought to Pass as Amended by Committee Amendment "B" (H-484)** (3 members)

Report "C" - **Ought Not to Pass** (2 members)

Report "D" - **Ought to Pass as Amended by Committee Amendment "C" (H-485)** (1 member)

Tabled - June 14, 2017, by Senator **ROSEN** of Hancock

Pending - motion by same Senator to **ACCEPT Report "A" OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483) in NON-CONCURRENCE**

(In House, Report "B" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-484) READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-484).**)

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

Senator **MAKER:** Mr. President Pro Tem, ladies and gentlemen of the Senate, I rise in support of the Majority Report. L.D. 745 received three different Minority Committee Reports. Female genital mutilation, or FGM, is the custom of cutting external female genitalia for non-medical purposes. This procedure is known to be prevalent in 29 countries, including the United States. Usually midwives or physicians perform the cutting, often times without any anesthesia. FGM is sometimes reviewed as a religious ritual, but it is not a formal part of Shafai'i law and is not a part of Islam law. It is not promoted in the Quran. Four years ago the Population Reference Bureau estimates that 1,603 females were at risk in Maine for either already having been subjected to FGM or as potential victims. Of these, 399 were girls under the age of 18. The UNICEF brochure indicates that 98% of females aged 15 to 49 have undergone genital mutilation in Somalia. In 1996 Congress passed legislation making all types of FGM a federal crime and in 2012 Congress also passed the Transport for Female Genital Mutilation Act making vacation cutting illegal. Despite these laws, FGM is on the rise in America. The Center for Disease Control and Prevention estimates approximately 513,000 women and girls in the United States are at risk or have been subject to FGM in 2012, a three-fold increase from its 1990 data.

While the U.S. does have better laws banning this deep-seeded tradition, 24 other states have also enacted state laws to help protect these children and to help clarify the ban for state prosecutors. To stop this practice, we must have laws in place and we must enforce them. District Attorney Maeghan Maloney's testimony is clear. She explains that prosecutors need a state law in order to prosecute. L.D. 745 was submitted to establish a clear Maine law to prohibit FGM and to establish a ban on vacation cutting. I think it's important to recognize that FGM is regarded as child abuse. As such, doctors, nurses, teachers, and other professionals are mandated reporters. Last month former FBI Director James Comey appeared before the U.S. Senate Judiciary Committee to speak about the three recent and first of the kind arrest involving female genital mutilation and vacation cutting that occurred in the State of Michigan. The parents were from Minnesota. He said, "This is among the most important work we do, protecting children especially." Why did the parents arrange for the little girls to travel across state lines from Minnesota to Michigan to be cut? Minnesota has a prohibition in the State law and Michigan did not. Female genital mutilation is a human rights issue and it is a child abuse issue. It's not a civil liberty to be able to commit child abuse. I am hopeful that this Body will join me and support the Majority Report. An education program is already in place. It is well-funded through the federal government. Let's vote to make Maine the 25th state to prohibit FGM and protect Maine's at-risk little girls.

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

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to this motion, but please note I do not support female genital mutilation. I will tell you that this is a culturally entrenched practice throughout Africa and Asia, places that I have been to and have lived in and have seen first-hand the terrible results and the pressures that produce this practice. It is a practice that is done by women on women and girls but reinforced and required by the males in various communities and tribes. It is a form of gender-based violence. In 1995 I attended the United Nations Conference on International Conference on Women in Beijing, China and this was a topic of much discussion and, in fact, a prohibition against FGM was incorporated then and before in the Convention on the Elimination of All Forms of Discrimination Against Women, otherwise known as the CEDAW Treaty, a treaty which, by the way, this country has yet to ratify. The solution that was mentioned and talked about in Beijing to preventing female genital mutilation is the empowerment of women and girls and, in fact, the United Nations Human Rights Commission states, and I quote, "It is the right of all women to control aspects of their health, in particular their own fertility. It is basic to their empowerment." I would ask you to reject this motion so that we can consider the Report B, which focuses on the education and the empowerment of women so that we can end this practice. Thank you.

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

Senator **VOLK:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, as someone who has three daughters, this is a particularly disturbing subject and also someone who has spent a great deal of time supporting an organization in Lewiston in the center of the Somalian community, the Root Cellar, which supports this community and helps this community. I just want to call attention to the testimony by Maeghan Maloney, who is the District Attorney for Kennebec and Somerset Counties. Maeghan was also testifying in her capacity as the Legislative Liaison for the Maine Prosecutor's Association. She says, "We are Democrats and Republicans and we are in support of L.D. 745. The prosecutors do not feel confident that they can charge someone with committing female genital mutilation without passage of this bill. Why? There are two main reasons. While female genital mutilation is a barbaric disfigurement bearing no resemblance to male circumcision, there are prosecutors that argue that it is not aggravated assault when the parents and children consent." The prosecutors would like clear guidance from this committee and this Legislature - my words - as to whether or not you want this mutilation charges as a crime. Clear statutes without guesswork are important if you want State prosecutions. Yes, it is already illegal federally but the DA offices try by far the most criminal cases in Maine. Number two, the law court held in *State v. Parker* from 1996 that a picture of a man with his son's genitalia, I'm not going to use the word that's here, in his mouth did not constitute sexual assault. There is a debate among prosecutors as to whether a similar analysis could be used by the law court to overturn a female genital mutilation assault conviction. Again, clarity from this committee and, again, this Legislature - my words - would be extremely helpful. She

goes on to express that the DAs were divided on the need for some of the other sections. It is my understanding that the amended report, which we will be voting on, does not include any of those sections that were cause for concern. In closing she writes, "I would like to draw your attention to an NPR article last week entitled *Because I Was Harmed*. This article makes it clear that female genital mutilation has been occurring in White Christian communities in the United States, hidden and unreported for years. Mutilation is not a religious practice. I hope the debate will not criticize a religion or ethnic group because it crosses over all religions and ethnicities. I think we can all agree that our priority, our first priority, should be the protection of those who cannot protect themselves and any child that has this happened to them within the State of Maine deserves our protection and is entitled to our protection. We have the prosecuting attorneys of the State of Maine asking us to create this protection. I see no other option. Thank you.

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

Senator **BREEN:** Thank you, Mr. President Pro Tem. This is a very serious and sobering issue and I cannot believe that there's anyone in this Body who believes that female genital mutilation is a good, healthy practice. However, I think we may differ on how best to solve this challenge in our communities in Maine. So I will not be supporting the current motion, but I don't want that vote to be mistaken for anything remotely like acceptance of this practice. I know that everybody in this Body wants to solve this equation and I believe that no matter which report you support, if you want to do something about it, you have disagreements about what to do about it, I hope we can respectfully disagree on the solution. Thank you, Mr. President Pro Tem.

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I sat in on the Committee of Criminal Justice and listened very intently. We had a victim actually stand up and explain what happened to her, and she had a child beside her, and she told us that when she had it done it actually felt like she was having a baby every time she had a period and that it was very painful and had infections. This is very inhumane of what is taking place. When I hear that we don't want to change because - put this in effect, it reminds me of being in law enforcement and going to a domestic assault. When we go to a domestic assault we have in place that we have to make the arrest if that person assaulted somebody, either sexually or physically, no matter if the person doesn't want that person arrested because sometimes they are - they give them flowers, they say 'I'm sorry', and all this, and forgiveness and all that. But we put it in place, in law, that we protect them. That is our law and law enforcement serves and protects and we have to serve and protect these individuals. This is cruel and unusual punishment to these young ladies, and I can't stress it enough that this has to - this bill really should be passed for their protection. The education piece is already in place federally. It's already there. If we vote for the other one we are just going to be mirroring what's already in place and we're going to be spending more money for that that's already there. We need to take care of the problem, not just educate them. We've tried educating on

domestic violence. Did that work? We have to have laws to enforce it, and so this is where we're at and I truly want you - I would really, please, ask for these ladies to be protected. Thank you.

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

Senator **DION:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I pause because I can't think of any criminal act that could be more repulsive or horrific as what is intended when somebody engages in conduct that we, today, describe as genital mutilation. We are reasonable, sane, caring people in this Chamber and I'm hard-pressed to believe that there is a single soul here, even in the privacy of their own space, that would deny that this is criminal. So let's agree to agree on that concept. Why I rise in opposition to this motion has nothing to do with that fact. It has to do with our second responsibility. We're a deliberative Body. We're supposed to be considering things in a reasonable fashion, and what I want you to consider today is the nature of criminal law in this State. Maine is unique in that we have a model code. Those who originally drafted our code did so in such a fashion that any fact pattern that you bring to it can be resolved. I know my good sister from Kennebec County raises the possibility that she would face some difficulty securing a prosecution on this fact pattern. Let's think about that for a minute. Is she suggesting that if the police did their job, that the Senator and his former life cast brought her a case where the facts indicated that a young female was viciously mutilated, bleeding, pain, that she could not make a case for aggravated assault? That an 11 year old child subjected to such heinous conduct that was documented by child protective agents with the Department of Health and Human Services, working in concert with police, could not make a case for felony assault on a child? For those who founded our criminal law, that's the beauty, if you appreciate it, is that it can encompass any such conduct. That's the way it's designed. I'll tell you who's not designed that way, and you might favor that, the federal code. The federal code would say you're absolutely correct. The good Senator from Washington County would be welcomed as a U.S. Senator and she would be advocating exactly what the federal code is designed to accept. New facts, a new specific law, and the federal code run for many, many volumes as a consequence. Ours are just a brief book. Alright. If they found out that there was an infinity for chopping off hands, they would develop a new statute to address that specific conduct. So you have a choice here today. If you respect the architecture of the Maine Criminal Code, if you have confidence in the ability of line detectives out in the field to do their jobs, if you recognize that sometimes being a prosecutor is, in fact, the toughest position in our system then you'll support what I and others are going to do and reject this motion. I think we can make a statement, as a Senate, that this is abhorring conduct and should be held to the highest sanction possible, but I think at the same time we can express faith in our current criminal code that it is equipped, it is designed, to respond to this very conduct and take some solace in that idea. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. I rise in support of the pending motion. What I'm - I really haven't spent a lot of time, maybe some others in this Chamber haven't either, studying this issue before it's come up in the last few days. But what I'm hearing from everybody is that this conduct is horrific. It's barbaric. It is cruel. It is unusual punishment, maybe not in some other culture but in our culture, certainly within the State of Maine. We all agree, I think, that it ought to be subject to criminal prosecution. I hear that the Prosecutor's Association are telling us that they don't know that they've got the tools to deal with it. We have a bill before us that would deal with it. Why wouldn't we do it? I'll vote in favor of the pending motion. Thank you.

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

Senator **CUSHING:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I rise today in support of the pending motion. Mr. President, I was not going to debate this issue, but I've reflected on some of the comments that were shared here today and I respect my colleagues who may have concerns about the pending motion. But I believe, Mr. President, that, as a deliberative Body second from the Judiciary who have to weigh issues in a different way, that we also are obligated, as our society evolves, to make clear statements to those that we represent and to send a clear message to the third branch of government, the Judiciary, as to how policy makers who have publicly deliberated issues feel that those laws may need to be enacted. We are welcoming to our country, Mr. President, more people who seek to be Americans, and I welcome that, and even though we may be of different beliefs and faiths when we come here, the foundation of America is that we respect the rights of the minority. We respect the rights of those who cannot, and sometimes are unable due to age or other circumstances, to speak for themselves. That's the foundation of what drew people to this country before we were even known as the United States of America. Sadly, in our history, Mr. President, we have had instances where we have looked down on our fellow citizens, or those who come here to be citizens, in a way that makes some of us ashamed, and we have even had the United States Supreme Court, through the Dred Scott case, clearly say that individuals who are brought here in slave trade, or who were in subservient roles because of their condition, because of the color of their skin, were not considered citizens and were considered property. That was a tragedy, in my opinion, Mr. President, but we've corrected that. We corrected it through legislative action and we've corrected it in our Constitution, the foundation of documents. I am not, in any way, saying that this issue should become foundational but I think that it is clear that we need to send a message by our action here that while people are welcome, while we will respect their rights and their customs, that when it is used in a manner that harms a minority individual of age or an individual who doesn't understand and fully appreciate the rights that they have in coming to America and becoming an American citizen, or at least temporarily benefiting from the beauty of our privilege to live here in America, that we must send that clear message. Those in the prosecuting community are asking for it. We will clearly see the media report what we have done here and that's why, Mr. President, I believe this is important, that we pass this today and why I also think, Mr. President, that it is critical that we have the yeas and nays recorded on something of this nature.

So, Mr. President, when you do call the roll I would ask that you would record the yeas and nays.

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

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

Senator **VOLK:** Thank you, Mr. President, and I apologize for rising a second time. One of the things that I don't know whether it has been made clear is why this law is needed, and one of the reasons why this law is needed is because there's been a pattern established where parents will cross into a state like Maine that doesn't have a clear prohibition in their law in order to do this. So they may live in a state where this has happened, for example between Michigan and Minnesota. Minnesota has a prohibition but not in Michigan. So they will travel to Michigan to do the procedure and then go home to Minnesota where it's prohibited. So we certainly do not want anyone entering the State of Maine for the purposes of doing this because we have any lack of clarity in our laws. Obviously, this would give us clarity. We have a District Attorney's Office asking us to give clarity. And I want to point out why - that's why education is not enough. It doesn't mean the education is going to stop. In fact, last summer we received a grant for the Maine Access Immigrant Network, which is located in Portland and Lewiston, Maine. That funding comes from the federal government. It was a total of \$6 million to places around the country. I think there are about 7 or 8 different locations and Portland and Lewiston, Maine being one of them. So that runs for three years. That education does not end because we pass a law. That education is really strengthened because we passed the law.

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

Senator **LIBBY:** Mr. President, thank you. I rise in part in response to a question posed by my friend from Kennebec, Senator Katz. Why wouldn't we support this bill before us? So I'd offer for your consideration testimony given on this bill by a resident of my community who opposes this bill and opposes it despite her being a survivor of FGM. She said to the committee, "I'm standing here today as a FGM survivor, a mother of four girls, and a service provider who has both the personal experience of this horrible act and the provider perspective in regards to what works based on outcomes. L.D. 745 has the right concept but it is both misguided and mislead. FGM is a horrific practice, however the approach presented in the bill is not the right solution to this problem. Today my four daughters are not mutilated because of the education and support I received to help me become an informed parent. I stand here with my daughter, six years old, with a very bright future ahead of her. Amina is strong in math and often very curious about the world she will have to live in. Amina's innocence cannot be taken away by FGM due to education and support systems. I was educated, I was informed and I survived. My daughter will not go through my horrific experience. Amina stands in front of you as a symbol of hope, and prevention and education and services is the approach of eradicating FGM. Women and girls in Maine who have experienced FGM need culturally specific services and competent

service delivery systems to be educated on FGM. We strongly support the amended version of L.D. 745. Criminal penalties and creating laws that don't prevent FGM is not necessary and will further jeopardize existing relationships and services that support FGM survivors. FGM is sexual assault. FGM needs to be addressed by trained, culturally specific service providers in collaboration with our mainstream partners. We urge you to please support education and culturally specific services and cultural competence and training for service providers." With that, Mr. President, I'd ask the Body to consider the remarks of a FGM survivor who is not in support of the approach of the current motion. Thank you, Mr. President.

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

Senator **KATZ:** Thank you, Mr. President. Men and women of the Senate, I've listened with great interest to my colleague from Androscoggin and appreciate what he said. There are countries in this world where incest is not illegal. There are countries in this world where there is no such thing as the rape of a wife by a husband. Yet we say you can't do that in the State of Maine. Education is not - can be part of it, but we decided no, not here. I don't see how this is any different. Thank you.

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

Senator **VITELLI:** Thank you, Mr. President. Men and women of the Senate, I, too, apologize for rising again. I simply want to point out that the Maine Department of Health and Human Services already recognizes female genital mutilation as a form of child abuse and it is a reportable offense to anyone who witnesses or suspects that it has occurred. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I listened to Senator Libby's testimony there, and we witnessed that in the committee. It's just what I was saying about domestic assaults. There are people that are assaulted every day and they don't want their husband or spouse to be arrested because of what they do and there are people that are victimized but there are still laws to protect and we need to protect these inhumane type situations as this is. We, you know, this lady testified just what I had said and how they sewed her up and could not even urinate. Is that not enough? We need to look at this and say, 'Is this what we really want our six year old to be exposed to later on?' I mean, they grabbed her and put her on a table and cut her. Please vote for this.

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

Senator **BELLOWS:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, yesterday we received a document that indicates the worldwide horrific challenge that this is and I think every single person in this Chamber wants to make sure that we are doing everything in our power to make sure that no woman or child in our state is exposed to FGM. It is precisely why I will be voting against the pending motion, because there is

another solution that reasonable people can agree on and I, too, listened carefully to all of the testimony that was heard in our committee and I have spent much of my career working with people in immigrant communities and I want to quote from the testimony of the founder and Executive Director of the Maine Access Immigrant Network, with over 20 years of experience as community builder and leader. "Our communities are concerned about L.D. 745 as it is written. As fathers, husbands, brothers, and community elders, we are against the practice of FGM. However, we ask you to consider several important factors when deciding on the future of this bill. Legislation is one of four components to a comprehensive approach. The three missing parts are collaboration with communities affected by FGM, cultural sensitivity awareness-raising for all Mainers, and promotion of community-driven culturally and linguistically appropriate education. A rush to legislate without community engagement may be perceived by communities as racism and ethnic discrimination and the unintended consequences may be the isolation of families and erosion of immigrants place in society." There is something that we can do, that our colleagues have already endorsed, and voting against the pending motion because we - if we move forward with this rather than in a spirit of collaboration with the communities that are directly affected, with the Maine Coalition Against Sexual Assault that works every day to help survivors, with those who advocate for women and children, then this vote becomes a rhetorical vote without real meaning and there is something that we can do and that's why I'll be voting against this motion so we can do something that will truly help these communities.

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

Senator **DIAMOND:** Thank you, Mr. President and ladies and gentlemen of the Senate. As I sat in the Criminal Justice Committee and listened to this testimony I have to tell you it was the, I think it was the worst - I'm not quite sure it was the worst hours I've spent regarding any issue - listening to the descriptions and the testimony regarding this issue, female genital mutilation. I do not - I resist, myself, from saying FGM or female genital mutilation because it tends to give, or it doesn't describe, the horrific nature of what happens, and it's really little girls that suffer this the most, and I respect the opposition. I respect the concerns of the opposition, especially those that relate to selecting certain cultures, ethnic groups. But that does not rise to the level of what these children have to suffer, and it does not rise to the level of what's going on, and we need to address it. Now someone said federal law is already there. Yes, it is, but we also have federal law when it comes to child sexual abuse. But that's not enough. The federal people are not always available. They don't always take on these cases. We need a clear and succinct State law, as we heard testified at our committee hearing. This is a lifetime mutilation and this Legislature and Legislatures in the past have done a very good job of fighting child sexual abuse. They really have. I've been very proud of all that's taken place. The Computer Crime Unit works sometimes 24 hours a day protecting kids who are sexually abused. Unfortunately, I've become too close to the images and what they do and what I've been able to witness in terms of the results of this sexual abuse and how these kids are groomed. That's another whole part of child sexual assault. This is probably the worst. It's probably the worst because, as I say, it's a lifetime maiming that goes with it. I would

ask you - please, we all know that nobody here agrees with this, agrees with this procedure, but it's time we made a statement and I would ask you to consider if we don't make a statement, if we reject this motion, and I believe that it's important for us to take a stand and, as the District Attorney had stated in our committee, this is something that needs to happen. We need to make our laws clearer and we need to do it for the little girls that will be mutilated and we need to send a message that this - we're not going to tolerate it. Thank you, Mr. President.

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

Senator **JACKSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I don't think there's anything I could say here that hasn't been said much better, especially after the Senator from Cumberland, Senator Diamond, but one thing I would say to try and at least add my part to it or make some people - I mean I don't think there's any reason why we couldn't put something that was very clear in the law and I would ask you to consider at the same time continue to educate people to try and have them come to understanding why this isn't something that we should be doing in the State of Maine. I truly think that we can do both things with this bill and I would ask you to support the Ought to Pass Report.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is Acceptance of Report "A". If you are in favor of that report you will vote yes. If you are opposed to it you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#324)

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

25 Senators having voted in the affirmative and 10 Senators having voted in the negative, the motion by Senator **ROSEN** of Hancock to **ACCEPT** Report "**A**" **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**, in **NON-CONCURRENCE, PREVAILED.**

Bill READ ONCE.

Committee Amendment "A" (H-483) **READ** and **ADOPTED**, in **NON-CONCURRENCE.**

Under suspension of the Rules, Bill **READ A SECOND TIME** and **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-483)**, in **NON-CONCURRENCE**.

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

SENATE REPORTS - from 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

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-210)** (6 members)

Tabled - June 15, 2017, by Senator **VOLK** of Cumberland

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

(In Senate, June 12, 2017, the Minority **OUGHT TO PASS AS AMENDED** Report was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.)

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

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#325)

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

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

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/15/17) matter:

SENATE REPORT - from the Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of Handheld Phones and Devices While Driving"

S.P. 360 L.D. 1089

Report - **Ought to Pass as Amended by Committee Amendment "A" (S-272)**

Tabled - June 15, 2017, by Senator **LIBBY** of Androscoggin

Pending - **ACCEPTANCE OF REPORT** (Roll Call Ordered)

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#326)

YEAS: Senators: BREEN, CARPENTER, CARSON, COLLINS, DESCHAMBAULT, DIAMOND, DION, GRATWICK, HILL, KATZ, LANGLEY, LIBBY, MAKER, MILLETT, MIRAMANT, ROSEN, SAVIELLO, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, CHENETTE, CHIPMAN, CUSHING, CYRWAY, DAVIS, DILL, DOW, HAMPER, JACKSON, KEIM, THIBODEAU, VITELLI

21 Senators having voted in the affirmative and 14 Senators having voted in the negative, the **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)** Report **ACCEPTED**.

Bill **READ ONCE**.

Committee Amendment "A" (S-272) **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 (6/15/17) matter:

HOUSE REPORTS - from the Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet Indians To Operate a Casino on Houlton Band Trust Land Exempt from Certain Gaming Laws" (EMERGENCY)

H.P. 999 L.D. 1447

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-437)** (5 members)

Tabled - June 15, 2017, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-437)**.)

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

Senator **CARPENTER:** Thank you, Mr. President. Men and women of the Senate, I rise in opposition to the pending motion. Those of you who remember the way that this lined up and originally came out, I was one of the ones in the committee that voted for the Ought to Pass Report. The Houlton Band of Maliseet Indians is a small band of federally recognized Native Americans that live in and around my hometown of Houlton. They have struggled for years to get their economic legs under them. Are doing quite well. They've come a very long way. This bill is a modest proposal. The tribal lands and the tribal headquarters sit very near the mouth, if you will, of Interstate 95 in the Town of Houlton, about 2 miles from the Canadian border. This proposal would allow them to license and operate a small tribal casino on land they already own just off U.S. Route 1 just north of Houlton. It would provide a number of jobs, not only in construction but in operation. They have partners they have already lined up to help them build and operate this facility. They would also generate a significant amount of revenue, if the projects are accurate, not only for the tribe but for the State of Maine and for the other Native American tribes in Maine, and according to the same type of cascade as the other casinos already established have operated.

A couple of things I want to point out. If you're just looking at the title on the calendar today, this bill has changed radically from when it was first introduced. So if you grab your L.D. books and pull them out, number one, it's no longer an emergency. It also is not any longer entitled "An Act To Recognize and Provide for the Right of the Houlton Band of Maliseet". It now has been changed to simply authorize the tribe. That way we don't get into the politics of the Indian Lands Claim Settlement and all of that. Again, it's a very modest proposal. I would ask you to follow my light. If, in fact, the fiscal note on this is accurate it will generate a significant amount of revenue not only for the tribe but for the State of Maine. I'd ask for your support in defeating the pending motion. Thank you.

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

Senator **CYRWAY:** Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I was on Veterans and Legal Affairs for two years, last year and the year before, and we dealt with this

and we had come up with a semi-solution for all the tribes to be able to bid and be all able to get onboard with this casino operation. I cannot go along with this because I feel that the other tribes should have equal say in having a casino and so I certainly, you know, understand them wanting one, and I'm not a gambler but I think that they should be allowed for all tribes to be able to bid and be part of it. So that's why I would vote against this.

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

Senator **MIRAMANT:** Thank you, Mr. Chair. I just heard two conflicting versions of that. I wondered if someone could clear up whether all tribes are included in the bill we're voting for or just the Houlton Band of Maliseet, please through the Chair.

THE PRESIDENT PRO TEMPORE: The Senator from Knox, Senator Miramant, has asked a question through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Mr. President, in response to the question the gentleman from Knox County, this would only allow the Houlton Band of Maliseet in Houlton to have a casino. However, in the cascade of money that is distributed for all casinos, the other tribes would get, I believe, 2% per tribe to the other three tribes. But this would only, as far as the operation - creation and operation of the casino it would only be the Houlton Band.

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

Senator **COLLINS:** Thank you, Mr. President Pro Tem. A couple of questions through the Chair, if I may. I'm a member of the Veterans and Legal Affairs Committee and my recollection - was there a town vote, Town of Houlton vote to accept this new concept of casino or perhaps even a county-wide vote, an Aroostook County vote? I know in the past other casino proposals were required to have a statewide vote, I believe. My question is - was there a vote, municipal vote or county vote, where this proposed casino be located? Thank you.

THE PRESIDENT PRO TEMPORE: The Senator from York, Senator Collins, has posed questions through the Chair to anyone who may care to answer. The Chair recognizes the Senator from Aroostook, Senator Carpenter.

Senator **CARPENTER:** Mr. President, once again in response to the question the good Senator from York. The answer is yes and no. The Town of Houlton, the town council, voted to support this. The county commissioners, the County of Aroostook, voted to support it. It does not contain, in the bill, a requirement for any sort of referendum in either Aroostook County or statewide.

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

Senator **CHIPMAN:** Mr. President, men and women of the Senate, I rise in opposition to the pending motion. You might wonder why a Senator from Portland would be concerned about

this where it's over 200 miles away from my district. The district I represent has plenty of economic opportunities. Jobs for anybody that wants one. Pay is pretty decent. Not really many problems in that regard, at least at this point in time. However, I know that's quite a different story in Houlton and in Aroostook County and I think that we have a responsibility not just to look for what's best for our own districts but for the whole State, and that's why I rise in opposition to this pending motion. In the past I've served on the Veteran and Legal Affairs Committee. I've been opposed to major expansion of gaming that didn't require a statewide vote. However, I've seen, through several actions here and on the ballot, where I feel like the tribes have been denied opportunities to be part of gaming in the State and that kind of bothers me. This proposal is really a well-rounded proposal. It actually provides money to the other tribes. It brings in about \$5 million a year to the State in revenue for the State coffers, and the economic analysis on it shows very miniscule impact on the casino in Bangor. It's about a 3% loss of revenue for Bangor. Not very much at all. Because it's 120 miles from Bangor it won't have a huge impact there. However, it will help the area in Houlton, will help for tourism for folks coming over the border from Canada who will come there and game and spend money in the area, and it creates 80 to 100 jobs for that area, which I think is really important. So that's why I'm opposed to this motion and I hope you will join me. Thank you.

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

Senator **GRATWICK:** Thank you very much, Mr. Chair. Ladies and gentlemen of the Senate, I rise in support of this motion. I come from Bangor. As people know, Bangor has depended on the Hollywood Casino that's been there. I think it's very important that we not view this as being one area versus another area. When we get into that I think we will all fail. In my way of thinking, this is very much an issue that Bangor made a pact with the State. It was voted on by everybody in the State. If they go back on this, on that pact, at this particular time is not a good practice. We will all suffer if we begin to chip away at this. It's been said that this is 'only 3%' for Bangor. That's a periocular issue. I think it's a road we do not want to go on. Much more I prefer that we think about the State maintaining the integrity of the contract that we've had in the past. Thank you, Mr. President.

THE PRESIDENT PRO TEMPORE: The question now before the Senate is Acceptance of the Ought Not to Pass Report. If you are in favor of it you will vote yes. If you are opposed to it you will vote no. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#327)

YEAS: Senators: BREEN, COLLINS, CUSHING, CYRWAY, DAVIS, DESCHAMBAULT, DIAMOND, DOW, GRATWICK, HAMPER, HILL, KATZ, KEIM, LANGLEY, MAKER, MILLETT, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WOODSOME, PRESIDENT PRO TEMPORE MASON

NAYS: Senators: BELLOWS, BRAKEY, CARPENTER, CARSON, CHENETTE, CHIPMAN, DILL, DION, JACKSON, LIBBY, MIRAMANT, VITELLI

23 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report, in **NON-CONCURRENCE, PREVAILED.**

Sent down for concurrence.

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

The Chair laid before the Senate the following Tabled matter:

HOUSE REPORTS - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act Regarding the Disclosure of Hormone-disrupting Chemicals in Packaged Food"

H.P. 819 L.D. 1182

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

Minority - **Ought To Pass as Amended by Committee Amendment "A" (H-506)** (6 members)

Tabled - June 16, 2017, by Senator **DILL** of Penobscot

Pending - motion by Senator **COLLINS** of York to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report in **NON-CONCURRENCE** (Roll Call Ordered)

(In House, the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506).**)

Senate at Ease.

The Senate was called to order by President Pro Tempore Mason.

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

ROLL CALL (#328)

June 16, 2017

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

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

Dear Secretary Priest:

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

The House voted today to insist on its former action whereby it accepted

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

- the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Support Maine's Employers and Encourage Employers To Hire Young Workers" (S.P. 565) (L.D. 1609);

Sent down for concurrence.

- the Majority Ought to Pass as Amended Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Establish a Minimum Wage for Minors" (S.P. 330) (L.D. 991) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-248);

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

- the Majority Ought to Pass as Amended Report of the Committee on Labor, Commerce, Research and Economic Development on Resolve, To Establish the Commission To Study the Phase-out of Subminimum Wage (S.P. 371) (L.D. 1117) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-190);

ENACTORS

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

Bond Issue

An Act To Authorize a General Fund Bond Issue To Provide Funding for Upgrades of Learning Spaces and Other Projects Funded by the School Revolving Renovation Fund

H.P. 101 L.D. 143
(C "A" H-452)

Comes from the House, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS.**

- the Minority Ought to Pass as Amended Report of the Committee on Energy, Utilities and Technology on Bill "An Act To Prohibit an Electric Utility from Charging a Customer for Using an Electromechanical Meter" (S.P. 75) (L.D. 229) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-176);

On motion by Senator **HAMPER** of Oxford, Bill and accompanying papers **COMMITTED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**, in concurrence.

- the Majority Ought Not to Pass Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Formalize the Governance of the Maine Educational and Attainment Research Navigation System, a Longitudinal Data Series for Workforce Information" (H.P. 1042) (L.D. 1518);

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

- the Majority Ought to Pass as Amended Report of the Committee on Labor, Commerce, Research and Economic Development on Bill "An Act To Improve Public Sector Labor Relations" (S.P. 466) (L.D. 1358) and Passage to be Engrossed as Amended by Committee Amendment "A" (S-232).

COMMUNICATIONS

The Following Communication: H.C. 248

Sincerely,

S/Robert B. Hunt
Clerk of the House

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

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

On motion by Senator **SAVIELLO** of Franklin, under suspension of the Rules, Bill **READ TWICE** and **PASSED TO BE ENGROSSED**, without Reference to a Committee.

Ordered sent down forthwith for concurrence.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled matter:

Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services (EMERGENCY)

S.P. 590 L.D. 1640

Tabled - June 16, 2017, by Senator **SAVIELLO** of Franklin

Pending - **REFERENCE**

(Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.)

Senator **SAVIELLO** of Franklin moved the **RULES BE SUSPENDED** for the purpose of giving this matter its **FIRST READING**, without Reference to a Committee.

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

Senator **SAVIELLO**: Thank you, Mr. President Pro Tem. Ladies and gentlemen of the Senate, I'm sure many of you this weekend have heard from many of your fire chiefs. They have been using a system that actually had been approved by the forest service back in 2007 and again in 2014 which one could go online and get their fire permit. The forest service decided to ask the Attorney General and the Attorney General provided an opinion that they didn't believe that that was allowed in statute. No offense to my good friend the Attorney General, I disagree with that interpretation. However, to make it clear, we have put a bill together very quickly that looks at one that was proposed in 2005 that will address this issue and will allow that process to continue and that's why we're moving it quickly. If we had gone to committee, in fact, the recommendation that you have in your hands would have been the same thing. We need to move this along so they can get back to the normal way of doing business. There's no fiscal note on this note. That's because no one's using the State site because you have to pay \$7 to use it. Thank you very much, Mr. President.

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

Senator **DILL**: Thank you, Mr. President. Ladies and gentlemen of the Senate, I won't be too long. I would want to echo pretty much what my colleague on the other side of aisle has said. You've all heard from the fire chiefs. This is a real big issue to them. It saves them lots of time, effort, and money, personally, in their own - in each of their own communities and we've been doing this for almost 10 years or longer now. So I would certainly urge you to go along with this. Thank you.

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** until Monday, June 19, 2017 at 10:00 in the morning.