

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

In Senate Chamber
Friday
June 12, 2015

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

Prayer by Senator Geoffrey M. Gratwick of Penobscot County.

SENATOR GRATWICK: Good morning. By way of the introduction to my prayer this morning, I'd like to tell you about the Presidential election of 1800. This was only the fourth Presidential election in our new democracy and pitted an incumbent President, John Adams, a Federalist favoring a centralized government, against Thomas Jefferson and Aaron Burr, auguring Democrat-Republicans who wanted the U.S. to be a looser confederation of independent states. It was a bitter election with insults and invectives on both sides. One broadside proclaimed that, "If those rascals win our people face the hellish prospects of a country governed by blockheads and knaves. The ties of marriage destroyed. Our wives and our daughters thrown into stews. A world full of ignorance, impurity, and guilt without justice, without science, without affection, without worship, without prayer, without a God." The election was a tie in the Electoral College, unexpectedly so, 73-73 between Jefferson and Burr. The sitting President, John Adams, came in third. The decision thus went to the House of Representatives where there were a total of 36 more tie votes before Jefferson won on the 37th ballot. The outcome of the election of 1800 was uncertain because the rules were all new, there were very few precedents. During the voting it was unclear whether our new, fragile, democracy would actually shatter, but in March of 1801 there was a peaceful transfer of power. The Federalists and Adams handed the reins of government over to their bitter foes and arch rivals as if this were a routine. They founded an impressive pattern of respect for the process of democracy that we still follow today. Let us pray.

Dear Lord, we pray that You help us step back from the passions of the moment and reflect that in Maine, indeed in America, we have inherited, and now are responsible for, an extraordinary tradition of democratic government. We pray that You will remind us that in our everyday life we work with those holding different belief without giving a thought to their politics. We all care equally for our children, we salute the same flag, we all love ice cream. We pray that even though we may passionately disagree at the moment, we're inexplicably bound by our common humanity. We pray that You guide us so we can learn to win or lose with equal grace. We pray that You help us remember that the hardest lesson of all in an active, robust democracy is that principled compromise is a virtue, not a vice; sometimes painful, but always necessary. Amen.

Pledge of Allegiance led by Senator Catherine E. Breen of Cumberland County.

Reading of the Journal of Thursday, June 11, 2015.

Doctor of the day, Merideth Norris, DO of Kennebunk.

Off Record Remarks

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

COMMUNICATIONS

The Following Communication: S.C. 435

**STATE OF MAINE
127TH LEGISLATURE
OFFICE OF THE PRESIDENT**

June 12, 2015

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

Dear Secretary Priest:

Pursuant to my authority under Senate Rule 201.3, I am pleased to appoint the Senator from Androscoggin, Senator Mason to serve as President Pro Tempore. With this appointment Senator Mason will serve as President Pro Tempore for the start of the regularly scheduled session on June 12, 2015.

Please let me know if you have any questions regarding this appointment.

Sincerely,

S/Michael D. Thibodeau
President of the Senate

READ and ORDERED PLACED ON FILE.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-Concurrent Matter

Bill "An Act To Restore Revenue Sharing" (EMERGENCY)
H.P. 677 L.D. 980
(C "A" H-321)

In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321)**, in concurrence.

Comes from the House, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-321) AND HOUSE AMENDMENT "A" (H-390)**, in **NON-CONCURRENCE**.

Senator **MCCORMICK** of Kennebec moved the Senate **INSIST**.

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#212)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **MCCORMICK** of Kennebec to **INSIST PREVAILED**.

Sent down for concurrence.

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (EMERGENCY)
H.P. 904 L.D. 1329
(C "A" H-347)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-347)** (6 members)

In House, June 11, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 11, 2015, on motion by Senator **WOODSOME** of York, 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-347)**, in **NON-CONCURRENCE**.

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

On motion by Senator **WOODSOME** of York, the Senate **INSISTED**.

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

Non-Concurrent Matter

SENATE REPORTS - from the Committee on **INLAND FISHERIES AND WILDLIFE** on Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"

S.P. 538 L.D. 1430
(C "A" S-244)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (S-244)** (3 members)

In Senate, June 11, 2015, on motion by Senator **DAVIS** of Piscataquis, 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-244)**.

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

On motion by Senator **DAVIS** of Piscataquis, the Senate **INSISTED** and **ASKED FOR A COMMITTEE OF CONFERENCE**.

Sent down for concurrence.

COMMUNICATIONS

The Following Communication: H.C. 214

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

June 10, 2015

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

ROLL CALL (#213)

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1429, "An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax.

These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that each piece of legislation gets the widest possible representation in Augusta.

Therefore, any bills sponsored by Democrats must have at least a two-thirds vote and a roll call to get by me.

For this reason, I return LD 1429 unsigned and vetoed.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying Bill:

An Act To Amend the Laws Regarding On-premises and Off-premises Liquor Licenses

H.P. 975 L.D. 1429

Comes from the House, 147 members having voted in the affirmative and 1 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President 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 the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

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

NAYS: Senator: EDGECOMB

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, and 34 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

The Following Communication: H.C. 213

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

June 10, 2015

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

Dear Honorable Members of the 127th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 484, "An Act Regarding the Confidentiality of Railroad Carrier Cargo."

This bill adds an additional public records exception to the Freedom of Access Act to cover records describing hazardous materials transported by a railroad in this State when those records are in the possession of law enforcement, fire departments or other first responders or emergency management entities. In essence, railroad companies want these records shielded from public view when they are in the possession of first responders and emergency management entities.

One of the hallmarks of my administration has been transparency in government; another has been the protection of Maine citizens. I cannot support a bill that is inconsistent with these goals. When information about hazardous cargo traveling through this State is in the possession of first responders and/or emergency management entities, it is highly possible that one reason these entities have this information in the first place is that something has gone wrong. I am not at all comfortable shielding this information from the Maine citizens that may be placed in

harm's way by these transports. If trains are carrying hazardous materials through our State and this information is shared with our first responders and emergency management entities, then this information needs to be available to our citizens.

For these reasons, I return LD 484 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 Regarding the Confidentiality of Railroad Carrier Cargo
H.P. 323 L.D. 484

Comes from the House, 146 members having voted in the affirmative and 1 in the negative, the veto of the Governor was Overridden and it was the vote of the House that the Bill become law notwithstanding the objections of the Governor.

The President 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 the Bill. A vote of no will be in favor of sustaining the veto of the Governor."

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#214)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFISKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: BRAKEY, EDGECOMB, MCCORMICK, WILLETTE

31 Senators having voted in the affirmative and 4 Senators having voted in the negative, and 31 being more than two-thirds of the members present and voting, it was the vote of the Senate that the veto of the Governor be **OVERRIDDEN** and the Bill become law notwithstanding the objections of the Governor.

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

ORDERS

Joint Order

An Expression of Legislative Sentiment recognizing:

Wiley McVety, of Northport, who has earned the distinction of being named Valedictorian of the 28th Basic Law Enforcement Training Program at the Maine Criminal Justice Academy. Deputy McVety, of the Waldo County Sheriff's Department, was voted class president among the 60 graduates. As class president, Deputy McVety gave a speech during the graduation ceremony, and his badge was pinned on by his wife and by Waldo County Sheriff Jeffrey Trafton. We extend our congratulations and best wishes to him on this honor;
SLS 566

Sponsored by President THIBODEAU of Waldo. Cosponsored by Representatives: BURSTEIN of Lincolnville, GILLWAY of Searsport, HERBIG of Belfast, KINNEY of Knox, WARD of Dedham, WELSH of Rockport.

READ.

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

Senator **KATZ:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, it's my honor today to rise to honor Wiley McVety, who you just heard was the Valedictorian of the 28th Basic Law Enforcement Training Program at the Maine Criminal Justice Academy. Not only was he the smartest guy in the class, he was also the best leader because he was also voted class president. I've known the McVety family since I was younger than Wiley and it's no surprise to me that he's done as well as he has given his family background. Of course part of the reason he's been so successful in life is that he graduated from Cony High School as well. The only regret I have, Mr. President, is that upon graduation we've lost Wiley from Kennebec County and he's gone to work for the Waldo County Sheriff's Department. It is Kennebec County's loss and Waldo County's gain. Congratulations to him on this incredible achievement. Thank you, Mr. President.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Sheriff Jeff Trafton, Wiley McVety, Melonie McVety, Gary Weeks, Arlene McVetty, and Joe McVetty. They are the guests of the President. Will they please rise and accept the greetings of the Senate.

ORDERS OF THE DAY

Out of order and under suspension of the Rules, the Chair laid before the Senate the following Tabled and Later Assigned (5/27/15) matter:

JOINT ORDER - Expression of Legislative Sentiment
Recognizing Rene Menard of Saco

SLS 501

Tabled - May 27, 2015, by Senator **VALENTINO** of York

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

(In Senate, May 27, 2015, **READ.**)

The Joint Order was **READ.**

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

Senator **VALENTINO:** Thank you very much, Mr. President. Men and women of the Senate, last month, on May 18th, Thornton Academy Headmaster Rene Menard traveled to Washington D.C. to accept the prestigious President's "E" Award. What is unique about Thornton receiving this award is that it was given by the Department of Commerce, not the Department of Education. The award was created by President Kennedy in 1961 to recognize persons, firms, or organizations that contribute significantly in the effort to increase United States exports. In this case "exports" refers to exporting educational experiences through international students. When bestowing the award, Secretary of Commerce Penny Pritzker said, "The "E" Award's Committee was very impressed with Thornton Academy's demonstrated economic and cultural impact in its community through the education of foreign students." Although 90% of Thornton's student body comes from Saco, Dayton, and Arundel, because we do not have our own public high school, the independent school enrolled 155 international students from more than 20 countries throughout the world. This has had a significant direct impact on the local economy due to related spending from international students and their families. With the introduction of the international program in 2008, Thornton has been able to significantly expand its academic programs. With 24 AP courses being offered, they offer the largest selection in any Maine school. Seven foreign languages are being taught, plus they have new science laboratories, a precision machine and tool curriculum, and a school-to-work program. Thornton Academy is the first Maine organization to win a President's "E" Award since 1983. Congratulations, Thornton.

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

Senator **WOODSOME:** Thank you, Mr. President. I'd like to just add to this that Rene Menard is certainly an outstanding person. I'd like to say young man because I remember him as he came to Fryeburg Academy right out of college and green behind the ears. I was the head wrestling coach and he was the assistant. He knew nothing about wrestling. He had the qualities of leadership and he did an outstanding job. He was at Fryeburg for a couple of years and I'm so pleased that he took what he learned at Fryeburg, and not necessarily from me but from the system, and went to Thornton Academy and transpired it into what it is today. I salute you, Rene. Thank you very much.

PASSED.

Sent down for concurrence.

THE PRESIDENT PRO TEMPORE: The Chair is pleased to recognize in the rear of the Chamber Thornton Academy Headmaster Rene Menard and Board of Trustee member Joyce Haley. Would they please rise and accept the greetings and congratulations of the State Senate.

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Improve Regulatory Consistency within the Jurisdiction of the Maine Land Use Planning Commission"

H.P. 562 L.D. 828

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-374).**

Signed:

Senators:

EDGECOMB of Aroostook
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
CHAPMAN of Brooksville
DUNPHY of Old Town
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

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

Signed:

Senator:

DILL of Penobscot

Representatives:

HICKMAN of Winthrop
NOON of Sanford
SAUCIER of Presque Isle

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-374) AS AMENDED BY HOUSE AMENDMENT "A" (H-393)** thereto.

Reports **READ.**

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

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Upgrade the Concealed Handgun Permit Law"

H.P. 557 L.D. 823

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

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington

Representatives:

DAVITT of Hampden
LAJOIE of Lewiston
LONG of Sherman
THERIAULT of China
TIMMONS of Cumberland

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-309).**

Signed:

Senator:

GERZOFSKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
GERRISH of Lebanon
NADEAU of Winslow
WARREN of Hallowell

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-309) AS AMENDED BY HOUSE AMENDMENT "A" (H-385)** thereto.

Reports **READ.**

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

Divided Report

The Majority of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Improve the Health of Maine Residents through Education and Health Care"

H.P. 880 L.D. 1294

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-195).**

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook
BURSTEIN of Lincolnville
HAMANN of South Portland
HYMANSON of York
PETERSON of Rumford
STUCKEY of Portland

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

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea
VACHON of Scarborough

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

Reports **READ.**

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

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Protect the People's Right To Hunt, Fish and Harvest Wildlife

H.P. 479 L.D. 703

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

Signed:

REED of Carmel
SHORT of Pittsfield

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-394).**

Representatives:

SHAW of Standish
ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
SHORT of Pittsfield

Signed:

Representatives:
HILLIARD of Belgrade
WOOD of Greene

Comes from the House with Reports **READ** and the RESOLUTION and accompanying papers **INDEFINITELY POSTPONED.**

Reports **READ.**

On motion by Senator **DAVIS** of Piscataquis, RESOLUTION and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-344).**

Signed:

Representative:

WOOD of Greene

Comes from the House with Reports **READ** and the RESOLUTION and accompanying papers **INDEFINITELY POSTPONED.**

Reports **READ.**

On motion by Senator **DAVIS** of Piscataquis, RESOLUTION and accompanying papers **INDEFINITELY POSTPONED**, in concurrence.

Divided Report

The Majority of the Committee on **STATE AND LOCAL GOVERNMENT** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Selection Process for the Attorney General

H.P. 964 L.D. 1417

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

Signed:

Senator:
LIBBY of Androscoggin

Representatives:

MARTIN of Sinclair
BABBIDGE of Kennebunk
BEEBE-CENTER of Rockland
BRYANT of Windham
DOORE of Augusta
EVANGELOS of Friendship
TUELL of East Machias

The Minority of the same Committee on the same subject reported that the same **Ought To Pass as Amended by Committee Amendment "A" (H-392).**

Signed:

Senators:
WHITTEMORE of Somerset
WILLETTE of Aroostook

Divided Report

The Majority of the Committee on **INLAND FISHERIES AND WILDLIFE** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish the Right To Hunt and Fish
H.P. 506 L.D. 753

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

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
ALLEY of Beals
COREY of Windham
CRAFTS of Lisbon
LYFORD of Eddington
MARTIN of Sinclair

Representatives:

GREENWOOD of Wales
PICKETT of Dixfield
TURNER of Burlington

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

Reports **READ**.

Senator **WHITTEMORE** of Somerset moved the Senate **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, 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 (#215)

YEAS: Senators: BRAKEY, COLLINS, CUSHING, EDGEComb, MCCORMICK, WHITTEMORE, WILLETTE

NAYS: Senators: ALFOND, BAKER, BREEN, BURNS, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

7 Senators having voted in the affirmative and 28 Senators having voted in the negative, the motion by Senator **WHITTEMORE** of Somerset to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **FAILED**.

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

ENACTORS

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

Mandate

An Act To Require Education in Public Preschool Programs and Elementary Schools Regarding Child Sexual Abuse
H.P. 813 L.D. 1180
(C "A" H-353)

This being a Mandate, in accordance with the provisions of Section 21 of Article IX of the Constitution, having received the affirmative vote of 32 Members of the Senate, with 3 Senators having voted in the negative, and 32 being more than two-thirds of the entire elected Membership of the Senate, was **PASSED TO BE ENACTED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

Senate at Ease.

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

Off Record Remarks

Acts

An Act To Provide Legal Protection to Hospitals where Admitted Qualifying Patients Use Smokeless Forms of Medical Marijuana
S.P. 17 L.D. 35
(C "A" S-220)

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

An Act To Promote Community Broadband Planning and Strengthen Economic Opportunity throughout Maine
H.P. 732 L.D. 1063
(C "A" H-336)

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

Resolve

Resolve, To Strengthen Standards-based Diplomas
S.P. 440 L.D. 1235
(C "A" S-206)

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

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#216)

YEAS: Senators: ALFOND, BAKER, BREEN, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, DIAMOND, DILL, DUTREMBLE, EDGEComb, GERZOFsky, GRATWICK, HAMPER, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MCCORMICK, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, THIBODEAU, VALENTINO, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senator: BRAKEY

34 Senators having voted in the affirmative and 1 Senator having voted in the negative, was **FINALLY PASSED** and, having been signed by the President Pro Tempore, was presented by the Secretary to the Governor for his approval.

Ordered sent down forthwith.

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

REPORTS OF COMMITTEES

Senate

Ought to Pass Pursuant to Public Law

Senator WOODSOME for the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Correct an Inconsistency in the So-called Dig Safe Law" S.P. 545 L.D. 1444

Reported that the same **Ought to Pass**, pursuant to Public Law 2013, chapter 557, section 3.

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

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

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Resolve, To Study Understaffing in State Agencies

H.P. 763 L.D. 1103

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-380)** (7 members)

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

In House, June 10, 2015, 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-380)**.

In Senate, June 11, 2015, on motion by Senator **WHITTEMORE** of Somerset, the Minority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Improve the Maine Administrative Procedure Act"

H.P. 922 L.D. 1354
(C "A" H-301)

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-301)** (6 members)

In House, June 5, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 11, 2015, on motion by Senator **WHITTEMORE** of Somerset, 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-301)**, in **NON-CONCURRENCE**.

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

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

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

COMMUNICATIONS

The Following Communication: H.C. 216

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

June 12, 2015

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

Dear Secretary Priest:

The House voted today to insist on its former action whereby it accepted the Minority Ought to Pass as Amended Report of the Committee on Agriculture, Conservation and Forestry on Bill "An Act To Expand the Local Foods Economy" (S.P. 459) (L.D. 1284) and Passage to be Engrossed.

Sincerely,

S/Robert B. Hunt
Clerk of the House

READ and ORDERED PLACED ON FILE.

ORDERS OF THE DAY

The Chair laid before the Senate the following Tabled and Later Assigned (5/28/15) matter:

HOUSE REPORTS - from the Committee on **JUDICIARY** on Bill "An Act To License Outpatient Surgical Abortion Facilities"
H.P. 890 L.D. 1312

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

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

Tabled - May 28, 2015, by Senator **BURNS** of Washington

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

(In House, May 27, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, May 28, 2015, Reports **READ**.)

On motion by Senator **BURNS** of Washington, 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 Washington, Senator Burns.

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I'd like to speak briefly about this bill. It was heard in my committee, the Judiciary Committee. This bill, to me, is all about safety. Unfortunately, when the word abortion is used in any language in this institution minds seem to close down, people stop listening, and people start resorting to their previous ideals rather than working through a bill and vetting it

properly. I think that's, I'm sorry to say, what happened to this bill. This bill simply would require that outpatient surgical abortion facilities be licensed by the Department of Health and Human Services and that rules be adopted and established that oversee reasonable operational and safety standards. That's all that the bill does. Currently, this process has no licensing or oversight in this state except for those who happen to be working in the clinic, which would have licensure of course, and those are the people that are running these clinics for profit.

The bill was modeled after a Maryland law that came into effect last year as the result of a tragedy that happened when an 18 year old woman who experienced a botched abortion from a New Jersey physician. The young lady ended up in an Elkton, Maryland mall clinic and subsequently was dropped off at a hospital for treatment. The physician was later found to have operated clinics in several states. I'm sure you've all heard about it in the news. He had faced complaints due to substandard care for the last two decades. He had been barred from the medical profession in both Pennsylvania and New York. That state had no regulations for these clinics at the time. Healthcare givers, not politicians, in the community crafted new legislation for that state. The whole idea of the legislation was not to outlaw abortions but to make them safe when a person goes and makes that decision to go and have an abortion. It was interesting reading the quote from the Deputy Secretary of Public Health in Maryland, Frances Phillips. Mr. Phillips said, "Both sides realized we needed new rules, but we kept the focus on the patient's safety when we did that." The bill passed and, as I said, this particular bill is crafted after that particular bill.

There has been some concern that this bill might have followed the direction that the State of Texas did, which put into effect some rules that were, apparently at least in a lot of people's minds, over-regulatory and actually forced clinics, that otherwise probably should have been left open, to shut down because of the unreasonable rules.

To me, it should not matter whether you are Pro Choice or you are Pro Life or what your philosophy is. It should matter that when a woman decides to make this decision, for whatever her personal reasoning is, she can go to a clinic that is properly regulated and overseen by somebody other than the people working there for profit. That's what I certainly would want for my family. I know that's what you would want for your family. Abortion is the law of the land. This does not prevent or hinder women from making that choice, but it would provide a safety mechanism so that when they do make that choice they will be going to a facility that was overseen by the Department of Health and Human Services and I think that makes a lot of sense in this day and age. Thank you very much, Mr. President.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I rise in opposition to the pending motion on L.D. 1312 and I urge you to join me. In the public hearing before the Judiciary Committee L.D. 1312 had very few testifying in support of the bill, none of whom expressed any experience with abortions. In opposition were many doctors, medical students, counselors, publicly assessable abortion providers, even clergy. One medical resident had sought out residencies in New England population centers of Boston and New York City to gain experience. She was very knowledgeable,

well grounded, and effective at explaining what she knew and answering questions for the committee. She explained how identical procedures are performed in doctor's offices all the time and how procedures in dentist's offices are riskier than those in the facilities this bill seeks to regulate. Being treated by licensed medical providers is the key to safety in women's reproductive health issues, whether in a clinic or in an OBGYN doctor's office. Those licensed providers already have oversight because abortion providers are already regulated and licensed by the Maine Board of Medicine. That is true, whether in the doctor's office or in a clinic.

Furthermore, health centers that receive federal Family Planning funding must abide by federal regulations that call for annual inspections by the state and federal inspections every three years. As a matter of fact, they have an excellent safety record of fewer than 1% complications from abortion procedures and a very small fraction of those that are serious complications.

This bill only targets the three publicly accessible abortion providers in Maine: Planned Parenthood, Mable Wadsworth, and the Family Planning Association. They are all members of the National Abortion Federation and must adhere to their guidelines. Additionally, the providers base their medical care on the expert recommendations of the Center for Disease Control and Prevention and the American College of Obstetricians and Gynecologists. Why single out these clinics for facility regulations? Why should they be treated differently than the doctor's offices and dental offices where procedures of similar or greater risks are performed? The simple answer is they shouldn't. The forthright answer is that the reason for that targeting isn't safety at all, it is politics. L.D. 1312 was written by politicians for a political agenda, not by medical experts. The problem is, indeed, not listening to the doctors, nurses, medical students, and women's reproductive health clinics and to the facts. Even worse, this bill does not say what obstacles will be imposed for a woman seeking access to legal medical care for her reproductive health needs. There are no parameters in the bill, giving DHHS free rein regarding what aspects of these publicly accessible abortion provider facilities will be regulated. However, if other states are any indication, it would mean onerous and non-safety related restrictions. In other states clinics could not afford to comply and were forced to close. When that happens women lose access to safe and legal medical treatment, which is the real agenda of L.D. 1312. That loss of access would lead women to seeking alternatives, likely less safe ones.

I know that for my two daughters and three granddaughters, as they grow up, I want them to have access to good healthcare from a licensed medical provider, such as a doctor, nurse, or physician's assistant, for all their needs just as every woman in this state deserves. We all want to protect patient's health and safety, but this bill does nothing to insure safety and everything to restrict access to safe and legal reproductive healthcare. If you care about women's health and safety, if you value the opinions of the Maine Medical Association and the Maine Section of the American College of Obstetricians and Gynecologists in reproductive health matters, then follow my light. Thank you, Mr. President.

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 rise today to speak about

this issue in the point of view of a medical care provider. Very simply, we all want safety. I want to be safe when I do my procedures for my patients. Most assuredly, my patients want to be safe when they come to have any procedure. We also want to be cost effective and we want it to be given at the proper time. There are a number of different procedures that are done as an outpatient and I think that's as it should be. You do not want to have to go to complicated hospital expensive in-patient facilities for vasectomies, cystoscopies, IUD placement, sigmoidoscopies, and, my favorite and the one you'll all like too, esophagogastroduodenoscopy. I would ask you all to say that backwards and forwards very rapidly. In other words, there are many procedures that are done, that can be done perfectly well, as an outpatient, and safely. An example from my practice, being an arthritis doctor, I do something called arthrocentesis, taking fluid out of a joint to see what's wrong with that joint. When I do it in my office the material cost of that, getting a syringe and needle and alcohol and betadine, is about \$3.25. When I go to the hospital and have exactly the same material, procedure, it's \$187 for exactly the same thing. Am I more safe in my office or more safe doing it in the hospital? I must say I think it's about the same. The risk of what I do there is roughly 1 in 20,000 people has a complication. If we are to single out abortions out of that whole list of other procedures, there's probably about 30 common outpatient procedures done, I think we are doing an injustice to the other 29. In other words, to be consistent we should either do all or none. The system, as it's working now, is perfectly adequate. Therefore, the Ought Not to Pass seems very appropriate to me at this time. Thank you, Mr. President.

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

Senator **BREEN:** Thank you, Mr. President. I rise to oppose the pending motion on the Floor. With all due respect to the good Senator from Washington, I want to be clear that this bill will not promote safety for women for seeking necessary medical care. What this bill would do is further place government in the position of interfering with decisions that belong between a woman and her medical professional, not between a woman and her legislator. What this bill would do is cause safe, high quality, and needed health centers to close. What this bill would do is restrict access to legal, safe medical services. Right now, with Maine's current regulations, there's already strict oversight of all abortion professionals, regardless of where they practice. We have a combination of effective laws already that require inspections, investigations, and licensing. As you've heard already, we already have an excellent safety record, 99% safety. As you also heard from the Senator from Lincoln County, this bill specifically targets three outpatient providers; Maine Family Planning, Maple Wadsworth, and Planned Parenthood. The truth is that abortions are not just provided in these health centers. They are also provided in hospitals and doctor's offices. The truth is that abortions and many other medical procedures are performed in doctor's offices every day. Procedures like vasectomies, cystoscopies, skin biopsies, and I'll stop there because I don't want to mess up my pronunciations. I'm not as good as the good Senator from Bangor. Our current system is working. Abortions and these procedures are done safely now. The number of unintended pregnancies in Maine is continuing to go down, as is the number of abortions. What this bill would do is ignore the advice of the Maine Medical Association and the Maine Chapter

of American College of Obstetrics and Gynecology, who opposed the bill in committee precisely because it would hurt women by blocking their access to safe, legal medical care. What this bill would not do is protect women's health and safety. For the health and safety of Maine women, I urge your opposition to the pending motion. Thank you.

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

Senator **BURNS:** Thank you, Mr. President. Ladies and gentlemen, I won't prolong this very long, but I do want to respond to a couple of things. I guess the first one is that I don't think we know exactly how safe the abortions that are being performed in this state are because there aren't adequate statistics to tell us, only what the self-reporters tell us. There are not federal inspections being done. The State of Maine's law requires that the number of abortions that are performed in this state be reported to the CDC. In 2012 there was at least six requests that went out to one of these major providers that's been mentioned here several times, six requests for those numbers which failed to be forthcoming. Even the Attorney General insisted that those numbers be provided and they still were not forthcoming. That concerns me. I don't have assurance that all these are being done in a safe, appropriate manner when I'm only hearing from those people who profit from this venture. I'd just add that 26 other states have regulations over their abortion providers. Maine should be the 27th to give that reassurance. Thank you very much.

THE PRESIDENT PRO TEMPORE: The Chair recognizes the Senator from Lincoln, Senator Johnson.

Senator **JOHNSON:** Thank you, Mr. President. Men and women of the Senate, if that's what would lead to safety then I would submit that you need to be asking the same question about your next root canal or wisdom tooth extraction or joint injection or tubal ligation, abscess incision and drainage, colposcopy, IUD placement, sigmoidoscopy, hemorrhoid banding, skin biopsy, lipoma removal, dilation and curettage, hysteroscopy, or, even as the good doctor said, and an esophagogastroduodenoscopy. Yet we don't regulate the facilities for those, we regulate the medical providers themselves; the doctors, nurses, and nurse practitioners. They are licensed in Maine. They are overseen by the Maine Board of Medicine. That is how we insure the safety of their practices and that's exactly, in all fairness, how we should be regulating, as we are today already, the safety of these clinics. They should not be singled out for the facilities to be licensed, to have further restrictions on those facilities placed legally upon them, as we do not do for dentist's offices, for doctor's offices. That's not the way to get to safety. Please join me in opposing the pending motion so we can actually look out for the safety of women and access to safe medical treatment. Thank you.

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

Senator **VOLK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I won't speak long. I feel like we're a little bit schizophrenic here in this state because it's interesting to hear the numbers of the procedures that happen in facilities that are not regulated and are not inspected. I remember being

impacted by that in the testimony in the committee. Then again, there are an awful lot of other places that we do regulate. We license hair salons, bed and breakfasts, food establishments, campgrounds, daycares, cottage industry kitchens in personal homes, as well as tattoo parlors and tanning salons. With all of the entities we license in order to insure public health for Maine citizens, it seems like it's a little bit strange, to me, that clinics that provide surgical procedures on a routine basis are not subject to licensure and oversight. I just want to note that this bill is much, much smaller in scope than the bill that received so much attention in Texas about a year ago and that law actually was recently upheld just this week, I believe, on the 10th by a federal appeals court. I'm not saying that this law is really even to be compared to that law. That law's much more restrictive. We would expect that, given the safety record that we know of the clinics performing abortions in the state of Maine, they would probably very, very easily meet any sort of licensing standards which would be set by the department and would be major substantive, therefore voted on by the committee. Thank you very much.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Washington, Senator Burns to Accept the Minority Ought to Pass Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#217)

YEAS: Senators: BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, MCCORMICK, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BAKER, BREEN, DIAMOND, DILL, DUTREMBLE, GERZOFKY, GRATWICK, HASKELL, HILL, JOHNSON, KATZ, LANGLEY, LIBBY, MILLETT, MIRAMANT, PATRICK, ROSEN, SAVIELLO, VALENTINO, WOODSOME

14 Senators having voted in the affirmative and 21 Senators having voted in the negative, the motion by Senator **BURNS** of Washington to **ACCEPT** the Minority **OUGHT TO PASS** Report, in **NON-CONCURRENCE, FAILED**.

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

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/15) matter:

HOUSE REPORTS - from the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care"

H.P. 237 L.D. 343

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-260)** (6 members)

Tabled - June 8, 2015, by Senator **CUSHING** of Penobscot

Pending - motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**

(In House, June 5, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.)

(In Senate, June 8, 2015, Reports **READ**.)

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

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

Senator **HASKELL:** Thank you very much, Mr. President. Briefly, ladies and gentlemen of the Senate, I'd just like to remind you that we've spoken about this bill. I think it's important to recognize that this is not the time for us to be reducing the level of hospital charity care. There are still some significant barriers for families struggling to meet the cost of marketplace health insurance and the so-called family glitch which are barring some from getting health services. I would ask you to vote against the pending motion. Thank you.

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

Senator **BRAKEY:** Thank you, Mr. President. I rise to support the Ought to Pass Report on L.D. 343, An Act to Align the Federal Affordable Care Act's Health Care Coverage Opportunities and Hospital Charity Care. This bill would reduce the mandatory threshold for hospital charity care from 150% of the federal poverty level to 138%. Above 138% of the federal poverty level, in fact 100% above the federal poverty level, the vast majority of individuals have access to highly subsidized health insurance plans on the insurance exchanges. These individuals could be paying as low as \$20 a month for their own health insurance coverage. Even with the current mandatory minimum for charity care being set at 150%, many of Maine's hospitals voluntarily offer free charity care for up to 200% of the federal poverty level and the Maine Hospital Association testified that there is no reason to believe that these hospitals would change this voluntary policy. The problem with these high mandatory minimum thresholds is that it handcuffs our hospitals from encouraging uninsured individuals from seeking their own low cost health insurance on the exchanges. As long as this free care is an entitlement, the cost of which our hospitals are forced by this

legislation to incur, there is little opportunity to encourage patients to seek health insurance when they are entitled to healthcare for free. Once that free care is something voluntarily entered into by the hospitals there is more ability for the hospitals to help encourage patients to buy these subsidized health insurance plans and direct them to the resources available to do so. That being the case, I do think this is a commonsense proposal and I would invite my colleagues in the Senate to join me in passing it. Thank you very much.

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

Senator **HASKELL:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I would argue, however, that what this does is it does not push people towards buying more health insurance. What this does is this restricts people's access and their ability to walk into a hospital and ask for that care. I think that there is really no need at this point in time given the current status of the ACA, although many of these people are eligible for this and the hospitals do work with and encourage people. They made that very clear to us that when people come in for care they do talk to them about their options. However, there are many who, while they might be able to afford the premium, are in no position to afford the significant up-front payment that they have to make as a co-pay on their part. Those are the things that restrict people from moving into the care that they need when they need it and then, when they don't do it early on, it's more expensive and hospitals recognize that as well. Thank you.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Androscoggin, Senator Brakey to Accept the Minority Ought to Pass as Amended Report, in Non-Concurrence. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#218)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, CYRWAY, DAVIS, EDGECOMB, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

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

20 Senators having voted in the affirmative and 15 Senators having voted in the negative, the motion by Senator **BRAKEY** of Androscoggin to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED** Report, in **NON-CONCURRENCE**, **PREVAILED**.

READ ONCE.

Committee Amendment "A" (H-260) **READ** and **ADOPTED**.

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

Sent down for concurrence.

The Chair laid before the Senate the following Tabled and Later Assigned (6/8/15) matter:

HOUSE REPORTS - from the Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Help Older Adults Age in Place through Comprehensive Planning"
H.P. 628 L.D. 909

Majority - **Ought to Pass as Amended by Committee Amendment "A" (H-299)** (10 members)

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

Tabled - June 8, 2015, by Senator **WHITTEMORE** of Somerset

Pending - **ACCEPTANCE OF EITHER REPORT**

(In House, June 5, 2015, 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-299)**.)

(In Senate, June 8, 2015, Reports **READ**.)

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

READ ONCE.

Committee Amendment "A" (H-299) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **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 (6/10/15) matter:

HOUSE REPORT - from the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Protect the Future of Harness Racing" (EMERGENCY)
H.P. 705 L.D. 1022

Report - **Ought to Pass as Amended by Committee Amendment "A" (H-377)**

Tabled - June 10, 2015, by Senator **EDGECOMB** of Aroostook

Pending - **ACCEPTANCE OF REPORT**, in concurrence

(In House, June 10, 2015, Report **READ** and **ACCEPTED** and Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-377)**.)

(In Senate, June 10, 2015, Report **READ**.)

Report **ACCEPTED**, in concurrence.

READ ONCE.

Committee Amendment "A" (H-377) **READ** and **ADOPTED**, in concurrence.

Under suspension of the Rules, **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 (6/11/15) matter:

An Act To Permit the Use of Firearm Noise Suppression Devices in Hunting and To Provide for a Chief Law Enforcement Officer's Certification for Certain Firearms

S.P. 333 L.D. 942
(C "A" S-218)

Tabled - June 11, 2015 by Senator **THIBODEAU** of Waldo

Pending - **ENACTMENT**, in concurrence

(In Senate, June 9, 2015, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-218)**.)

(In House, June 11, 2015, **PASSED TO BE ENACTED**.)

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 (6/8/15) matter:

SENATE REPORTS - from the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Expand Opportunities for Economic Development in Maine"

S.P. 497 L.D. 1364

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

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-198) (6 members)

Tabled - June 8, 2015, by Senator **VOLK** of Cumberland

Pending - **ACCEPTANCE OF EITHER REPORT** (In Senate, June 8, 2015, Reports **READ**.)

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

On motion by Senator **PATRICK** of Oxford, 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. Ladies and gentlemen of the Senate, I would like to give a brief, and I will be brief, crash course on what the Pine Tree Development Zone Program does and does not do. The Pine Tree Development Zone Program offers eligible businesses the chance to greatly reduce, or virtually eliminate, State taxes for up to 10 years when they create new quality jobs in certain business sectors or move existing jobs in those sectors to Maine from other states. They can't be from other communities. Over 280 Maine businesses were participating in the Pine Tree Development Zone Program in 2014 with reimbursements from thousands to hundreds of thousands of dollars for taxes paid on new employees. In order to qualify for Pine Tree Development Zone benefits a company must be creating quality jobs. A new quality job is defined as one that meets the income requirements for the current year. Income includes income derived from employment as well as the cost of benefits offered. The total for any new quality job must exceed the per capita personal income for that county. I have some of that information. For example, in Cumberland County the income requirement is nearly \$50,000. Of course, that's the highest. It's calculated every year and it is a very accurate estimate. The total for any new quality job must exceed the per capita personal income for that county. It includes access to group health insurance with an employer contribution encouraged but not required. It includes access to group retirement benefits. Pine Tree Development incentives are based on performance, so the better that companies pay the more they receive in relief over the 10 year period. The bottom line, Pine Tree incentivizes good jobs.

In light of this bill, it is very important to understand that smaller employers, those with 50 or fewer employees, large deductible plans for health insurance have become the norm and under current eligibility standards, again, the employer does not have to contribute to the cost at all. They simply have to offer that plan. Additionally, any contribution they do make is deducted from the wage calculation. If it costs the employer \$5,000, and that's what they pay towards the health insurance, the actual pay to the worker could be reduced by that amount in order to meet the threshold for the Pine Tree Development incentives. Again, the better the employers pay the more they benefit from the program. There is an incentive to be generous to your employees.

Passage of this bill will free employers with 50 or fewer employees, there is no effect at all for anybody with 50 or more

employees, from having to offer health insurance, and that's because of the Affordable Care Act. It will enable those workers to have more choice in their health insurance plans and permit them to purchase subsidized plans under the exchange. Their employers will be obligated to pay their employees the money they are now spending on private insurance. If, currently, an employer in Cumberland County is paying an employee \$43,000 a year plus the \$5,000 its costing them to provide the insurance then the employee would actually be paid the difference in order to continue to qualify for the program. This means more money in the pockets of working Mainers. The ACA subsidizes health insurance up to 400% of federal poverty. You should have a letter on your desk from the Superintendent of Insurance, Eric Cioppa, and his letter to the committee attests that the majority of Maine workers are below that level. They are below that 400% of poverty. I asked what the average subsidy is and I found out that the average Mainer receives \$4,000 in subsidy when purchasing on the exchange. L.D. 1364 is about nurturing business growth. It's about changing the health insurance landscape. It's about allowing workers to save money and make their own choices about insurance coverage. Please support the Ought to Pass as Amended Report.

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

Senator **PATRICK:** Thank you, Mr. President. Ladies and gentlemen of the Senate, colleagues and friends, I concur with most of what the good Senator from Cumberland stated. The one thing though that I haven't heard is there are times when, in the individual market, we can get a lot better rate, but there's nothing that says for sure that the monies that are the differential that is being paid is going to make up for the premium and the deductible that the employee now would be expected to pay. I have had talks with several people that if you add their deductible with the premiums after paying it's still probably a net loss of \$1,000 to \$2,000. One of the things is I am in favor of the Pine Tree Zone, but the thing of it is that this is making a permanent change in that the bill changes the income requirements in the definition of the qualified Pine Tree Development Zone employee the Pine Tree Development Zone law and qualified employee in the Maine Employment Tax Increment Financing for the whole program. I'm not convinced that this is the best way to go at this time and I would ask that you vote this down and move on to an Ought Not to Pass Report. Thank you, Mr. President.

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

Senator **VOLK:** Thank you, Mr. President. Just one other statement. Again, when you consider the fact that these are smaller employers, 50 people or fewer, those plans, we all know, are very, very expensive for them to carry. While it's really difficult to do the calculations that my colleague from Oxford is talking about without studying every employer that this would potentially effect, I think it's a very, very safe assumption for us to make, knowing that the cost of those plans may be borne completely by the employee, no employer offers health insurance at no cost to their employees, at least that I know of, and the cost of those plans is very, very significant. It is certainly our belief that many, many, many of these people would do much better on

the exchange, if not all of them, and probably have better coverage with a lower deductible, potentially.

THE PRESIDENT PRO TEMPORE: The pending question before the Senate is the motion by the Senator from Cumberland, Senator Volk to Accept the Minority Ought to Pass as Amended Report. A Roll Call has been ordered. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

ROLL CALL (#219)

YEAS: Senators: BAKER, BRAKEY, BURNS, COLLINS, CUSHING, DAVIS, EDGEComb, HAMPER, KATZ, LANGLEY, MCCORMICK, ROSEN, SAVIELLO, THIBODEAU, VOLK, WHITTEMORE, WILLETTE, WOODSOME, THE PRESIDENT PRO TEMPORE - GARRETT P. MASON

NAYS: Senators: ALFOND, BREEN, CYRWAY, DIAMOND, DILL, DUTREMBLE, GERZOF SKY, GRATWICK, HASKELL, HILL, JOHNSON, LIBBY, MILLETT, MIRAMANT, PATRICK, VALENTINO

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

READ ONCE.

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

Under suspension of the Rules, **READ A SECOND TIME**.

Senate at Ease.

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

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-234) **READ**.

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

Senator **VOLK:** Thank you, Mr. President. Just a very, very brief explanation of this amendment. The Pine Tree Zone, as you just learned, expires after 10 years and occasionally a company may experience a catastrophic event, such as what happened to Lincoln Tissue when they had an explosion and they ended up having to lay off a couple of hundred workers, I believe, in that small mill town which has certainly had its share of ups and downs. It's a town I know very, very well. My father actually was raised there and I have fond memories of visiting my

grandmother, who lived pretty much in the shadow of the paper mill. Basically, what this would do is allow a company to have an extension of 2 years on their Pine Tree Zone benefits if they have had a catastrophic occurrence. Thank you very much.

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

Senator **PATRICK:** Thank you very much, Mr. President. Therein lies the problem of the Pine Tree Zone bills. If we're willing to do this for the working waterfront are we willing to do it for the whole state of Maine versus a catastrophic occurrence? For my estimation, what we've got to do is try to enhance it for the whole state versus just the one area in the state. Thank you, Mr. President.

On motion by Senator **VOLK** of Cumberland, Senate Amendment "A" (S-234) **ADOPTED**.

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198) AND SENATE AMENDMENT "A" (S-234).

Sent down for concurrence.

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

PAPERS FROM THE HOUSE

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Patients from Sexual Exploitation"

H.P. 541 L.D. 792

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

Minority - **Ought to Pass as Amended by Committee Amendment "A" (H-221)** (6 members)

In House, June 1, 2015, 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-221)**.

In Senate, June 11, 2015, on motion by Senator **ROSEN** of Hancock, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**, in **NON-CONCURRENCE**.

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

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

Non-Concurrent Matter

HOUSE REPORTS - from the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints"

H.P. 981 L.D. 1437

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

Minority - **Ought to Pass** (2 members)

In House, June 10, 2015, the Majority **OUGHT NOT TO PASS** Report **READ** and **ACCEPTED**.

In Senate, June 11, 2015, on motion by Senator **ROSEN** of Hancock, the Minority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**, in **NON-CONCURRENCE**.

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

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

Senate at Ease.

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

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

REPORTS OF COMMITTEES

House

Ought to Pass As Amended

The Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Change the Budget Approval Process for Alternative Organizational Structures"

H.P. 516 L.D. 763

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-400)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-400)**.

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

READ ONCE.

Committee Amendment "A" (H-400) **READ** and **ADOPTED**, in concurrence.

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

The Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Create the Central Maine Water District"
H.P. 887 L.D. 1309

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-399)**.

Comes from the House with the Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-399)**.

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

READ ONCE.

Committee Amendment "A" (H-399) **READ** and **ADOPTED**, in concurrence.

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

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

REPORTS OF COMMITTEES

House

Divided Report

The Majority of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Allow a Victim of a Crime To Be Represented by an Attorney at a Sentencing Hearing"

H.P. 960 L.D. 1413

Reported that the same **Ought to Pass as Amended by Committee Amendment "A" (H-398)**.

Signed:

Senators:

- ROSEN of Hancock
- BURNS of Washington
- GERZOFKY of Cumberland

Representatives:

- FOWLE of Vassalboro
- CHENETTE of Saco
- DAVITT of Hampden
- GERRISH of Lebanon
- NADEAU of Winslow
- THERIAULT of China
- TIMMONS of Cumberland
- WARREN of Hallowell

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

Signed:

Representatives:

LAJOIE of Lewiston
LONG of Sherman

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-398)**.

Reports **READ**.

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

READ ONCE.

Committee Amendment "A" (H-398) **READ** and **ADOPTED**, in concurrence.

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

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

Off Record Remarks

On motion by Senator **CUSHING** of Penobscot, **ADJOURNED** to Monday, June 15, 2015, at 10:00 in the morning.