

# MAINE STATE LEGISLATURE

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beginning at Page 1

because we heard this wasn't going to cost the taxpayers of the state of Maine, in the summary of the bill: this bill requires the Department of Health and Human Services to provide coverage to a MaineCare member for abortion services. This bill provides that abortion services that are not approved Medicare services must be funded by the State. This bill also directs the Department of Health and Human Services to adopt the rules no later than March 1, 2020. This is paid by the taxpayers of the state of Maine. This is being forced on the people who have strong pro-life beliefs and you are now telling them they have to pay for abortions. I think it's wrong. Thank you, and I still pose my question through the Chair to be answered, why it wasn't put to the Insurance Board.

**THE PRESIDENT:** The Senator from Androscoggin, Senator Timberlake, has posed a question through the Chair for anyone who can answer. The pending question before the Senate is Acceptance of the Majority Ought to Pass as Amended Report. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#95)**

**YEAS:** Senators: BELLOWS, BREEN, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DILL, GRATWICK, HERBIG, LAWRENCE, LIBBY, LUCHINI, MILLETT, MIRAMANT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

**NAYS:** Senators: BLACK, CARPENTER, CYRWAY, DAVIS, DIAMOND, DOW, FARRIN, FOLEY, GUERIN, HAMPER, KEIM, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

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

Bill **READ ONCE**.

Committee Amendment "A" (H-210) **READ** and **ADOPTED**, in concurrence.

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

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All matters thus acted upon were ordered sent down forthwith for concurrence.  
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The Chair laid before the Senate the following Tabled and Later Assigned (5/2/19) matter:

Bill "An Act To Protect Maine Children and Students from Preventable Diseases by Repealing Certain Exemptions from the Laws Governing Immunization Requirements"  
H.P. 586 L.D. 798  
(S "A" S-66 to C "A" H-120)

Tabled - May 9, 2019 by Senator **LIBBY** of Androscoggin

Pending - **FURTHER CONSIDERATION**

(In Senate, May 2, 2019, on motion by Senator **MILLETT** of Cumberland, the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120) AS AMENDED BY SENATE AMENDMENT "A" (S-66)** thereto in **NON-CONCURRENCE**.)

(In House, that Body **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-120)**.)

Senator **LIBBY** of Androscoggin moved the Senate **RECEDE** and **CONCUR**.

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

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

Senator **POULIOT:** Mr. President, men and women of the Senate, the chief architect of our Constitution, James Madison, once proclaimed in Republics: the great danger is that the majority may not sufficiently respect the rights of the minority. I stand in opposition to this bill for three primary reasons. First, this bill is a solution in search of a problem. If there truly is a crisis to be solved why is implementation of this bill being delayed for over two years? Second, if there were a problem this bill would do nothing to address it. Our adult vaccination rate is below 20% yet we're told without any evidence that raising the school rate by 2% to 3% will have a positive impact on public health. There is simply no data to support this. Finally, this bill shreds the fundamental liberty to decide, without coercion, whether or not to consent. When the State identifies those who have used exemptions and then threatens to deprive their children of an education unless they submit to that procedure then we, as a society, have crossed a line that ought never be crossed. Empowering the government to inject people against their will is far more dangerous than anything this legislation purports to solve.

Much has been made of the amendment to L.D. 798 that would expand medical exemptions but no matter how expanded medical exemptions still require doctors willing to write them. A couple of questions that this poses. As our medical providers are rapidly consolidated into several umbrella entities, how many medical providers will be forbidden to write medical exemptions no matter how warranted? Of those permitted to write them, how many will have the courage to do so given the fact that many proponents of this bill have made no secret their intention to identify and marginalize those who do. When a parent finally finds a provider who will agree to consider a medical exemption,

what's the parent to do when that provider retires or moves? There are known risks with some vaccines and vaccine injury is even acknowledged by proponents of the bill. An exemption is a mechanism by which a parent can say that they do not wish to subject their child to those risks. If vaccines are safe and effective as stated then those who are vaccinated have nothing to worry about from parents who use exemptions. That is why proponents of this measure have created the strawman case of the immuno compromised child who cannot get vaccinated and is endangered by the unvaccinated. The problem with this supposition is that there's no evidence, not a single shred of data, of any immuno compromised child in the history of our state who has been harmed by an unvaccinated child. In fact, in wards across the country in hospitals there are signs asking those who have been vaccinated recently not to enter because shedding of recent vaccination poses danger. However, there are no signs asking for the unvaccinated to stay away, Mr. President.

This bill not only tramples on the rights of parents who refuse to subject their children to the risks of vaccines, it also tramples on our First Amendment protections of religious liberty, Mr. President. There are many people of all faiths whose sincerely held religious beliefs prevent them from vaccinating, not just Jehovah Witnesses or Christian Scientists but many valuable members of our community of many faiths. Only three states in the country, California, Mississippi, and West Virginia, have eliminated the religious exemption. Do we really want to join them in becoming the fourth? Does Maine really want to be an outlier? Those with sincere religious beliefs should not be forced to vaccinate against their conviction and faith. Our Bill of Rights was never meant to be subject to the vote of the majority. It exists precisely because the Founding Fathers understood that certain liberties needed protection from the majority. This bill is wrong on so many levels but perhaps most of all is the way it disregards the perspective and reality of such a small minority in our society. Less than 5% of the parents who utilize religious or philosophical exemptions. Many, if not most, of those 5% do vaccinate their children but opt out of particular vaccines for particular reasons. This bill bullies the small minority by overriding their lack of consent to a medical procedure and do so by mobilizing stereotypes of unvaccinated as dirty, dangerous, and contagious when they are no such thing. As dawn is followed by day, stereotype is always followed by marginalization, isolation, and segregation. L.D. 798, which uses expulsion from school as its primary tool, is no exception. This is our final opportunity, as elected representatives of all Mainers and the stewards of their individual liberties, to take a stand against this bill that has needlessly divided our culture and society at a time when we can ill afford it, Mr. President, against a bill that is based on misinformation, against a bill that ignores thousands of children who have already been harmed by vaccines, treating them as if they don't exist. They do exist. The risks of vaccination, as for any invasive medical procedure, are real and where there is risk there must always be choice and, Mr. President, a choice made under threat is no choice at all.

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

Senator **MIRAMANT:** Thank you, Mr. President. Men and women of the Senate, to continue where I left off the other day but not as long this time. We all have in our heads a hierarchy of dealing with a problem. So we identify the problem and so the

sponsor of this bill, he saw a problem. Maine uses more exemptions than other states and so we must do something. So then we look at it and say: so Maine uses more exemptions and has a 94% to 95% adherence to a schedule that doesn't allow for seeing that your child has a horrible adverse reaction and then deciding that the next time you might space it out a little. You might not do a combo vaccine that has a high incidence of causing adverse reactions. You might use common sense. No common sense in that schedule and 94% or 95% of the people adheres to it. Now that leave 5% or 6%. Well, they must all do zero vaccinations. Wait a minute, nope, okay. So we're going to take away choice about injecting substances that cause harm to our children and death to some of our colleague's children because this 5% or 6%, depends on who is talking. But wait a minute, of that 5% or 6% it turns out that they are fully vaccinated and only missing one booster. Doesn't fit. You can't leave one out. You can't move by a month. You can't change the schedule from a previous reaction or indicators genetically that you shouldn't have certain vaccinations. You can't leave out ones when the mother is tested for HVP, doesn't have it. Hepatitis, doesn't have it. You can't just leave that off, as other countries do. They leave it off unless the mother tests positive for something. So they're fully vaccinated but missing one booster. They're not vaccinated in that 5%. They're fully vaccinated but having missing or incomplete paperwork. Nope, they're not vaccinated. But they might show up. Can't find the records. I'll try to find it. I want my kid to go to school today. What can I do? Check this and get us the paperwork. Okay. Who follows up on that? You go to school day one. You're there for six years. Is somebody going every week: did you get that paperwork? The box has been checked off. They are using the exemption, the philosophical exemption, because they're vaccinated, they're missing a booster, or they're on a delayed schedule, which is the smartest thing you can do which has been put in this bill but it has to be put through a doctor. It has to be put through an M.D. We don't need M.D.s to tell us that when we see an adverse reaction in our child we ought to honor some change that doesn't end up with their horrible suffering or death, and they are partially vaccinated. Some of these vaccines, as was already stated, should be left off for various reasons.

For one thing, this herd immunity, this 95% or 94% plus the people who are partial and missing one thing, which I assume puts it around 98%. We'll get into the thing about facts in a minute. So we got about 98% if you figure in somebody who just left off something because it should be left off. When it was 95% as the target that was going to give you herd immunity. When we hit it, it was going to be 98% or 100%. One hundred percent is not possible. The efficacy of these vaccines is nowhere near able to accomplish 100%. Some, on their best day, are 70% effective. So here we have, in Maine where they use more exemptions because they're allowed. Just remember religious, philosophical, and medical exemptions have resulted in 94% or 95% following the schedule, another 3% or 4% following a partial schedule to keep their children safe. So we're in a range that should satisfy you and you should not have wanted to take away the choice of the people. It brought it, with this choice, to where you claim to want to be. So in the problem solving: problem and need a solution. Well, wait a minute. Can't find the problem. Okay, well let's go to the next step. If anybody resists the common, I'm trying to use terms here I've learned from the last couple of sessions, ones that don't get me in trouble. The common misconception that if someone says something against it, 'Oh my

gosh, you have to vaccinate,' then they must be braindead, don't believe in a round earth. I can think of so many, but in the interest of time, I will just leave it at that. People are willing to bully and insult. So if you think giving it over to the medical profession and then them being able to give an exemption and their organization coming to target them, you think they'll be immune from this? It's already happening in California. So we need other people to be able to do that.

So we haven't had death from measles in 25 years. I'm not going to go into a lot of science. What I'm going to tell you is that when my constituents ask me to look into things, I look into it. I told you, I spent one whole Saturday, that was this time not four years ago when we did this same exercise and I said the same things. A couple of things came up. You know how information gets messed up around this Body. So some folks were really upset that it got so messed up in the last round here and I just want to clarify a couple of things. There were 798 people who testified, pieces of testimony, whether they were there until three in the morning or by delivering it electronically. Of that total 623 people were against this bill. I said 60%, so there I went back to check and it was 60%. Doesn't sound right. It's actually 80% were against this bill; 80%, 623 is 80% of the people testifying. Now if all you have to do is talk to your friend next to you and you go, 'Do you think I should vaccinate?' Of course, it's a public responsibility. Well, I've done my research. Well, I went a little further. So 80% were against the bill and they're not all stupid. Surprisingly some are doctors. One hundred and fifty-one were for the bill, seven were neither for nor against. Six hundred and twenty-three to one hundred and fifty-one and seven. Okay, when I go to a committee, and I've been before most of your committees with bills, and I say, 'Here's the problem. I know it's a problem. I talked to my neighbor and it's a problem,' and you go, 'We don't see the problem.' All the people stand up and testify against my bill, except for a couple. Then we kind of go, 'Hum, that bill ought not to pass. It really isn't a problem to solve. Thanks for stopping by.' Not this one. So another number that was mentioned was that only one person spoke about the religious one. So the people that had time to go through that, there were 125 mentions of how their religion, whether it's not wanting forcing products or stem cells from aborted fetuses or I can't even remember because I'm using other people's information about the religious. But they care about this very deeply and that's why I'm not going to talk about that because I can't. So 125 mentions of religion. There's one person that's pushing this so hard, pushing this bill so hard. They used the religious exemption for their children but now they want to deny it for yours. So I see a whole bunch of reasons why we should not be supporting this motion. We should be saying to the House let's not. Along with taking away the non-religious reasons that parents should be taking care of their children without any doctor involved. We don't trample on religion too for those who believe it for a multitude of reasons and let's just get rid of this motion and insist that the House either honors our religious motion or just vote this bill down altogether because it's not worth even thinking about and send it out and say identify the problem, bring the problem and the solution to this Legislature, and we'll figure out how to solve it. But it's not this bill and it's not this motion. Thank you, Mr. President.

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

**Senator DILL:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, as a scientist I could argue that perhaps this bill was in the wrong committee. I believe this is a public health issue, not an education issue, which is a means to an end. I also think that HHS and Insurance Committee should have heard it, but that's behind us now. Also, as a scientist, I believe in vaccinations. The field of medicine has changed dramatically since I was vaccinated the old fashion way. Having had measles, mumps, and chickenpox as a kid, my kids, who have all been vaccinated, and now my grandchildren who are also going through vaccinations. I regularly have a flu shot, tetanus boosters, pneumonia vaccinations, and others that I all discuss with my doctor. I voted the way I did the first vote to get people to take notice as we go forward. I believe the medical exemptions need to be broadened, not necessarily to actually exempt but perhaps to space scheduling of immunizations based on reactions and not necessarily on the doctor. I mentioned earlier the Insurance Committee. There needs to be more testing of newborns for known genetic or other disorders that may cause problems which people then may link to vaccinations. The tests all need to be covered by insurance. Take, for example, Fragile X Syndrome, a genetic condition that causes a range of developmental problems, including learning disabilities and cognitive impairments, resulting in mild to severe intellectual disability which doesn't necessarily show up right at birth. The DNA blood test can detect this condition. Persons with this syndrome, or other determined syndromes, may have to have a different series or differently timed series of vaccinations. As we go forward I hope that the Chief Executive, who I understand is very interested in this issue, will convene a task force commission or work group, whatever you want to call it, to look at the medical exemption issue and to present legislation, as needed, next year, which may broaden further the logical medical exemptions that may be determined by such a group. Thank you, Mr. President.

**THE PRESIDENT:** The Chair recognizes the Senator from Cumberland, Senator H. Sanborn.

**Senator H. SANBORN:** Thank you, Mr. President. I had not intended to speak today but there was a suggestion made that some of the supporters of this bill have raised the 'strawman' of immune compromised kids. But these are real kids and they're real kids who had no choice in their medical experience. So I rise today to read the words of Sarah Gibbs Staffiere. She's a Maine Mom and she wrote this this week. She wrote, 'For some requiring vaccinations for children to attend school feels like it is focused on the children that are not vaccinated but in reality this is about those who are often invisible and truly vulnerable; the children that go to school or daycare every day and are at risk from their unvaccinated peers. My otherwise healthy son was diagnosed with a chronic and life-threatening autoimmune condition when he was three out of the blue. We were knocked off our feet, but once he had been discharged from a hospital stay I naively thought the hardest part was behind us. He was put on a medication that kept his condition under control while at the same time lowering his immunity. Deciding to return to daycare was hard, but he had excellent care from people that I trusted. I checked with his daycare director to see if all his peers were immunized so I could better understand his risk. To my relief, all his classmates were up to date. Not two weeks later I was told that scenario had changed and now there was an unvaccinated child. Due to privacy rules, we never spoke about who that child

was but I deduced it was a new addition to the classroom. I foolishly thought that since my son had been there for years that he could be prioritized and this new child's family would need to find care elsewhere, but then I read the laws. All the language served to preserve this new family's philosophical rights but nothing was there to allow them to protect my son. I sobbed in the director's office when she told me her hands were tied. My son's needs were unrecognized in Maine's laws, as if he did not exist, and I had an overwhelming feeling of loneliness. The burden was now on us, the family dealing with so much already, to carry the weight of constant worry about something we had no control over. It felt wrong that the load would be thrust upon a family with a child suffering from cancer, catastrophic allergies, type 1 diabetes, who had undergone an organ transplant, or had a myriad of other possible medical conditions that lead their child to be immuno compromised when perfectly healthy kids were able to skip vaccines. Living in this half of the story, I can tell you that there is this undertone that these unvaccinated children deserve this protection. In the eyes of some, they are pristine and untouched, the specimen of health, while my son was tarnished and broken, disposable. I carried this feeling with me but never talked about it and it was, and still is, so very heavy. Yesterday I finally saw in writing a statement by a Mom that put into words this fear. "It is them, the sick kids, that should have to stay out of school. It's not my fault they are weak like this." I felt numb. It was confirmation of all those negative thoughts that surfaced the day I learned no one could protect my son in his beloved daycare. I have no idea how this bill will turn out but one thing I do know is that all the ugliness, resentment, and sadness I felt for us being alone in this is no longer our story. While testifying at the State House and holding a sign in the Senate hallway, I met amazing people who dedicate their time to advocating for children like my son, who have stood up and said that this is not okay, that there is a responsibility to protect those that may be injured by other's risky behavior and not to protect the risky behavior itself. Even if they do not know him, they want to protect him. When I heard how some Senate Legislators speak in favor of the bill and defend protection for vulnerable kids it made me weep all over again but for different reasons. I'll end with the admission that there is no conceivable way that both sides of this equation can come out on the winning end, but I can say we have served our time on the losing end of the law and I will no longer roll over and let that be my narrative.' So, Mr. President, I want to remind the members of this Body that immuno compromised kids are not a strawman. They are real. They are Sarah's son. We need to insure that they are safe when they go to school because they have no other choice in their health. Thank you, Mr. President.

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

Senator **MILLETT:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I wasn't planning on rising today but I have to object strongly to the characterization of some of the comments made earlier about those who supported the immunization legislation that's before us. That evening is etched in my memory forever as one that I'm going to carry through every day of my life because, for me, it was an example of democracy at its best. It was an impassioned issue. Folks that were there, yes through to 2:30 in the morning, felt very strongly on both sides and the committee listened to every single person

and attentively thought about what they were hearing. I'm not sure why those who were in opposition to this legislation would so readily impugn now the motives of those on the other side and attribute words that were never uttered by those individuals. In fact, actually the only ones who used those words were the ones who were against the bill. Nobody else would have used those words, but they did. I won't even use them today. Doesn't do this Chamber justice. Among those people that were there that evening were doctors and, for the life of me, I am struggling to understand how anyone could stand and say we don't need doctors. I was a doctor for a day recently. I had the opportunity to very briefly walk in the shoes of these individuals who dedicate huge amounts of their lives to training and their own personal financial resources and going into debt like you would not believe in order to serve us and guard our public health. I want to read testimony from one of those physicians. 'My story begins in 1954 when, at the age of 5, I contracted polio. Hurricane Hazel had devastated the mid-Atlantic, causing severe flooding. My family was on vacation in the Pennsylvania mountains and we were cautioned not to drink the water. Public health officials thought that was most likely a source of my infection but within a weeks' time I was in a hospital in New Jersey that was full to capacity only with children with polio. I spent a month there getting therapy and remember vividly being pushed in a wheelchair and entering a large room on my floor about the size of the committee room. It was full of children in iron lungs, paralyzed and unable to breathe on their own. They weren't as lucky as me. Polio was epidemic in those days. No treatment existed and no way to prevent infection. It spread like wildfire, especially in the summer. My wife's family would leave suburban Boston and retreat to Downeast Maine every summer in the early 1950's to escape exposure, returning for school in the fall and counting the new cases in their neighborhood. A year after my infection the Salk polio vaccine was introduced and within no more than a couple of years polio was nearly eliminated from North America. Today polio only exists in a few spots in the world where extremists prevent vaccination, telling the population it is an imperialistic plot. As a young practicing physician, I came in frequent contact with the ravages of hemophilia influenza infection. It was the most dreaded pediatric infection, inflicting otherwise healthy young children with devastating and often fatal infections. Beginning as an innocuous ear infection, a child could be beyond our help within hours with meningitis. A simple skin infection would become a life threatening blood infection and most dreaded of all was the sore throat that spread to the voice box, strangling the child in hours. Let's talk about life. HIV vaccine was introduced in 1985 and has all but eliminated these dreaded infections. The residents and medical students I teach will, fortunately, likely never see them. The science on the safety of vaccinations is clear and compelling. I know of no other therapy I offer to patients in my daily practice that is as effective and safe as our current vaccination regimen. In with discussing with patients and families the risks and benefits of various medications and diagnostic tests I order, few come close to the efficacy of vaccination.' Thank you, Mr. President.

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

Senator **CYRWAY:** Thank you, Mr. President. Ladies and gentlemen of the Senate, here again, I appreciated Senator Dill's comments. I thought that it was very thoughtful about the medical

having some input in the situation. I think you're hearing it from educators and a feeling type situation. I think we've done a very good job here in Maine on the vaccination situation. I do think that we shouldn't be put on a conveyor belt and that's what I kind of feel like this session, it seems like we're being put on a conveyor belt and we're going to be doing whatever the government says. We just are not that way. We want our freedoms. We want to be able to make decisions. We have situations where we don't fit in the same hole. You know, I've been in law enforcement and they got into tazing you to show you what it feels like to go out and to do the job, when you go to taze someone. Well they have you sign a waiver and I had a friend who signed the waiver and he was a Chief in Massachusetts that got tazed.

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

Senator **BREEN:** Mr. President, I would request that the member speak to the motion that's before the Body.

**THE PRESIDENT:** The Chair would just want to let people know to stay on track, on topic.

Senator **CYRWAY:** It was kind of related to it, Mr. President. It wasn't from off track, we understand that. Just because it fits and it doesn't. For example, in this situation where he was tazed, I'm just trying to show you the comparison, is that he had a disorder, a nervous disorder, and his sister had it as well. Because of that, it triggered off a situation where he lost all of his fingernails, his feeling in his fingers and his feet, and his feet felt like concrete blocks, and he lost his job. Not everybody fits in the same thing and so what I'm saying is this is the same situation, on vaccines. You know, they don't always fit. Just last week my brother took a dog he took as an orphan and took it to the vets. They gave it a shot for a vaccine shot and the dog almost died because of it was just a little small dog and it had a nervous condition and stuff so it pretty near killed it. So it doesn't fit the same as a big Great Dane. We all are different. We have to make decisions. We don't just get told and say this is mandated, you've got to get a shot. This goes over that reach. We shouldn't be put on the conveyor belt. I saw that on a cartoon one time and I couldn't believe it. They said this is the future. You know, people are getting heavier and on a conveyor belt and I hope that's not us. But, you know, it kind of feels that way and I think it's time we just sit back and maybe do like Senator Dill suggested. Maybe have it go through the medical field. See what we can do to make it better, but not force. That's what I'd like to see and I wish we could give that a chance and maybe think and maybe vote this down and do it right. Thank you, Mr. President.

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

Senator **CARSON:** Thank you, Mr. President. Ladies and gentlemen of the Senate, Senator Millett spoke to the long and thorough hearing on this bill before the Education Committee where literally hundreds of people came and spoke with passion, with restraint, and with respect to their concerns about the bill, their support for it, and their opposition to it. It was a rather remarkable hearing. Much has been said about, really since the hearing and after that, how we make a decision like this, whether

there is coercion by the majority of the minority, whether those of us who support immunization for all school children are in some fashion at the same time saying if you don't immunize children we want to expel them, we want to keep them out of school. I want to say, as a supporter of immunization, it is absolutely not now and never will be my interest in keeping any child from his or her education. Importantly, there's been discussion here this morning about the role of the medical profession and their input and design of immunization protocols and schedules. We have heard from, and read testimony by, the Maine CDC. We've heard and read where the U.S. CDC, Center for Disease Control, is. We have had testimony from the American Academy of Pediatrics, the pediatricians who practice and take care of our children here in Maine. There's a rather extraordinary website that is part of the Philadelphia Children's Hospital, a website about the importance of vaccinating. We had primary care providers, a dozen or more of them who came before the committee during the hearing and said to us afterwards, 'We will listen very carefully. We will appraise the situation. We generally provide medical exemptions.' We did not hear a single physician during the hearing, and I have not heard one since, who has said, 'I will not, I have not and I will not grant a medical exemption.' When I was maybe 5, I don't remember exactly what year it was, and my family lived in Virginia. We were visiting my grandmother in a rural community in New Hampshire and my folks heard that there was polio in my small hometown in Virginia. This was late August. Usually we would head back to the small town where I grew up and go back to school, my folks and my two brothers and myself. My folks left my two older brothers, I was 5 so they were probably 8 and 10, left us with my grandmother until the polio epidemic that swept through so much of at least the eastern U.S., and I don't know how much further, left us with our grandmother in New Hampshire and did not allow us to come back to Virginia until it had exited our town. I'm very grateful for their action. Finally, I simply want to tell you that my granddaughter, a lovely young woman now 9 and healthy, was diagnosed with ALL leukemia when she was about 5. She'd had symptoms that were problematic and her Mom kept bugging her pediatrician that something's really wrong. Finally got the pediatrician, after several visits, to do a blood test. The pediatrician called our daughter and said, 'You need to get your daughter to the Maine Medical Center now, today. Something's really wrong.' So our daughter called my wife and myself. We all went quickly to Maine Medical Center where they told us that her blood work suggested that she had leukemia. I'm very grateful to the fabulous staff at the Barbara Bush Children's Hospital at Maine Medical Center who took exceptional care of her. She was never, I just got a little emotional today, I apologize. She was never afraid. She was cared for by doctors and nurses and social workers and everybody you can imagine, and every third night, so that my daughter could get a decent sleep, I slept on the window ledge, which was wide enough and almost long enough for me. From her room there was a view of the White Mountains. This was March, the spring of her kindergarten year. Fortunately, after about 2-1/2 weeks of treatment at Barbara Bush Medical Center, she was discharged, having had really intensive IV chemotherapy and on our way out the oncologist and a pediatrician said to us, 'What is the situation?' I never even thought of this. 'What is the situation at her kindergarten? How many kids are immunized and how many are not?' So we checked into it and there was, I don't remember the exact numbers but there were children who were not immunized in her kindergarten and both her oncologist and

her pediatrician said to us and to our daughter, 'Do not send Kinzie back to kindergarten. Her immune system basically isn't there, it's so suppressed now. Keep her at home. Do whatever home schooling you can or want to, but the most important thing for her is to rest and recover in a situation where she's not going to be exposed to any communicable diseases.' That's what she did and that is why, ladies and gentlemen, I will vote in support of the motion before us. Thank you.

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

Senator **GUERIN:** Thank you, Mr. President. Mr. President, ladies and gentlemen of the Senate, I feel that it is important to have in the public record who will be effected by this bill. As most Mainers are going about their regular lives, unaware of the serious implications to their family's daily lives brought on by the bill we are considering, their right to choice that was so passionately debated in this Chamber early this morning in relation to the abortion is being denied. Dr. Aaron Hoshide prepared statistics for each of our districts for students affected that went to public schools. This doesn't account for our private schools. In my district alone 267 students will no longer be able to attend school, at a cost to our school districts, a loss in their budgeting, of \$2,537,088. Those impacted in our state will be all daycares. That includes homebased daycares, center based pre-school programs, all K-12 schools. That's public schools, private schools, religious schools, on-line schools, charter schools, all children in DHHS custody, all post-secondary schools, private colleges and universities, community colleges, trade schools, on-line degree programs, graduate students, nursing students, doctoral students, all healthcare employees, home health agencies, hospital networks, intermediate care facilities, licensed nursing facilities, multi-level healthcare facilities, residential care facilities, and anywhere a new vaccine mandate is added. Removing all religious and philosophical exemptions in Maine will create a new class of citizens that will need human rights protections. I urge the members of this Body to vote against the pending motion.

**THE PRESIDENT:** The Chair recognizes the Senator from Somerset, Senator Farrin.

Senator **FARRIN:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I find it ironic on the same day this Body voted in favor of allowing a mother to decide the fate of her unborn child.

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

Senator **LIBBY:** Thank you, Mr. President. You've been very generous in granting leeway to members in their remarks, covering a wide variety of subjects, but I'd ask you to remind the membership that we're debating the motion before us and not any other motion. Thank you, Mr. President.

**THE PRESIDENT:** The Chair has given great latitude during the debate and I will just remind members to try and focus on the issue at hand.

Senator **FARRIN:** Mr. President, I think that's where I was going with this. We're now discussing a bill to force those same mothers to inject their children on an aggressive vaccination schedule, even if they are morally or religiously opposed. I've listened to some of my colleagues state that L.D. 798 is to protect the children. Where was that compassion when we debated the taxpayer funded abortion bill? Which is it? Are we in favor of parental choice or not? Fundamentally, this vote isn't about public health, it's about how far is too far for the government to reach in our personal lives. A vote against this bill isn't a vote against vaccinations. It's a vote in support of parental choice and religious freedoms. I would ask that you vote to continue to let parents decide on how best to care for their children, as you did on the previous action. Thank you, Mr. President.

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

Senator **TIMBERLAKE:** Mr. President, ladies and gentlemen of the Senate, we've just heard not long ago about a bill that we've done and now we're on to vaccinations. We want to tell the same people that we want to take this right away from them. How do you tell over 7,000 students in the state of Maine that in a year from now they can't go to public school unless their parents agree to vaccinate them? There are some parents that strongly, strongly believe that they will not vaccinate their children and these children will be denied public school. The second thing that happens is we've been trying to get children to come to the state of Maine and stay in the state of Maine. My feeling is this will drive these students out of the state of Maine because these parents are going to leave the state. Can we afford to have upwards of 7,000 children leave the state of Maine to go somewhere else and not be raised here? I look at this decision that we're about to make as being almost unbelievable. If I wasn't in Augusta, in this time and place at this time, I wouldn't believe that this could possibly happen, but it is. I hope that we don't agree to the existing motion and we vote against it and we protect people's religious rights to do what they want with their children. We have debated that an hour and fifteen minutes ago on a very similar topic about their rights. This is about people's religious rights and their right to do what is right. Please join me because this is unbelievable. It's all I can tell you. Totally unbelievable. Please do not vote for the pending motion.

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

Senator **GRATWICK:** Thank you very much, Mr. President. Ladies and gentlemen of the Senate, I have a very pragmatic perspective on this. When this bill came before the committee two weeks ago, three weeks ago, there was a very narrow definition of medical exemption. There are 28 different diseases, immunologic diseases, most of which are extraordinarily rare, which, as an immunologist, I have not seen very many of them. The change in the committee was to make this much broader in terms of 'professional judgment' and that can be a wide variety of things for a wide variety of providers. This was a major, major change. I think we all should think about that. Some people have said here that the professional judgment is going to be colored by corporate control. I have you really think about that one. That providers lack the courage to stand up against this. That there are strawmen involved here. I think these are not indeed the



case. This is a very reasonable, straight forward piece of legislation. Thank you, sir.

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

Senator **DAVIS:** Thank you, Mr. President. Mr. President, I find myself in an unusual situation where I'm rising twice in one day to speak on issues before this Body. That is an unusual thing for me. Mr. President, I believe that this bill has been sold to us as a bill that would protect the life and the health of Maine children by removing vaccine exemptions. The real question that I feel must be asked is whether or not the current exemptions pose a risk to Maine children. Do they pose a risk? Is having some children not be vaccinated cause a risk? To be perfectly clear, in my mind herd immunity is not determined based on the exemption rates, only on the vaccination rates because an exemption can be for as little as one dose of one vaccine, but the vaccination rate indicates the percentage of children who have received all doses of vaccines. Comparing the vaccination rates of kindergarteners, which is reported by both the Maine CDC and the National CDC, we can see that in the year 2000 when measles was declared nonexistent, eradicated, with only 86 cases in the whole country, we had a vaccination rate of just 88%. The following year it dropped to 87%. The highest vaccination rate we ever had has been 95.5% and that, Mr. President, was ten years ago. That year, according to the CDC, we only surveyed 3/4 of our kindergarteners, so more than likely the data wasn't true that we got that year. The question before us today is: can we increase the vaccination rate from 95% to 100%? As the committee heard in the public hearing, the resounding answer is apparently no. No, we cannot reach 100% vaccination because not every child can be vaccinated. So what are we hoping to do? What's the goal, 97%, 98%, 99%? This bill, I believe, will cause thousands of Mainers to leave school and leave the state. We've all got the e-mails. I've got numerous e-mails, numerous contacts, numerous letters, and calls at my home of people who say they are no longer here. I have met with many of them. I meet with them down at McDonald's in Dover-Foxcroft. Numerous people have contacted me and asked to talk about this very issue. Some of them had children that were vaccinated and the results, for their children, had been horrible. Even if we were able to reach 100% would it protect the health of Maine children? What kind of threat, really what kind of threat, would there be there of children when roughly 80% of the adults that they encounter everyday are not vaccinated? According to the most recent adult vaccination report from, again, the CDC, the very first line of the very first page reads overall a prevalence of illness attributable to vaccination preventable diseases is greater among adults than among children. Where does this bill, where is it written in this bill that it addresses, and many would agree with this, often times the children's best friend, the teachers that they're in contact with every day, where does it address the bus drivers, the ed techs, the janitorial staff, the school staff, secretaries that these kids are in constant contact with every single day? It doesn't.

This bill isn't about science. It fails the straight face test for basic math. Let me give you some of the basic math, Mr. President. The real math, not the new math. Thirteen hours of public hearings, 13 hours. My heart goes to the Chair and the committee members of that committee. I always ended my committees, Mr. President, at 4 o'clock and I made it clear to them. Myself and the House Chair had an hour and a half to

drive and we were going to be home by 6 every night and we were. Seven hundred and eighty-one pieces of public testimony were submitted, 781 pieces. I wonder if that's a record, Mr. President? I'll bet it's close to it. Six hundred and twenty-three people opposed this bill, 80% of the testimony was opposed to this bill. One hundred and twenty-five pieces of testimony in opposition spoke specifically to the issue of religious opposition to vaccination, the religious part. My mother, Mr. President, was Christian Scientist. She was a devout Christian Scientist. I did not follow her example. I don't believe that way at all. But I know how she would feel. I spoke earlier about the women in our lives. I certainly know how my Mom would feel about this. This bill isn't about science, Mr. President. It's not about protecting children. To the contrary, it's a bill that would marginalize and stigmatize our children because of their faith. I believe that. In Maine we have the highest rate of childhood mental health issues. This bill would remove children from the communities they know, from the schools that they're comfortable with, the love they have, and deprive them of the lifetime of education in this state. I cannot support this legislation. I believe it harms children and an obvious threat to these kids is not being addressed, the questionable vaccination rates of the adults that are around them. I believe that is a serious issue. Just imagine the children in Allagash. I daresay one day there was a one room school there, perhaps you attended it and you was close to your teacher, and if she wasn't vaccinated you were at great, great risk. Thank you, Mr. President. Thank you, colleagues.

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

Senator **KEIM:** Thank you, Mr. President. Ladies and gentlemen of the Senate, I also stand to speak in opposition to the current motion. Many times over the years my husband has been offered jobs in other states and many of these positions offer lucrative compensation and increased career opportunities. Several times we visited the states to weigh the pros and cons. One of the biggest issues we considered was the state laws in regard to homeschooling, something we've been talking about a lot today. Maine has rich and flexible education options, offering so enticing to the way that my husband and I wanted to live our lives that no matter the career advancement opportunities lifestyle choice far outweighed economic and career choices. I am thrilled with every moment that I had with my children and the personal choice to homeschool. Though this decision was not based on religious belief, we still made our choice of residence based on lifestyle. I would like to share my constituent's e-mail because this quote speaks very pointedly to how L.D. 798 will affect many, many Maine residents. She writes, 'My husband and I have differing views on vaccinations, that my husband has felt for all his adult life that it goes against the relationship he has with his Savior. I am not as religious as he is but respects his wishes in not vaccinating our daughter. If this bill passes without the religious amendment we will be forced to pull our daughter from her elementary school, where she is currently at the top of her class, a role model for other students. She is often a peer leader and rarely misses a day for illness. She is proud of her work and takes pride in helping others. If we have to homeschool this interaction would be lost. That being said, it is not an option for us to homeschool. My husband is a software developer and I am an RN. We currently have a nursing shortage in our state and my departure will leave an already struggling center without one of its

most senior members. We have a combined income of over \$180,000. We will be forced to remove that income from the state of Maine and move to a state that accommodates our religious beliefs. It hurts me to think that the state we grew up in, became educated in, and chose to stay in with our STEM degrees is pushing us out. We are well educated and we give back to our communities. People seem to feel that those of us who claim an exemption will just vaccinate or homeschool. Having a new law does not make my husband any less religious or me any less caring as a wife. It instead would only pull my sweet 7 year old out of the school she loves and move us to another state. This is the same for several of our friends from church, as well as family friends, all who do not vaccinate. For those that choose to homeschool, this does not remove the potential threat from your community. Those children are still sitting in the shopping cart at the grocery store, going to the playground, and taking dance classes. These children will still be in the community or leave their state with their tax dollars like us.' She does go on further in her e-mail and then apologizes for the length of the e-mail but goes on to say, 'My husband and I had never felt so threatened in our beliefs, especially right here in our state.' Ladies and gentlemen of the Senate, if we allow L.D. 798 to move forward without any exemptions we are pushing religious people out of our great state. We will also be closing the door on religious people who may consider making Maine their home because they will take this into consideration. We are fooling ourselves if we don't believe an exodus will come about. But why would we doubt that when our nation was founded by these same kinds of people, passionate, religious people who were willing to leave their homeland, their families, and their fundamental security in search of religious freedom? If we vote in favor of this current motion today and addendum will need to be added to our new sign, Welcome Home, Please Leave Your Religious Beliefs at the Border.

**THE PRESIDENT:** The pending question before the Senate is the motion by Senator Libby of Androscoggin to Recede and Concur. Is the Senate ready for the question?

The Doorkeepers secured the Chamber.

The Secretary opened the vote.

**ROLL CALL (#96)**

YEAS: Senators: BELLOWS, BREEN, CARPENTER, CARSON, CHENETTE, CHIPMAN, CLAXTON, DESCHAMBAULT, DIAMOND, DILL, GRATWICK, LAWRENCE, LIBBY, MILLETT, SANBORN H, SANBORN L, VITELLI, PRESIDENT JACKSON

NAYS: Senators: BLACK, CYRWAY, DAVIS, DOW, FARRIN, FOLEY, GUERIN, HAMPER, HERBIG, KEIM, LUCHINI, MIRAMANT, MOORE, POULIOT, ROSEN, TIMBERLAKE, WOODSOME

18 Senators having voted in the affirmative and 17 Senators having voted in the negative, the motion by Senator **LIBBY** of Androscoggin to **RECEDE** and **CONCUR**, **PREVAILED**.

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Off Record Remarks

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The Chair laid before the Senate the following Tabled and Later Assigned (5/7/19) matter:

An Act Regarding the Cancellation of Subscription Services  
H.P. 576 L.D. 771  
(C "A" H-143)

Tabled - May 7, 2019 by Senator **HERBIG** of Waldo

Pending - **ENACTMENT**

(In Senate, April 30, 2019, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)** in concurrence.)

(In House, May 2, 2019, **PASSED TO BE ENACTED**.)

On motion by Senator **HERBIG** of Waldo, the Senate **SUSPENDED THE RULES**.

On further motion by same Senator, the Senate **RECONSIDERED** whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143)**, in concurrence.

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

On further motion by same Senator, the Senate **RECONSIDERED** whereby it **ADOPTED** Committee Amendment "A" (H-143), in concurrence.

On further motion by same Senator, Senate Amendment "A" (S-99) to Committee Amendment "A" (H-143) **READ** and **ADOPTED**.

Committee Amendment "A" (H-143) as Amended by Senate Amendment "A" (S-99) thereto, **ADOPTED**, in **NON-CONCURRENCE**.

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-143) AS AMENDED BY SENATE AMENDMENT "A" (S-99)** thereto, in **NON-CONCURRENCE**.

Ordered sent down forthwith for concurrence.

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

**PAPERS FROM THE HOUSE**

**House Papers**