

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME IV

FIRST REGULAR SESSION

Senate

May 22, 1991 to July 10, 1991

Index

in this state for at least 15 years, and my experience has been since you asked me in a professional manner, I have been in hundreds, if not thousands of these homes in my business, and I can tell you that most of the worst ones that I have seen have been taken care of. It would seem to me that we are making a choice between insulation or giving people heat, and I would prefer and this point to giving people heat. Thank you.

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

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland to **ADOPT** Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652).

A vote of Yes will be in favor of **ADOPTION** of Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652).

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, GILL, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - JEFFREY N. MILLS

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

ABSENT: Senator BALDACCI

22 Senators having voted in the affirmative and 12 Senators having voted in the negative, with 1 Senator being absent, the motion by Senator BRANNIGAN of Cumberland to **ADOPT** Senate Amendment "B" (S-362) to Committee Amendment "A" (H-652), **PREVAILED**.

Committee Amendment "A" (H-652) as Amended by Senate Amendment "B" (S-362) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**, and **PASSED TO BE ENGROSSED**, as Amended in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

The President Pro Tem laid before the Senate the Tabled and Specially Assigned (6/11/91) matter:

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act to Increase Penalties for Child Labor Law Violations"

H.P. 635 L.D. 905

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

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

Tabled - June 11, 1991, by Senator ESTY of Cumberland.

Pending - Motion of Senator CARPENTER of York to **ACCEPT** Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report in **NON-CONCURRENCE**

(In Senate, June 11, 1991, Reports **READ**.)

(In House, June 10, 1991, Majority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593)**.)

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would ask the Senate defeat the pending motion so that we might accept the Ought to Pass As Amended Majority Report.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Carpenter.

Senator CARPENTER: Thank you Mr. President. Ladies and Gentlemen of the Senate. This Bill "An Act to Increase Penalties for Child Labor Law Violations" would more apply be named "Put learning first put working second". This Bill had a real good Hearing in the Labor Committee, and was well accepted and we worked hard on it. We came up with a lot of improvements over the Child Labor Law, and as I worked on it I thought of my own child, a sixteen year old daughter, who like most children who are sixteen, are interested in earning extra money to spend pretty much as they wish. She is also just an average student in school. A lot of these sections pertains to that type of an individual, that is where I stand on this Bill. I will be as brief as I can. I am going to read a little bit of the Bill. "Employees who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom may be paid of a rate not less than it was 75%," it is now been changed to 85%, "of the minimum wage required by other employees in the same occupation. Every employer shall keep a time book or record for every minor under 18," was 16 and is now 18 years of age, "employed in any occupation planting, cultivating or harvesting of field crops. They number of hours worked by each minor under 18," 16 now is 18 years of age, "each day of the week. The time book or record must be open at all reasonable hours for the inspection of the Director. Penalty for the employers. Strict liability for the first violation or a violation not

subject to an enhanced sanction under paragraph B or C, or forfeiture of not less than \$50, or not more than \$250. Under B for a second violation occurring within 3 years of a prior conviction, a forfeiture of not less than \$100 or not more than \$1000 for a third and subsequent violation occurring within 3 years of two or more prior convictions a forfeiture of penalty of not less than \$250 nor more than \$2,500." As you can see, as we have increased the ages for children colored under the Child Labor Law, we have also increased the penalties for the employers who did not comply with these laws. We have also worked on the hours of employment. "Minors under eighteen years of age. A minor under eighteen years of age and enrolled in school may not be employed under these conditions. More than 48 hours in any week when school is not in session. More than 20 hours in any week when school is in session. More than 8 hours in any day when school is not in session. More than 4 hours any day when school is in session. More than 6 consecutive days or between the hours of 10 a.m. and 7 a.m. on a day preceding a school day, or between the hours of 12 a.m. and 7 a.m. on a day that does not precede a school day. Minors under the age of 16. A minor under sixteen years of age cannot work more than 40 hours in any week when school is not in session nor more than 18 hours in any week when school is in session. They cannot work more than 8 hours in any day when school is not in session nor more than 3 hours any day when school is in session and not more than 6 consecutive days or between the hours of 7 p.m. and 7 a.m. in any day when school is in session or between the hours of 9 p.m. and 7 a.m. during summer school vacation." As you can see, there is a lot in this Bill that has been changed over the previous Child Labor Law. As far as the education requirements. "The Superintendent of Schools shall issue a permit in the following circumstances. If the school is in session or the minor is attending summer school, the minor must be enrolled in school, not habitually truant, and not under suspension, and passing a majority of classes during the current grading period. If the school is not in session, the minor must furnish to the Superintendent a certificate signed by the Principal of the school last attended showing that the minor has satisfactorily completed kindergarten through grade 8 in a public school or their equivalent." Proof of age might come up later tonight. "The Superintendent may issue a permit only upon receiving an examining satisfactory evidence of the minors age. Satisfactory evidence consists of a certified copy of the minors birth certificate, or baptismal record, a passport showing the date of birth or some other documentary evidence of age which is satisfactory to the Superintendent, and approved by the Director. The Superintendent may require in doubtful cases that a certificate signed by a physician appointed by the school board stating that the minor has been examined and in the physicians opinion has reached the normal development of a minor of the same age, and is of sufficiently sound health and physically able to perform the work the minor intends to do. The Superintendent may revoke the permit issued to a minor if the Superintendent determines that the minor has not maintained the conditions for issuance of the work permit under section 2." I read a lot of this really to drive home the point that I am sure it is a Bill, call it a Child Labor Bill, but it is an attempt that was very seriously thought out to attempt to keep your child

in school. There are a lot of restrictions to protect their well being. I certainly hope that you will vote for the pending motion which is the Minority Ought To Pass Report, and when the vote is taken I would like a Roll Call please. Thank you.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Let me first say that I agree completely with everything that the good Senator from York, Senator Carpenter has said. In fact, this is my third year serving in this Body, and I believe this is the most important piece of legislation and the best crafted piece of legislation that the Labor Committee has brought before this Body. The Minority Report did not deal with all the issues, however. It did leave out one issue regarding child labor alone. That issue was included in the Majority Report, and I will address that issue in a moment. Let me first speak generally about the Bill. Senator Carpenter did an outstanding job in highlighting the many areas of the Bill regarding the educational advantages, the work hours, the penalties, minimum wage aspect, etc.. We worked the entire month of March on this Bill. We had a hodge-podge of Bills regarding child labor. We took all of them and worked together, and compromised on all the issues, and came up with what I think is a terrific Bill. It streamlines for businesses the many laws that have been in effect over time regarding Child Labor Laws. It helps teachers and Principals to hold their students accountable regarding work and the work place, and how it effects their education standards. What it doesn't do is effect illegally employed minors at the work place. The Majority Report did. You have in front of you two editorials, and we have had ten or twelve different articles printed regarding this legislation in the last three years. I am not going to read the entire editorials that have been done in the Portland Press Herald regarding these, but I would like you to look at both of these and look at how they talk about the issue of work place safety and the responsibility that we should have in addressing this issue. It is an important part of the Majority Reports legislation. I would like to point out that this is bipartisan Majority Report legislation. This was not simply a Democratic or Republican Bill, but one that had wide spread support. In this particular issue of difference, what the good Senator from York and I had there was also bipartisan support. I would like to end by saying that, quite briefly as we say that word so often, that part of the Bill we will be addressing in the Majority Report after we deal with the Minority Report, protects minors from bad employers who would put them in hazardous situations illegally. That is all we want to do with this Bill. No more and no less. With that I look forward to this Roll Call, and then a Roll Call on the Majority Report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator Carpenter.

Senator **CARPENTER**: Thank you Mr. President. Ladies and Gentlemen of the Senate. My friend and colleague from Cumberland County, Senator Esty seems pretty positive that we are going to get to the Majority Report, and he is more than likely correct. I certainly hope not. We are not speaking on the Majority Report at this moment, we are on the Minority Report, and it is a real good Bill, and I hope everybody understands that we need a Labor Bill a Child Labor Bill, if nothing else but for educational purposes and protecting the children. I bring this up reluctantly, but I think you might understand if I say this might be the only Bill that we have a chance of passing as the Minority Report. I really hope that you will consider it carefully and give your vote to the Minority Report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator **COLLINS**: Thank you Mr. President. Ladies and Gentlemen of the Senate. I find it difficult to talk about the Minority Report without mentioning some comparisons to the other Report, and I would say that both address many areas equally well with respect to child safety in the work place and the Child Labor Laws in general. They both provide for penalties and increased sanctions, and I think to that extent that they are in par. However, the Report before us does not deal with a part that is, I consider, more than the rest of the pieces that make up the pie. That is the part relating to Workers' Compensation. As this Legislature struggles very hard with the Workers' Compensation issue with two Committees working to arrive at some substantive improvement in the system, it is difficult for me to note that in this legislation were we to reject the present Report we would entertain a Bill that essentially says that Workers' Compensation is not applicable in certain cases, and it essentially says that the tort system is available as a remedy. It sort of ignores the fact that Workers' Compensation is a no fault insurance wherein both the employer and the employee do surrender some things in order for this system to work. Essentially, the employer agrees that it is a no fault system, and there are provisions to pay for medical costs and loss of time and other benefits that are outlined in the present law. I am not going to go into detail there, but it is a no fault system, and employers pay the cost of it entirely, and employees give up their right under the Common Tort Law to sue. For some 80 years roughly, it has been prevalent throughout the United States. I think that the first law in Maine was enacted around 1913, and the Court has continued to say that there should be exclusivity in places where people are injured in the work place with the Workers' Compensation System. It forbids the use of the tort law. As I understand the proposal before us, the other Report will make an exception to that rule, and it seems to me that that is something that ought not to happen regardless of how dire the circumstances are. I know something about the cases that were brought before the Court, because a couple of them happened to be in my fair City of Caribou. They were indeed a sad situation. It seems to me to remedy this problem, is with the Child Labor Law with the addition of penalties and with the strengthening in general of all our Child Labor Laws, and both of the Reports do, and do well. I am deeply concerned that the other Report rejects our present system of

Workers' Compensation, and says in effect in certain cases, you may go and have a Court action against your employer. I think if we are to gain both in the betterment of our Child Labor Laws and the betterment of the Workers' Compensation system the least we could do is leave that part of it out and see if the two Committees wish to address it in there Workers' Compensation proposal they will be presenting to us shortly. I have on my desk a number of the court findings in recent cases, and I am talking about the Law Court, the Supreme Court in Maine. All of them suggest that the only remedy in these cases is through the Workers' Compensation System. I think we ought not to make any changes in that thing unless it is incorporated in some fashion with the all encompassing proposal that we hope to get from those two Committees that are working on it. That is the reason why I urge you to pass the current proposal which has all the other good things in the Bill, but does not address that part pertaining to Workers' Compensation. I hope that when you vote that you will vote in favor of the Minority Report, which is the Report that is before us at this moment. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator **CONLEY**: Thank you Mr. President. Ladies and Gentlemen of the Senate. Like the good Senator from Cumberland, Senator Esty, I too, serve on the Labor Committee along with the good Senator from York, Senator Carpenter. I rise to address some of the remarks made by the good Senator from Aroostook, Senator Collins. I would say to the Body that he has, in fact, described very accurately how we handled child labor problems through the Workers' Compensation System at this time. In fact, he has discussed a very serious case that has occurred in his own jurisdiction, his own District, Caribou. It was involving a child who was killed while working on the back of a garbage truck. It was a very tragic accident, that child was informed by the Court that he could only go through the Workers' Compensation System for a remedy. The reason why I have not gotten up on a lot of labor reports is because I feel the two Senators from the Majority and Minority Party respectively have done a good job explaining the Committee's positions, and articulating the Committee's rationale in the positions they have adopted, but I do think it is important to answer the good Senator from Aroostook. In fact, exclusivity is very important, and I would be very, very careful before I would go along with removing that important bar for suit for employers. This is a very serious situation where a child has been employed by a company and then hurt. That child is then locked in for the rest of his or her life to a very minimal amount of money that he or she can get if they are seriously hurt. One example is, if somebody cuts somebody's trees down, we have said that somebody is entitled to three times the damages they should get as opposed to some other type of property. We place a value on trees. We think that is important. Another good example we use is when somebody has willfully hurt somebody, we allow somebody to sue for punitive damages. Above and beyond what you would normally give in a tort action a typical civil damages case. In the area of criminal laws, we said

where somebody uses a gun to commit a crime as opposed to just committing a crime, we imposed mandatory jail sentences of up to a year or more in some cases. This particular situation where a child is hurt on the job where he has been illegally employed, I would say that it is similar in the sense that it is so different from those other types of cases. I think it is incumbent upon the Legislature to look at those differently. I think that the Committee considered that type of rationale when they looked at this situation. We have differed in how we approached it. I think that the good Senator from Cumberland has articulated the rationale of why we happened to part from our regular course of action in these particular types of situations. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator ESTY: Thank you Mr. President. Ladies and Gentlemen of the Senate. I would like to address further a couple of the comments by the good Senator from Aroostook, Senator Collins. I would like to point out that the court cases that he is referring to were limited to what they could do because the language we had regarding Workers' Compensation. Secondly, as he has stated, the two Subcommittees of Banking and Insurance and Labor are working diligently to put together a strong Workers' Compensation reform package, and it seems to me that if the good Senator is recommending that changes such as we are advocating in the Majority Report should be made. We have so many things to do with those two Committee's if the changes are appropriate, why not do them here. After all, the changes deal with illegally employed minors. Next, the concept of why Workers' Compensation in existence was explained by the good Senator. The premise that we are working by deals with employees and management with Workers' Compensation, and the philosophy and the relationship, it wasn't envisioned in that relationship that we would be talking about illegally employed minors. That is different. That is very very different. Let me also add that this is not something that no one else has done. Twenty-eight other states has an additional remedy for these very narrow situations. Some of the states deal with this situation with greater awards. Some through the right to sue. This is not unique at all. Lastly, this proposal in the Majority Report would reduce costs however small to the Workers' Compensation System by taking these costs out of the compensation system. If you leave them in, and increase the penalties for these situations however small, they will increase costs to the system. I don't think that makes sense right now either. I would once again ask that this Body support the Majority Report, if and hopefully we will get to it. First vote down the Minority Report. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Aroostook, Senator Collins.

Senator COLLINS: Thank you Mr. President. Ladies and Gentlemen of the Senate. I fully understand the concern that the Committee has had, and I know that they have dealt with a very emotional subject and it has been difficult. It seems to me that we ought not balance Child Labor Laws on the back of the Workers' Compensation System. It seems to me that that is a different point in which we do not agree. It seems to me that dealing with Child

Labor Laws, we have elected to make them tougher and that is fine. If we wish to increase the penalties that is fine. If we wish to improve our record keeping, I would agree that all those things are important in order to eliminate the illegal use of children in our work place. I think that we are asking for trouble when we decide to put aside the law that we have had for these many years. The philosophical part of it which says in effect that the employer pays the bill for Workers' Compensation, and the employees are subject to receiving the benefits in the case of an injury. I just don't feel that it is an appropriate place to add this language to a Child Labor Law. I have some sympathy for perhaps different awards under the system in cases that are as acute as the ones we were talking about, where it seems to me that once we enter into the field of tort law, we are saying that the Workers' Compensation System is not a satisfactory method in our society. I think in spite of all the problems we have had, I think it is a very workable, possible, reasonable solution for both employees who are injured and for employers. I hope you will keep this in mind when you vote on this issue. If you find in your voting that you can support the Minority Report, it seems to me that you have the opportunity to further address this issue in your deliberations on the restructuring of the Workers' Compensation System. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator CARPENTER of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594) Report in NON-CONCURRENCE.

A vote of Yes will be in favor of the motion by Senator CARPENTER of York to ACCEPT the Minority OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594) Report in NON-CONCURRENCE.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER

NAYS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, PRESIDENT PRO TEM - JEFFERY N. MILLS

ABSENT: Senators None

13 Senators having voted in the affirmative and 22 Senators having voted in the negative, with No Senators being absent, the motion of Senator **CARPENTER** of York to **ACCEPT** the Minority **OUGHT TO PASS AS AMENDED BY COMMITTEE AMENDMENT "B" (H-594)** Report in **NON-CONCURRENCE, FAILED**.

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

The Bill **READ ONCE**.

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

On motion by Senator **ESTY** of Cumberland, Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593) **READ**.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from York, Senator **Carpenter**.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I think I have this amendment down. I just briefly heard about it. It is an attempt to take a financial note off this Bill by lowering the age requirements that this Bill is all about. Instead of having 18 years protection under the Child Labor Law it is going back to 16 years old. I oppose it. It doesn't make any sense we have worked since March on a Bill to increase the ages to help the child stay in school and not quit school, pass a majority of their courses and increase the penalties to employers who are not complying with the law. For a financial note of \$35,000 for the next two years, each to eliminate one of the main portions of the Bill, I would move that we defeat this amendment and request a Division. Thank you.

Senator **CARPENTER** of York requested a Division.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Cumberland, Senator **Esty**.

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I am not sure how to react to what the good Senator from York, Senator **Carpenter** has said. Let be very straight forward to this Body. I am not pleased with having to do this either. This is not one of the main most important part of the Bill, but I thought it was important provision of the Bill. I thought it was something that was good to do. What we did with this Bill, with this part of a comprehensive Bill, was increase the work permit ages so there would be greater accountability educationally. It had been at the level of under 16, and we moved it up to under 17. When we did that a fiscal note was added for an additional person. Unfortunately, we had hoped that the penalty provision would generate enough revenues to pay for this provision, but what happened was, we got a fiscal note back that said "undetermined amount of revenues". We got a fiscal note that also said one position. It seemed to me, and to the Committee that it made sense with this very important Bill to go back to the age in which we do permits. This is not a change in present law. It brings it back to where we are now so that we have the staffing to deal with this situation. The Bill was better without this amendment, but it is still an excellent Bill. It was necessary to deal with the fiscal realities

that we are facing in this state. Senator **Carpenter** knows that, and he is supportive of the concept of this very important piece of legislation. He may be unhappy with this amendment, but so am I, and there is no reason to not try to accomplish something very important with this Child Labor Bill. Thank you.

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Penobscot, Senator **Pearson**.

Senator **PEARSON:** Thank you Mr. President. Ladies and Gentlemen of the Senate. I was a school teacher for 23 1/2 years, and one of the most frustrating things was that kids weren't in school because they were working, or they were too tired when they got there. I think Senator **Carpenter** and Senator **Esty** are of one mind, and what separates them is \$35,000. That is the what I understand anyway. I would like to pose a question to either one of them. What does a work permit cost?

THE PRESIDENT PRO TEM: The Senator from Penobscot, Senator **Pearson** has posed a question through the Chair to any member of the Committee on Labor who cares to answer. The Chair recognizes the Senator from York, Senator **Carpenter**.

Senator **CARPENTER:** Thank you Mr. President. Ladies and Gentlemen of the Senate. A work permit as far as I know is free. That is a fine way to have it. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion by Senator **ESTY** of Cumberland to **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593).

A Division has been requested.

Will all those in favor of the motion by Senator **ESTY** of Cumberland to **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593), please rise and remain standing in their places until counted.

Will all those opposed please rise in their places and remain standing until counted.

20 Senators having voted in the affirmative and 12 Senators having voted in the negative, the motion by Senator **ESTY** of Cumberland to **ADOPT** Senate Amendment "A" (S-347) to Committee Amendment "A" (H-593), **PREVAILED**.

Committee Amendment "A" (H-593) as Amended by Senate Amendment "A" (S-347) thereto, **ADOPTED** in **NON-CONCURRENCE**.

Which was, under suspension of the Rules, **READ A SECOND TIME**.

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

THE PRESIDENT PRO TEM: The Chair recognizes the Senator from Kennebec, Senator **Matthews**.

Senator **MATTHEWS:** Thank you. Mr. President. Ladies and Gentlemen of the Senate. Before we take our Roll Call vote to vote on this Bill, I have one question for any member of the Labor Committee. It

has been mentioned that Maine will be joining three other states, and I agree with the comments that have been made by the good Senator from Cumberland, Senator Esty and others that we need to do something. My question is this. In those other states, do they also have a provision which allows for a suit in cases of illegally employed minors that are injured, or will we be the first state to allow this to happen?

THE PRESIDENT PRO TEM: The Senator from Kennebec, Senator Matthews has posed a question through the Chair for any member of the Labor Committee who may wish to answer. The Chair recognizes the Senator from Cumberland, Senator Esty.

Senator **ESTY:** Thank you Mr. President. Ladies and Gentlemen of the Senate. Yes, in fact, there are 28 states that provide additional remedies. Some within the system and some without. There are 11 states that provide this remedy with the right to sue. Thank you.

THE PRESIDENT PRO TEM: The pending question before the Senate is the motion of **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

A vote of Yes will be in favor of **PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

A vote of No will be opposed.

Is the Senate ready for the question?

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators **BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, CLEVELAND, CONLEY, DUTREMBLE, ESTES, ESTY, GAUVREAU, KANY, MATTHEWS, MCCORMICK, PEARSON, PRAY, THERIAULT, TITCOMB, TWITCHELL, VOSE, THE PRESIDENT PRO TEM - JEFFREY N. MILLS**

NAYS: Senators **BRAWN, CAHILL, CARPENTER, COLLINS, EMERSON, FOSTER, GILL, GOULD, HOLLOWAY, LUDWIG, RICH, SUMMERS, WEBSTER**

ABSENT: Senators None

22 Senators having voted in the affirmative and 13 Senators having voted in the negative, with No Senators being absent, the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-593) AS AMENDED BY SENATE AMENDMENT "A" (S-347)** thereto, in **NON-CONCURRENCE**.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

Senator **CAHILL** of Sagadahoc was granted unanimous consent to address the Senate off the Record.

Senator **PRAY** of Penobscot was granted unanimous consent to address the Senate off the Record.

Senator **DUTREMBLE** of York was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

On motion by Senator **PRAY** of Penobscot, **RECESSED** until 8:40 in the evening.

After Recess

Senate called to order by the President Pro Tem.

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

ORDERS

Joint Resolution

On motion by Senator **CLARK** of Cumberland (Cosponsored by: Senator **CAHILL** of Sagadahoc, Representative **GWADOSKY** of Fairfield, Representative **MARSANO** of Belfast) (Approved for Introduction by the Legislative Council pursuant to Joint Rule 35) the following Joint Resolution:

S.P. 756

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PRESERVE FEDERAL FUNDING

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President and the Congress of the United States as follows:

WHEREAS, freedom of speech is the most fundamental principle of our democratic society; and

WHEREAS, physicians and medical providers have a professional duty and are required by oath to inform patients of all legal, safe medical options for any medical conditions; and