

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Seventh Legislature
State of Maine

Daily Edition

First Regular Session

beginning December 3, 2014

beginning at page H-1

ONE HUNDRED AND TWENTY-SEVENTH MAINE
LEGISLATURE
FIRST REGULAR SESSION
38th Legislative Day
Tuesday, May 5, 2015

The Speaker resumed the Chair.

The House met according to adjournment and was called to order by the Speaker.

Prayer by Chaplain Kate Braestrup, Maine State Warden Service, Lincolnville.

National Anthem by Molly Mann, Camden.

Pledge of Allegiance.

Doctor of the day, Lisa Ryan, D.O., Naples.

The Journal of April 30, 2015 was read and approved.

Under suspension of the rules, members were allowed to remove their jackets.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Encourage Responsible Consumer Fireworks Use"

(S.P. 117) (L.D. 302)

Report "A" (9) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-39)** in the House on April 29, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby Report "C" (2) **OUGHT NOT TO PASS** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 132)

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

May 1, 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 135, "An Act To Reduce Tobacco Use Surcharges in Small Group and Individual Health Insurance Products."

This bill limits the surcharge that a tobacco user could pay for small group or individual health insurance coverage. The ACA limited that charge to 50% of what a non-tobacco user pays for the same plan. The Legislature now wants Maine to be stricter than the ACA—this bill limits that surcharge to 20% of what the non-tobacco user pays.

Currently, carriers offering these plans in Maine impose a range of tobacco surcharges: no carrier adds more than a 20% surcharge, and one carrier charges no tobacco surcharge at all. In passing this bill, the Legislature apparently decided that what the market now offers should be set in stone as a permanent

restriction. Innovation in benefit design is the primary method of competition among carriers, which reduces cost to the consumer. This bill hurts consumers by narrowing their future coverage options—if a carrier raises rates on smokers in the future, they can lower rates for nonsmokers. In other words, this bill reduces the financial benefit of avoiding tobacco. In a country that mandates the purchase of health insurance, we ought to lessen the burden on those who make healthy choices.

In sum, this bill is the sort of anti-competitive restriction that we had to undo by passing P.L. 90 in the 125th Legislature. For this reason, I return LD 135 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 item An Act To Reduce Tobacco Use Surcharges in Small Group and Individual Health Insurance Products

(H.P. 93) (L.D. 135)

(C. "A" H-26)

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Sanborn.

Representative **SANBORN**: Thank you Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, LD 135, "An Act to Reduce Tobacco Use Surcharges in Small Group and Individual Health Insurance Products" is a simple bill passed with a reasonable compromise amendment by the IFS Committee and a unanimous vote. The bill went under the hammer in both bodies.

The intent of the bill is to make insurance more affordable, especially in the rural rim counties where constituents are hit doubly hard with both a significantly higher geographical rating (based only upon living, in say, Hancock or Aroostook County versus Cumberland or York) and an additional tobacco surcharge, driving their monthly premiums up several hundred dollars. Although premiums increase, their subsidies do not. Indeed, under one insurer a 45-year-old nonsmoker in Cumberland County would be charged \$246 per month for their health plan, whereas a 45-year-old smoker in Hancock County would pay \$568 per month. For a 55 year old, the difference in these two categories is a \$380 versus \$934. There is no doubt that the difference is enough to make insurance unaffordable, and studies have proven this to be true.

Under the Affordable Care Act, insurance companies are allowed to charge up to 50 percent more for smokers than nonsmokers, although states are given the flexibility to prohibit the surcharge or to charge much less and most do. The veto letter is just plain wrong when it says that no carrier in Maine adds more than a 20 percent surcharge. One of our largest insurers charges a premium up to 49 percent for tobacco use currently.

We know that punitive measures like tobacco surcharges have not been proven effective in encouraging smokers to quit or to reduce tobacco use. Unfortunately, large additional costs make it more likely the individual will opt out of buying health insurance. Those of us with insurance end up paying for this poor choice through higher premiums. Not only that, tobacco users are left without coverage for treatments that will help them to quit. Their families and children may remain uninsured and have their health negatively affected by second hand smoke.

Although the original bill was to prohibit tobacco surcharges altogether, the committee amended the bill to limit the surcharge to a 20 percent maximum. This is a reasonable compromise and good committee work, earning a unanimous vote.

Please honor the good work of the committee, who listened during the public hearing and fully understood their choice, as compared to the inaccurate position of the second floor. Please help to keep the integrity of the committee process intact and remember that the Legislature is a separate but equal branch of government. Please follow my light to overturn this misinformed veto. And Mr. Speaker, I request the Clerk read the Committee Report. Thank you.

The same Representative **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Good morning and thank you, Mr. Speaker, I believe that the Chief Executive's communication on this veto to be relevant and on point. In particular, in regards to the sentence in the communication where the Chief Executive states, "The Legislature now wants to make Maine stricter than the ACA. This bill limits the surcharge to 20 percent of what the non-tobacco user pays." I think the Chief Executive is right on this one and I will be supporting the veto and ask that you follow my light. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker. I urge my colleagues to follow their colleagues on the Insurance and Financial Services Committee who listened to all the testimony. It was a unanimous report, we heard the witnesses, we studied the facts, we know this issue. I respectfully suggest that the Chief Executive has not got the depth of knowledge about this issue that the committee arrived at.

Remember that smoking, for many, is an illness. It is an addiction. It is not easy to give it up. It takes many tries before successful sation occurs, and for some, despite their best efforts, it never occurs. And they wind up with devastating diseases—heart disease, lung disease, and many other life threatening illnesses. And to deny them the access to healthcare that they need is, I believe, a punitive measure that does not comport with the values that we hold as Mainers. Thank you.

After reconsideration, the House proceeded to vote on the question, 'Shall this Bill become a law notwithstanding the objections of the Governor?' A roll call was taken.

The **SPEAKER**: The pending question before the House is 'Shall this Bill become a law notwithstanding the objections of the Governor.' All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 50V

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Pouliot, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long,

Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Herbig, Martin R, Skolfield, Stuckey.

Yes, 83; No, 64; Absent, 4; Excused, 0.

83 having voted in the affirmative and 64 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 133)

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

May 5, 2015

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:"

Agriculture, Conservation and Forestry

- L.D. 1098 An Act To Protect Children from Exposure to Pesticides
- L.D. 1105 An Act To Protect Populations of Bees and Other Pollinators
- L.D. 1106 An Act To Compensate Beekeepers for Hive Losses

Health and Human Services

- L.D. 21 An Act To Amend the Medical Marijuana Laws
- L.D. 1006 An Act To Prevent Beneficiaries under the Statewide Food Supplement Program from Carrying Forward Unused Benefit Amounts
- L.D. 1058 An Act Regarding Medical Marijuana Registered Testing Laboratories
- L.D. 1077 An Act To Ensure Access to Public Health Nursing Care and Child and Maternal Health Nursing Care in Washington County

Taxation

- L.D. 27 An Act To Exempt Persons 67 Years of Age and Older from the State Income Tax
- L.D. 116 An Act To Expand the Use of Tax Increment Financing Revenue
- L.D. 208 An Act To Provide Funding for Maintaining Cemeteries within the Maine Veterans' Memorial Cemetery System
- L.D. 581 An Act To Clarify the Municipal Development District Law (EMERGENCY)
- L.D. 625 An Act To Increase the Tax Exemption for Pensions
- L.D. 760 An Act To Increase the Deduction for Pension Income
- L.D. 786 An Act To Help Property Tax Payers
- L.D. 900 An Act To Make Public Certain Tax Information Related to Municipal Valuation
- L.D. 965 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Permit the Freezing of Property Taxes on the Homes of

- L.D. 1007 Maine Residents Who Are 65 Years of Age or Older
Resolve, To Study the Tax Exemption Provided to Nonprofit Entities
- L.D. 1055 An Act To Allow a Municipality To Abate Taxes Assessed on Property That Is Destroyed
- L.D. 1072 An Act To Encourage Maine's Economic Competitiveness
- L.D. 1126 An Act To Provide Property Tax Deferral for Senior Citizens and People with Disabilities
- L.D. 1148 An Act To Implement a Local Ballot Referendum for Municipalities To Disallow Tax-exempt Status to Large Land Trusts
- Veterans and Legal Affairs
- L.D. 762 An Act To Permit the Penobscot Nation To Operate Electronic High-stakes Bingo
- L.D. 1066 An Act To Provide for the Licensing of a Casino Owned by the Maliseet Tribal Government on Tribal Lands in Aroostook County
- L.D. 1084 RESOLUTION, Proposing an Amendment to the Constitution of Maine To Exclude Wildlife Issues from Citizen Initiatives
- L.D. 1111 An Act To Provide Funding to Municipalities To Assist with the Maintenance of Veterans' Graves
- L.D. 1213 An Act To Ensure Fair Competition by and between Maine's Commercial Tracks
- L.D. 1283 An Act To Stimulate Economic Development and Create Jobs by Amending the Laws Governing Gaming
- L.D. 1346 An Act To Establish a Comprehensive Gaming Policy
- L.D. 1357 An Act To Implement the Findings of the WhiteSand Gaming Study

Sincerely,
S/Robert B. Hunt
Clerk of House

READ.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative BEAR: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise merely to refer in communication 2.3 to you, Mr. Speaker, that it lists LD 1066, which is "An Act To Provide for the Licensing of a Casino Owned by the Maliseet Tribal Government on Tribal Lands in Aroostook County." And that is there, and I voted with the committee as a whole to against passage of it in committee.

I just wanted to rise to explain to the nearly 100 plus cosponsors, many of them in this body, and also in the Senate, the reason why, briefly, that that bill, which we are so very proud of, the product of collaboration and consultation with many parties, both in the counties and here in the House, that we are not giving up our position as to the bill's idea. But we understand in good faith that this is going to be brought over into a committee bill, so we aren't dropping it, we're just joining with and uniting with other parties who want a committee bill coming out of this process. So, thank you very much.

Subsequently, the Communication and accompanying papers were **ORDERED PLACED ON FILE.**

The Following Communication: (H.C. 134)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

May 5, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:
Please be advised that pursuant to his authority, Governor Paul R. LePage has nominated the following:

On May 4, 2015

Dr. Robert Bruce Williamson of Knoxville, Tennessee for appointment as a Commissioner to the Public Utilities Commission. Pursuant to Title 35-A, MRSA §105, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Sincerely,
S/Mark W. Eves
Speaker of the House

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

The Following Communication: (S.C. 265)
MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY

April 30, 2015
Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:
Please be advised the Senate today insisted to its previous action whereby it Failed to Enact Bill "An Act Regarding Prerecorded Telephonic Political Communications" (H.P. 278) (L.D. 412).

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought Not to Pass Report from the Committee on Health and Human Services on Bill "An Act To Provide Additional Oversight over the Management of the Department of Health and Human Services" (H.P. 245) (L.D. 358).

Please be advised the Senate today insisted to its previous action whereby it Failed to Finally Pass, "Resolve, Directing the Finance Authority of Maine To Convene a Stakeholder Group To Develop Solutions To Reduce the Negative Effect of Student Loan Debt on Home Ownership"" (H.P. 230) (L.D. 336).

Please be advised the Senate today adhered to its previous action whereby it accepted the Minority Ought to Pass Report from the Committee on Health and Human Services on Bill "An Act To Exempt Certain Capital Expenditures from the Maine Certificate of Need Act of 2002" (H.P. 39) (L.D. 45).

Best Regards,
S/Heather J.R. Priest
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Enable a Foster Child To Remain in a Daycare Facility Selected by a Foster Parent"

(H.P. 939) (L.D. 1385)

Sponsored by Representative HAMANN of South Portland. Cosponsored by Senator HASKELL of Cumberland and Representatives: BURSTEIN of Lincolnville, FARNSWORTH of Portland, GATTINE of Westbrook, HEAD of Bethel, MALABY of Hancock, STUCKEY of Portland, VACHON of Scarborough, Senator: BRAKEY of Androscoggin.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.

Sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

ORDERS

On motion of Representative BEAVERS of South Berwick, the following Joint Resolution: (H.P. 938) (Cosponsored by Senator ROSEN of Hancock and Representatives: ESPLING of New Gloucester, GIDEON of Freeport, Senators: HASKELL of Cumberland, VALENTINO of York, VOLK of Cumberland)

JOINT RESOLUTION IN HONOR OF THE CONTRIBUTIONS THAT WOMEN MAKE TO THE PEOPLE OF MAINE

WHEREAS, American women of every race, class and ethnic background have made historic contributions to the growth and strength of our nation in countless recorded and unrecorded ways, especially in the areas of political and social change; and

WHEREAS, the United States boasts a rich history of women whose vast and courageous achievements speak to the sense of excellence and potential shared by all Americans; and

WHEREAS, our country would not have attained its greatness without the strength, bravery, insight and persistence of the women who have come before us; and

WHEREAS, American women have played, and continue to play, critical economic, cultural, political and social roles in every sphere of the life of the nation by constituting a significant portion of the labor force working inside and outside of the home and in professions from educator to astronaut, yet make up a very small percentage of the executives in charge of Fortune 500 companies each year; and

WHEREAS, women have played a major role in the defense of our nation, both on and off the battlefield; and

WHEREAS, American women have been leaders, not only in securing their own rights of suffrage and equal opportunity but also in the abolitionist movement, the industrial labor movement, the civil rights movement and other movements that create a more fair and just society for all; and

WHEREAS, women not only have played critical economic, cultural and social roles in our society but also have permanently changed the face of American government and politics; and

WHEREAS, Maine has a rich and vibrant history of women in leadership, including Senator Margaret Chase Smith, who was perhaps best known for her contribution to the well-being of the United States and its people with her condemnation of bigotry and injustice wherever she found them; and

WHEREAS, Senator Margaret Chase Smith was the first woman from Maine to serve in the United States Congress, the first woman in the nation elected to both houses of the United States Congress and the first woman to be placed in nomination for the presidency at a major party's convention; and

WHEREAS, Maine currently has some of the strongest women leaders in the nation, including Senator Susan Collins, the first woman to run for Maine Governor from a major party, and the recently retired Senator Olympia J. Snowe, the first woman to serve in both chambers of a state legislature and both chambers of the United States Congress; and

WHEREAS, the Maine Legislature has a distinguished record of women elected to leadership positions, including the Honorable Beverly Daggett, the first female President of the Senate, the Honorable Betheda Edmonds, the first woman to serve 2 terms as President of the Senate and the Honorable Elizabeth Mitchell, the first woman in the United States to have been chosen in a state legislature as both Speaker of the House and President of the Senate; and

WHEREAS, among the many women who have served in the Maine Legislature are the Honorable Hannah Pingree, the youngest woman to hold the position of Speaker of the House, and the many women who have served as Senate floor leaders, including the Honorable Jane A. Amero, the Honorable Pamela Cahill, the Honorable Nancy Randall Clark, the Honorable Chellie Pingree, the Honorable Sharon Treat, the Honorable Mary Small and the Honorable Carol Weston, and who have served as House floor leaders, including the Honorable Lucia M. Cormier, the Honorable Emily Cain, the Honorable Carol A. Kontos and the Honorable Mary Clark Webster; and

WHEREAS, women who have served as assistant leaders in the Maine Legislature include the Honorable Minnette Cummings, the Honorable Barbara A. Gill, the Honorable Beverly Bustin-Hatheway, the Honorable Anne Rand, the Honorable Lisa Marraché, the Honorable Debra Plowman, the Honorable Elizabeth D. Moffatt, the Honorable Mary Najarian and the Honorable Anne Haskell; and

WHEREAS, women currently serving in positions of leadership include the Honorable Dawn Hill as Assistant Senate Minority Leader, the Honorable Sara Gideon as Assistant House Majority Leader and the Honorable Eleanor Espling as Assistant House Minority Leader; and

WHEREAS, women have served and currently serve in top legislative offices as Secretary of the Senate and Clerk of the House, including the Honorable May Ross, the first woman elected Secretary of the Senate, the Honorable Joy O'Brien, the longest-serving Secretary of the Senate in Maine's history, the Honorable Heather Priest, the first woman to serve as both Clerk of the House and Secretary of the Senate in Maine, the Honorable Bertha Johnson, the first woman elected Clerk of the House and the Honorable Millicent MacFarland, the longest-serving female Clerk of the House; and

WHEREAS, within our state judicial system, Chief Justice Leigh I. Saufley is the first woman to serve as Maine's Chief Justice of the Supreme Judicial Court; and

WHEREAS, the Honorable Janet T. Mills is the first woman to have served as Maine's Attorney General, as well as being a former District Attorney and Legislator; the Honorable Dale McCormick is the first woman to serve as Treasurer of State, as well as being a former Legislator; the Honorable Gail Chase is the first woman to serve as State Auditor, as well as being a former Legislator; Pola Buckley is the current State Auditor; and the Honorable Teresea Hayes is the Treasurer of State as well as being a former Legislator and Assistant House Minority Leader; and

WHEREAS, we must take every action possible to promote women in leadership so that we can achieve fair representation in our State Government, including recognizing Maine women's contributions to our state history; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-seventh Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize the contributions of women to Maine government and to the People of Maine.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

Maine Warden Service Chaplain Kate Braestrup, of Lincolnville, who is the recipient of a 2014 Exemplary Service Award presented by the Maine Warden Service. We extend our appreciation to Chaplain Braestrup for her commitment to the citizens of the State and congratulate her on her receiving this distinguished honor;

(HLS 322)

Presented by Representative BURSTEIN of Lincolnville. Cospponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative BURSTEIN of Lincolnville, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER: The Chair recognizes the Representative from Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, I'm so pleased to have Chaplain Braestrup with us here today. Kate is a recognized author and chaplain for the Maine Warden's Service. I'm honored to have her start our day with her prayers and her words, and I thank her for coming. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. I'm also very pleased to rise today and say a few nice words about the chaplain from IF&W. Some things that folks may not know, she's a New York Times author, best seller's list. And she's very supportive in times of need for wardens and in regards to when we have some of the more unfortunate things that happen at our committee and our department, including when a warden dies in the line of duty, she's very, very supportive and I'd like to personally thank her for what she does. Thank you very much, Mr. Speaker.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Maine's Election Laws by Requiring Photographic Identification for the Purpose of Voting"

(S.P. 72) (L.D. 197)

Signed:

Senator:

PATRICK of Oxford

Representatives:

LUCHINI of Ellsworth

GOLDEN of Lewiston

LONGSTAFF of Waterville

MONAGHAN of Cape Elizabeth

SAUCIER of Presque Isle

SCHNECK of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-27)** on same Bill.

Signed:

Senators:

CYRWAY of Kennebec

COLLINS of York

Representatives:

DILLINGHAM of Oxford

HANINGTON of Lincoln

TURNER of Burlington

Came from the Senate 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" (S-27).**

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I urge your support of the majority Ought Not to Pass motion before the body today. The majority of the Veterans and Legal Affairs Committee opposed this legislation because the negative implications of passing such a bill far outweigh the potential benefits.

The problem that this bill seeks to address is voter fraud, from which we've seen very little evidence of its existence in Maine. However, what we do know, and what studies have shown, is that implementing this type of legislation deters people from voting and reduces voter turnout. This deterrent is especially true for senior citizens, minorities, and those with disabilities. And considering the fact that Maine is the oldest state in the country, this was a particularly troublesome provision for many of us on the committee.

And so, in that light, the majority of us didn't feel it would be appropriate to place a hurdle in front of somebody's fundamental and constitutional right to vote. And many groups at the public hearing shared our sentiment. I'll list a few of the groups who opposed this bill: The Secretary of State and Maine Municipal Association, the AARP, Maine Council on Aging, League of Women Voters, Homeless Voices for Justice, Equality Maine, the Disabilities Rights Center, ACLU, Maine Women's Lobby. They all oppose passing this legislation for the same reasons.

And similarly, in the 125th Legislature, this body had a similar bill, and as a result, under then Secretary of State Charlie Summers, they commissioned a 2012 election study, studying many parts of Maine's election laws. This was a bipartisan group and their conclusion and their recommendation, by a 4 to 1 vote,

was that Maine not implement voter I.D. in the state, because their quote was, "The negative aspects of voter I.D. law outweigh the benefits." End quote. And in particular, they even cited a study that would suggest that implementation could deter as many as 10 to 11 percent of eligible voters from voting.

So, given this data, the potential to disenfranchise many Maine voters, and combined with the lack of evidence of any real evidence of voter fraud, I hope this body will come to the same conclusion that those of us in the majority of the Veterans Legal Affairs Committee did, and support the Ought Not to Pass report. Thank you, Mr. Speaker.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, the 125th Legislature had this floating around and it is not a bill to strengthen the voting, it's a bill that weaken it. Most senior citizens, when Grampa dies, Nana's left alone, and what does she have for an identification?

It just makes it harder for our elderly to get out there and vote, and I don't think they should have to identify themselves when they've been around long enough. But, as usual, this bill keeps coming back and coming back, and I don't know why, when I, before I become an Independent, that's all I heard. But, it was before, this, about this strengthening the voting. And it does nothing but hurt certain people, especially the elderly. Thank you, Mr. Speaker. And, by the way, follow my light.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I support this motion. I have three towns, all of which's clerk have emailed me their opposition to the bill, and to the amendment for mostly for reasons already stated so I won't repeat them. Two of those clerks are from the other major party, and one is an independent. Thank you.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Parry.

Representative **PARRY**: Thank you, Mr. Speaker, I believe that voting is the most important thing we do as a citizenry. As most of you know, not too many weeks ago, or a couple months ago, I had knee surgery and so I was hobbling around on my crutches.

And when I went to the doctor's the first time, the first thing they asked for was my I.D. A couple of weeks later, I went to the Home Depot because I needed to buy a couple cans of spray paint and wanted to go through the checkout. They asked me for I.D., and as you can maybe remember a couple of weeks ago, my good leader told me to go home because my cold was so bad I was making a lot of noise and hacking and coughing. Well, I left here and stopped at the local CVS in Biddeford and wanted to buy some Mucinex. They did not only ask for my I.D., they told me to take it out of my wallet so they could scan it for me to buy some Mucinex. I think all three of those examples don't equal the height of how important voting is to all of us.

So, I think that when people come from out of state, they automatically take their license out because there are, a lot of

other states do have photo I.D. required. So, I think that most of the people in Maine drive to the polls so they have a license in their wallet. Most people go to the doctors. Most people go and buy Mucinex at their local pharmacy. And you need I.D. for all this. I don't think it's a real burden to show your I.D. when you go to the polls. Thank you.

The SPEAKER: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Mr. Speaker, I echo the comments of Representative Parry, and Mr. Speaker, I rise today in support of the minority Ought to Pass as amended report on LD 197. And I do so because I feel it safeguards the voting process in a reasonable, common-sense way.

Mr. Speaker, if you'll bear with me a minute, I'll tell you a little story. Several years ago, my local Rotary Club thought it would be a really swell idea to elect me as their secretary. Well, it was one of those deals where you miss a meeting and you're volunteered for something.

I got a big chuckle out of it at the time and I accepted the position, it was a great honor, and I said I'd do the job and promptly was informed that I would have to go to Frederickton over in New Brunswick for training. Nevermind I'd been secretarying for different organizations for any number of years, nonetheless it's no big deal, right?

Well, not so fast. Turns out, to go to Canada, you need a federally issued photo I.D. card. So I had my choice of abdicating my position, buying a passport at \$100 and some odd dollars, or a pass card at \$60 some odd, or getting thrown in the slammer for crossing the border without a proper I.D., or being a homebody and staying put in good old East Machias.

If you allowed props on the floor, I would reach down into my pocket, pull out my wallet, blow the years of dust off of it, and open it up. Were I to do so, you would find a \$60 pass card which I purchased from the United States Government five years ago. And sure enough, were you to look at this pass card, you would find all kinds of interesting information. First, you would find my birthdate and my pass card I.D. number, and the date it was issued and the date it is set to expire. But you would also find something else—an ugly black and white photo of me pasted on a American flag backdrop. That, Mr. Speaker, was my \$60 investment. During the past five years I have used this pass card twice, and I likely won't use it but once or twice in the next five years, despite the fact that I live in a border county where "overseas travel" quote, unquote, is very common.

I say all of this because people are going to argue, have already argued, that a voter I.D. card is costly for low-income people. And yes, I have been on a fixed income all my life. And had I been truly, seriously upset about the cost of my pass card, I could've easily asked the Rotary to foot the bill, and likely they would have. Anyhow, I guarantee you that a voter I.D. card won't cost the \$60 I paid Uncle Sam. More likely, it'll cost the \$15 bucks I paid the State of Maine Bureau of Motor Vehicles for the color state I.D. that is also sandwiched in the back of my wallet somewhere. And even if it did, I, or any other voter would be coughing up \$6 a year for a 10 year card, or \$2-3 bucks a year for a six year BMW model. That's a small price to pay for ensuring the integrity of our voting system, isn't it?

That, Mr. Speaker, is why I am hitting the red button today and voting Ought to Pass as Amended on this measure. I encourage you and everyone else who wants to protect our voting rights to deploy this common sense safeguard at a time when identity crimes seem to be getting more frequent, more sophisticated, and more brazen. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker, I keep hearing about the elderly and voting, and how they can't get their, do not have their personal identification to go vote. I believe when they got Social Security, they had to have a photo I.D. That's federal law. So, if there's one elderly out there who's not getting Social Security because they don't have an I.D., I believe that that would be against federal law. So, the whole battle of I.D.'s for voting is ridiculous when you come down to elderly, because there's no such thing as them not having I.D. one way or the other. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I don't want to belabor this discussion, I'm hoping that folks will vote in favor of the pending motion, but I do want to address a couple of issues.

The good Representative from Newfield, Representative Campbell, talked extensively about the importance of protecting our elderly, and we continue to hear about that. And it's not just an esoteric idea. This is actually happening in states. It happened to 92 year old Ruby Barber and 84 year old Dorothy Card in Texas. In Tennessee, 96 year old Dorothy Cooper and 93 year old Thelma Mitchell, who had cleaned the state capitol for years, faced problems trying to get their voter I.D. as did 86 year old World War II veteran Paul Carroll in Ohio. Ninety seven year old Beth Hiller in Kansas and a 92 year old Alabama woman who was too embarrassed by the incident to reveal her name to the media, also had very difficult time. A 90 year old former Speaker of the House, Jim Wright, had to jump through a number of hoops to get a suitable I.D. from the Texas Department of Public Safety. These are all individuals who have lost their capacity to vote, or that they had to jump through hoops.

That is not what I think that we should be doing to our elderly. Particularly, for those who have not been in this body before, there is a very specific case that came up out of the Real I.D. scenario way back, I don't know, about a decade ago. There is a hospital, there was a hospital many years ago, on the other side of Aroostook County at the very, on the other side of Madawaska. And folks were born there and then the hospital disappeared. So when it came time for Real I.D., for people to get their driver's licenses, they were having a very, very difficult time in getting their birth certificates. To this day, it is very difficult for those people, and many of them are elderly because it happened decades ago, they are unable to get birth certificates to prove, not only that they are U.S. citizens, even though they were born over the border, but just that they were born at all.

If it were not so real in our state, the consequences, I think I could be persuaded, but we do have very real people who have a very difficult time getting photo I.D.'s. Furthermore, you know, part of the bills historically that come to the State House have said, "Well, we paid for the cost of the I.D.," which is true, it's about a \$5 cost to the state per I.D. What we don't pay for is the birth certificate costs. And some of those birth certificates are very difficult to get to if you are not born in this state.

Finally, the good Representative from Ellsworth talked about the low threshold, the low level of voter fraud. It's virtually nonexistent. Election fraud is real. Voter fraud, however, is very, very miniscule. And let me just talk to you a second about the consequences. We're talking about \$10,000 and possibly a year in jail. Those are very real consequences for people who commit voter fraud, and with the central voter registration database, it is becoming so much more effective for the Secretary of State to identify potential instances of voter fraud. It is very, very difficult

to do that. And, of the potential issues of voter fraud in this state, many of them simply have to do with John Smith and John Smith both voting, and they just happen to have the same name.

When we, you know, the good Representative from Arundel talked about Mucinex and having to provide I.D. for that. And that's a very compelling point. The difference is, that there's a very real problem with Mucinex that the photo I.D. is actually solving and that has to do with drug diversion. They're using the core basis of some of those products to create another product in the black market. Ergo, there's already a problem. We don't have a problem to solve with voter I.D. and the consequences of not getting Mucinex means that your lungs are a little frustrated. The consequences of not getting your voter I.D. is that you don't get to vote, just like the 90 year old former Speaker of the House, Jim Wright, and the 86 year old World War II vet, Paul Carroll, in Ohio. I don't want to have Maine become one of those states that has the discussion, has the public headline that says we denied a World War II veteran the right to vote. Thank you, Mr. Speaker, I hope you'll follow my light.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, if I could vote I would urge that you follow my light and vote for this motion. Not too many years ago, in the 60s, Maine tribal members were not allowed to vote, and in that timeframe, we were then allowed to vote in state elections and we take it very seriously.

Unfortunately, in our communities still yet, we have a high incidence of unemployment, underemployment, financial issues that make it difficult for us to afford the \$65 referred to by the good Representative from Machias. And so for that reason, I would urge you to understand the tribal perspective that this has a real impact in our communities, where right now we are enjoying the franchise that we are participating in helping Maine and that this bill will affect us specifically. So, I urge you to support this majority Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker, Ladies & Gentleman of the House, I rise in support of the pending motion. I'm reading from my iPhone, I'm not sure if that's ever been done. As many of you know, I just don't look young. I am young. And last May, I graduated from The Catholic University of America and I actually submitted a thesis on this very topic, so when I saw the bill, I was actually quite excited. Not excited because I'm going to support it, but excited because this issue of voter identification comprised a significant portion of that thesis. I'll refrain from quoting myself, but I will reference Eric Fish from Yale Law who, in my research, I discovered a piece that he wrote called, "The 26th Amendment Enforcement Power." It is dense reading, but quite intuitive. As you might know, the United States has the 26th Amendment since 1971 which we commonly recognize as the amendment that lowered the voting age to 18. However, the text of the 26th Amendment goes well beyond lowering the voting age.

It states, "The right of citizens of the United States, who are eighteen years or older, to vote shall not be denied or abridged by the United States or by any State on account of age."

The interesting terminology is the "or older." In other words, the 26th Amendment states that no one regardless of their age can be denied their right to vote on account of age. And as Fish notes, "...these rules discriminate against both the elderly and the young, two groups that disproportionately lack identification." Fish goes on to cite a 2008 poll that found that 19 percent of

people age eighteen to thirty have no government identification that reflects their current address.

Some states have implemented so called "competency" laws which prevent elderly folks placed under guardianship from voting. Maine had such a law struck down in 2001. And Fish writes, "Maine's incompetency law was held unconstitutional by the U.S. District Court of Maine in *Doe versus Rowe*, in which a seventy-five-year-old woman under guardianship challenged the denial of her right to vote."

The bottom line is voter I.D. laws do nothing more than disenfranchise young voters, elderly voters, and minorities. Such laws present a facade of attacking a problem that does not exist. In New Hampshire in 2004, for example, local officials found 67 individuals on the rolls in both Dover and Durham; each of the 67 had moved from one town to the other, and each voted only once according to author Justin Levitt. The fraud here? Simple: People move and forget to notify their town clerk in their previous that they have moved.

Levitt has closely followed cases of alleged voter fraud perhaps more thoroughly than anyone in the field of electoral research. Between 2000 to 2014, he notes, there were over 1 billion votes cast in both general and primary elections. How many incidents of voter fraud? Thirty one suspected cases—this number includes general elections, primaries, special elections, and municipal elections and not all 31 cases have been tried yet. If you had a calculator in front of you, Mr. Speaker, you would find that 31 divided by 1 billion is .00000031%. According to the National UFO Reporting Center, there were some 47,000 UFO reportings in that same time period. Heck, there were 391 UFO sightings reported last month. In essence, a town clerk is more likely to see a UFO than see voter fraud on Election Day.

I was going to take the time to find out how many UFOs were spotted on Election Days, themselves, but I think this ballot box has been stuffed. And I am going to end by urging everyone in this chamber to stand on the side of giving everyone, every person access to the ballot without undue, discriminatory barriers such as this voter I.D. law. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from York, Representative Blume.

Representative **BLUME**: Thank you, Mr. Speaker, I rise in support of this motion, and I appreciate all the words spoken in support of this motion. I just wanted to add some of my, as a new Legislator, I've been told that the worst thing that a bill could be is a mandate.

I see this as a new mandate. It's a new mandate for our towns and it's going to be a burden to our towns and our hard working clerks. It's a solution looking for a problem; that has been said very eloquently. We have one of the greatest voter turnout percentages of any state in the country, and no real voter fraud. Voting is a right for all citizens, not just the most of us who have I.D.'s. We need to do what we can to get more people to vote, and this bill does not, having a voter I.D. is not going to help more people vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, it's a sad day when it's Election Day and you're at the polls and somebody comes out from the polling place really distraught and not knowing how to handle a situation because they were told that they already voted. I've seen that multiple times at the polls. Now, can I pose a question through the Chair please?

The SPEAKER: The Representative may pose his question.

Representative **BICKFORD**: Okay, back in 1973 I was very fortunate. I turned 18. It was two years after the federal enabling act for that. Now, when I got my, when I registered to vote, I got a little card. That was my voter registration. And when I voted, I brought that with me for I.D. Question through the Chair and anyone that can answer, can somebody tell me why that has changed?

The SPEAKER: The Representative from Auburn, Representative Bickford, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Mr. Speaker, it appears this has riled the back row. I do not have a constitutional right to buy Mucinex. But the Constitution guarantees my right to vote. Sometimes you'll know who I'm voting for; I'll wear a campaign button proudly on my lapel. Sometimes I will conceal my campaign button under my jacket.

But it's my right. And that right, according to the Constitution, shall not be infringed. And I hope you will join me in supporting constitutional voting. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Mr. Speaker, I think the most important points in this debate have already been made so I won't repeat what others have already said. I simply want to add one point based on my long experience. This is my third term as a member of the Veterans and Legal Affairs Committee, we have seen this bill with some regularity.

And that is that this bill will carry a much larger fiscal note than most people anticipate, a much larger fiscal note than the documents we have seen indicate. This is a very small, almost nonexistent problem and the cost of the proposed correction is very high. The state would have to maintain, unlike one of my colleague's statement that the cost of the I.D. could be quite low. It could not.

The state must pay the complete costs of that I.D., otherwise it is interpreted as a poll tax and therefore illegal. Not only for the I.D. itself, but for the supporting documents, which are sometimes difficult to obtain and take some time. One of my daughters, just changing her passport recently, found that getting the necessary documentation was very expensive and very difficult. She is an American citizen by birth, but she was born in another country—she was born in England. And so she needs a consular record of birth, along with a lot of other documents to show her citizenship. All of this, when it occurs, would have to be paid for by the state.

We also have learned that we cannot, because it would be a barrier to voting, require especially our elderly and infirmed citizens, but also others, to stand in long lines at the Department of Motor Vehicles to get an I.D., or to travel all the way to Augusta to get that I.D. It would mean that the state would have to have a significant number of additional mobile stations throughout the state to make the required I.D. accessible. We've heard in committee over and over again, this will be a very expensive product that is a very expensive way to solve a very small problem. That's not the main argument here. The main arguments have been presented. But that's another reason for saying let's vote Ought Not to Pass on this bill. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Sorry to rise again, but thank you, Mr. Speaker. And Mr. Speaker, Ladies and Gentlemen of

the House, a couple of weeks ago on the fourth floor of the Cross Office Building, I stood up and defended that I wouldn't have to carry a permit, an I.D. card, to carry a concealed weapon. And some of these people that spoke here this morning that are so serious that we have to have an I.D. card to vote, spoke out and they are for carrying no I.D. to carry a concealed weapon. So, you know, what a farce.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, an I.D. is a basic human right. We've heard here a number of things we need I.D.'s for.

A few years back, my mother went to the polls and was denied the opportunity to vote. My father went to the polls earlier that day and the clerk checked off her name rather than his. This was eventually cleared up after my father went back to the polls, but not without jumping through a number of hoops. What if my father had not gone back to the polls that day?

I.D. would have solved this. Voter I.D. probably would've solved this, this issue very quickly. My mother, a senior citizen, she's a senior when this happened, was almost denied her right to vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I was not going to stand this morning, but being a freshman legislator, I, the main reason why I voted Ought to Pass out of committee is very few times do I disagree with colleagues in committee because we do have a great committee and utmost respect, but there are times that I have to brace my feet and say I have to stand behind my district.

Probably 80 percent of the people that I run into, doesn't matter if they're young or old or disabled, they feel that this is a proactive step in the right direction. Many of colleagues this morning I agree wholeheartedly on both sides of the aisle, but as we look at the Constitution, I, it troubles my mind to think that we can pick and point and pick and choose what we want just for it to further our agenda. With that note, I do respect each and every one of us here, but let's look into the future because there's no doubt whatever we do today, it's going to have a lasting effect down the road tomorrow because the people that elected us demand us to be good stewards of the time and the money and to represent each and every one of us, and with all due respect. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Mr. Speaker, and very briefly, I just wanted to correct the record on one matter. You do not provide a photo I.D. to apply for Social Security. I can personally attest to that.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in strong support of the pending motion. Voter I.D. has been, is now, and will always be about voter suppression, pure and simple. It is not about voter fraud, it never has been and it never will be, it is about voter suppression.

A few weeks ago, Mr. Speaker, you indulged me while I delivered lengthy excerpts from the Reverend Dr. Martin Luther King Jr.'s speech, "How Long? Not Long" that he delivered at the close of the marches from Selma to Montgomery on March the 25th, 1965. In that speech, King said: "And so our whole campaign in Alabama has been centered around the right to vote.

In focusing the attention of the nation and the world today on the flagrant denial of the right to vote, we are exposing the very origin, the root cause, of racial segregation in the Southland."

Think about that. Racial segregation in the Southland. There is racial segregation all over the country still today. It exists in Milwaukee, the place where I grew up. Today, in Milwaukee, Wisconsin, people of color are denied photo I.D.'s in ways that you would not believe unless you were the one standing in front of the state worker denying you your I.D. You may look some of these situations up on YouTube if you care to see them for yourself, or you can go visit.

Shortly after Wisconsin's governor signed their voter I.D. law into effect, he ordered the closing of many of the bureaus around the state that issue state I.D.'s, which you would need to be eligible to vote. Most of the bureaus that he ordered closed were in the parts of Milwaukee County where a majority of people who live and work and vote are people who look like me. This is but one of the heinous ways in how voter suppression can work with voter I.D. laws on the books.

And so, Mr. Speaker, Women and Men of the House, I will close with a brief refrain from King's speech, but I am going to change the words just a bit: "Let us march on ballot boxes until all the vestiges of voter suppression disappear from the political arena." I strongly urge this body to support the pending motion. Our ancestors died for our right to vote and today we have an opportunity to respect their memories and defeat LD 197 out of hand. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 51

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Mastruccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Herbig, Martin R, Skolfield.

Yes, 82; No, 66; Absent, 3; Excused, 0.

82 having voted in the affirmative and 66 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR

First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 192) (L.D. 523) Bill "An Act To Amend the Laws Regarding the Sale of Liquor" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 408) (L.D. 1139) Bill "An Act To Provide for the 2015 and 2016 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(H.P. 801) (L.D. 1170) Resolve, Regarding Legislative Review of Portions of Chapter 11: Rules Governing the Controlled Substances Prescription Monitoring Program, a Late-filed Major Substantive Rule of the Department of Health and Human Services (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 463) (L.D. 682) Bill "An Act To Ensure the Administration of Written Driving Tests" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-109)**

(H.P. 597) (L.D. 878) Bill "An Act To Support College Affordability in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-108)**

(H.P. 695) (L.D. 1000) Bill "An Act To Define Prosthetic and Orthotic Devices for Purposes of the Sales Tax Law" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-110)**

Under suspension of the rules, Second Day Consent Calendar notification was given.

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(H.P. 390) (L.D. 566) Bill "An Act To Protect Individuals from Breaches of Trust by Clergy Members" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-111)**

On motion of Representative FREDETTE of Newport, was **REMOVED** from the First Day Consent Calendar.

The Unanimous Committee Report was **READ**.

On further motion of the same Representative, **TABLED** pending **ACCEPTANCE** of the Committee Report and later today assigned.

ENACTORS

Emergency Measure

An Act To Authorize Municipalities To Refund Amounts Collected in Excess of Tax Liens

(S.P. 51) (L.D. 118)
(C. "A" S-55)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 139 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Concerning Commercial Vehicles at Canadian Weight Limits Traveling to Certain Points in the State

(H.P. 378) (L.D. 554)
(C. "A" H-85)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 136 voted in favor of the same and 6 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act To Improve Permit Oversight for the Cutting of Christmas Trees and Evergreen Boughs

(S.P. 91) (L.D. 253)
(C. "A" S-50)

An Act Regarding the Tracking of Wounded Animals with a Leashed Dog

(H.P. 214) (L.D. 320)
(C. "A" H-76)

An Act To Strengthen the Laws Prohibiting Stalking

(S.P. 160) (L.D. 431)
(C. "A" S-49)

An Act To Improve Science and Engineering Education for Maine's Students

(H.P. 303) (L.D. 464)
(S. "A" S-60 to C. "A" H-43)

An Act To Authorize the Commissioner of Inland Fisheries and Wildlife To Postpone or Cancel an Open Hunting Season

(H.P. 394) (L.D. 570)
(H. "A" H-89)

An Act To Ensure Appropriate Health Insurance Coverage for Prescription Eye Drops

(H.P. 396) (L.D. 572)
(C. "A" H-81)

An Act To Amend the Laws Regarding Learner's Permits and Intermediate Licenses

(S.P. 267) (L.D. 737)
(C. "A" S-58)

An Act To Allow the Synchronization of Prescriptions

(S.P. 284) (L.D. 810)
(C. "A" S-57)

An Act To Establish a Private Support Organization for the Maine Commission for Community Service

(H.P. 636) (L.D. 916)

An Act To Amend the Laws Relating to Group Trusts Established by Self-insurers of Workers' Compensation Benefits

(S.P. 338) (L.D. 958)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act To Allow Licensed Foresters To Use Mechanics Liens

(H.P. 324) (L.D. 485)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 52

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Head, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Martin J, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Timmons, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Bickford, Hawke, Herbig, Malaby, Martin R, Skolfield.

Yes, 145; No, 0; Absent, 6; Excused, 0.

145 having voted in the affirmative and 0 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Aerial Pesticide Spray Projects (S.P. 291) (L.D. 817)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed.

On motion of Representative GIDEON of Freeport, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

Representative FREDETTE of Newport **REQUESTED** that the Clerk **READ** the Committee Report.

The Clerk **READ** the Committee Report in its entirety.

The SPEAKER: A roll call has been ordered. The pending question before the House is Passage to be Enacted. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 53

YEA - Austin, Battle, Beck, Beebe-Center, Black, Blume, Buckland, Campbell J, Campbell R, Chace, Chapman, Chenette, Corey, Crafts, DeChant, Dillingham, Dion, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farrin, Foley, Fowle, Fredette, Frey, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Grant, Greenwood, Grohman, Guerin, Hanington, Hanley, Head, Herrick, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Kinney J, Kinney M, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Marean, Mastraccio, McCabe, McClellan, McElwee, McLean, Moonen, Morrison, Nadeau, Noon,

Nutting, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Alley, Babbidge, Bates, Beavers, Brooks, Bryant, Burstein, Chipman, Cooper, Daughtry, Davitt, Devin, Doore, Farnsworth, Fecteau, Gattine, Goode, Hamann, Harlow, Hickman, Jorgensen, Kornfield, Kruger, Kumiega, Martin J, McCreight, Melaragno, Monaghan, O'Connor, Powers, Rotundo, Russell, Rykerson, Sanborn, Stanley, Stuckey, Tepler, Tipping-Spitz, Verow, Warren.

ABSENT - Bickford, Hawke, Herbig, Malaby, Martin R, Skolfield.

Yes, 105; No, 40; Absent, 6; Excused, 0.

105 having voted in the affirmative and 40 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

The following items were taken up out of order by unanimous consent:

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 30, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

Resolve, To Implement the Recommendations of the Commission To Continue the Study of Long-term Care Facilities (EMERGENCY)

(H.P. 70) (L.D. 87)
(C. "A" H-77)

TABLED - April 28, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - **PASSAGE TO BE ENGROSSED**.

Subsequently, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-77)** and sent for concurrence.

**REPORTS OF COMMITTEE
Divided Reports**

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Recognize and Provide for the Right To Hunt for Sustenance in Aroostook County for Maliseet and Micmac Tribal Members and Disabled Veterans"

(H.P. 607) (L.D. 888)

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
COREY of Windham
CRAFTS of Lisbon

HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-106)** on same Bill.

Signed:

Representatives:

ALLEY of Beals
SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Minority **Ought to Pass as Amended by Committee Amendment "A" (H-106)** Report.

READ.

Representative SHAW of Standish moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I refer you to a study that was provided to me by the elected chairmen of the Houlton Town Council. It has been the basis of some of the position I've taken in this body over these past two sessions that I've been elected and sent down here to speak to you on.

And, I would refer you to page 41 of the study. And it's a sentence that says that, "At the time of the Aroostook War, which arose out of the boundary dispute between Maine and New Brunswick, he, Newell Bear, was engaged by the soldiers garrisoned in Fort Fairfield to bring moose meat for them out of the woods." He made many acquaintances from all over the states and was also among the regular army officers.

I ask you to remember the strong support that his father, his ancestor as well, provided to the United States from the very first moment the United States had declared independence from Great Britain. The Treaty of Watertown on 19 July, 1776, was concluded. At the time of the treaty being signed, there was not in anyone's mind any thought that the Maliseet Indians, that tribal people in the northern part of this state would ever have to ask permission from anyone to hunt for sustenance.

But spring forward, because I'm opposing this majority Ought Not to Pass motion, and ask you to support the minority amendment, which simply asks for 33 moose for my tribe, for my People. And also 33 moose for the Micmac. I'm doing this not because it makes sense that we ought to honor what was in the minds of the parties to our nation's first treaty, nor in recognition of Newell Bear's assistance in providing moose meat to the American Army in Aroostook County when it was needed, when they were starving, when they were threadbare in their uniforms and without any support but us.

Instead, I ask you to do the right thing. Oppose this motion and support the minority report, which I'm hoping will be moved in the alternative. And, recognize that Aroostook County is the largest area of moose that's harvested in the State of Maine. The miniscule impact that our tribal hunt will have, according to the amendment that I proposed, which will not have us hunting at night, which will not have us hunting out of season, which will not be anything but within the normal hunting behaviors already

licensed or made legal in the State of Maine. But the reason is for health reasons.

My primary purpose is: we have 1,500 people, Mr. Speaker. Out of that number, which are dispersed throughout the country and throughout the region, there's about 500 who live in the Aroostook area that comprise the actual reservation population. So, we would have about 480-500 people, or about 120 households. We have calculated a realistic basis for our request that if we were provided access to 33 moose for our people, we would be able to provide a quarter of a moose per household. That will allow us to have preferred protein. That will allow us to have food that is better for us than we could otherwise obtain—lean meat that will help us deal with incidence of diabetes and obesity, that will help us deal with our morbidity rates and our mortality problem. We are dying younger, we are not well, and this food will help us be healthier.

It will have miniscule impact if we are allowed this. We ask you as our fiduciaries, as people with voting power, to see that this is not a threat to the existing numbers that are available. Thousands of moose are handed out in terms of permits. We know that there are groups that already get set asides of 30 and 50 and 100 moose allocated specifically for them. There's also a nuisance moose hunt. All of this was discussed in the committee, and I was surprised by the vote. I don't think that the message that I attempted to give them may have been clear enough. But I'm trying again this time that we are looking for your support today to allow us to access this preferred food. And vote against this motion. Thank you very much, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Crafts.

Representative **CRAFTS**: Mr. Speaker, Ladies and Gentlemen of the House, this particular bill, the reason why I voted against it is that we have a moose application process in place now. And if the tribal members would use the process, according to Representative Bear's testimony, they would have more than the 33 moose permits that they were requesting. So, it really, it troubled me that if they would just use the process we already have in place, they could have more than the 33 moose permits. So, I encourage you to vote for this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: Thank you very much, Mr. Speaker. Mr. Speaker, Men and Women of the House, I'd like to draw your attention to the actual bill, because it's not all about moose, folks. If you look at the summary of the bill, it says, "This bill provides that members of the Houlton Band of Maliseet Indians and the Aroostook Band of Micmacs may hunt for any wild animal or bird at any time in Aroostook County."

So, what this would do is it would allow a certain group of people to hunt on Sundays and at night, outside of the biological quota that the department biologists come up with, including, quite frankly, the potential for endangered species, or anything for that matter. So, remember it's not all about moose.

It would remove the 66 permits from the general moose lottery, and it's also, we heard from the Attorney General's Office, it would be contrary to the Equal Protection Clause in both the U.S. and the Maine Constitution because it would be designating one thing for a certain race of people, and not for any other races of people. So, we did hear from the Attorney General about it. So, I would just simply ask that you go with the Ought Not to Pass report. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from the Houlton Band of Maliseet Indians, Representative Bear.

Representative **BEAR**: Thank you, Mr. Speaker, and Men and Women of the House for letting me speak one more time. I

heard what the good Representative just said. I was unaware that the Attorney General had weighed in specifically on this issue, which is a non-issue. That was attempted last session, but there's no basis for that. That's a lot of scare and what have you. We're not talking about being treated differently than anyone else, we're asking to be treated the same as everyone else, who are already getting set asides for various purposes.

Today, you're going to consider lowering the age for hunting for young people. That is a set aside. You're going to also provide nuisance hunt permits and families who are related to game wardens and people who have camps. There are already set asides for these groups. The State of Maine gave evidence that the Maliseets and the Micmacs get no allocation at all. Zero. We don't have, like the Penobscot and Passamaquoddy, lands, 150 thousand acres of land. We have 1,100 acres of land for 1,500 people to go moose hunting on. We just can't sustain it; it's not realistic. So that's why this request is reasonable.

The amendment that I referred to is not what the good Representative had just related. He was relating the bill that this motion goes to. He doesn't want that to pass. What the amendment says is that it will be within season. It won't be at night. It won't be for any time we want to. It would be under Maine law, the current hunting regulations. And it's safe and it's reasonable. Thank you, Mr. Speaker.

Representative CHAPMAN of Brooksville **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Grant.

Representative **GRANT**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose her question.

Representative **GRANT**: Thank you, Mr. Speaker, there was reference made to an amendment to the bill and the only amendment I find on the Paperless Chamber is the fiscal note, so I would inquire is there another amendment?

The SPEAKER: The Representative from Gardiner, Representative Grant, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Standish, Representative Shaw.

Representative **SHAW**: The only two ways to vote is Ought to Pass or Ought Not to Pass. The amendment is just the fiscal note.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Mr. Speaker, I just wanted to clarify because I did just read the bill, that endangered species are exempted from the bill, according to the language of the bill.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 54

YEA - Babbidge, Bates, Battle, Beck, Black, Buckland, Chace, Chenette, Corey, Crafts, Daughtry, Devin, Dillingham, Dion, Doore, Duchesne, Edgecomb, Espling, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gillway, Ginzler, Goode, Grant, Greenwood, Guerin, Hamann, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Luchini, Lyford, Maker, Marean, Mastraccio, McCabe, McClellan, McElwee, McLean,

Moonen, Morrison, Noon, Nutting, Parry, Peterson, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanborn, Sanderson, Sawicki, Schneck, Seavey, Shaw, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Welsh, White, Wood, Mr. Speaker.

NAY - Alley, Austin, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chapman, Chipman, Cooper, Davitt, DeChant, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Gilbert, Golden, Grohman, Hanington, Harlow, Hickman, Hobbins, Longstaff, Martin J, McCreight, Melaragno, Monaghan, Nadeau, O'Connor, Picchiotti, Powers, Rotundo, Russell, Rykerson, Saucier, Sherman, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Winsor.

ABSENT - Herbig, Malaby, Martin R, Skolfield.

Yes, 96; No, 51; Absent, 4; Excused, 0.

96 having voted in the affirmative and 51 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-105)** on Bill "An Act To Lower the Eligibility Age for a Junior Hunting License"

(H.P. 114) (L.D. 156)

Signed:

Senators:

DAVIS of Piscataquis
CYRWAY of Kennebec
DUTREMBLE of York

Representatives:

SHAW of Standish
ALLEY of Beals
CRAFTS of Lisbon
HILLIARD of Belgrade
LYFORD of Eddington
MARTIN of Sinclair
REED of Carmel
WOOD of Greene

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Representatives:

COREY of Windham
SHORT of Pittsfield

Representative DANA of the Passamaquoddy Tribe - of the House - supports the Majority **Ought to Pass as Amended by Committee Amendment "A" (H-105)** Report.

READ.

On motion of Representative SHAW of Standish, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-105)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-105)** and sent for concurrence.

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-104)** on Bill "An Act To Restore Consumer Rate Review for Health Insurance Plans in the Individual Market"

(H.P. 175) (L.D. 243)

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

BECK of Waterville

BROOKS of Lewiston

COOPER of Yarmouth

MELARAGNO of Auburn

MORRISON of South Portland

TUCKER of Brunswick

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

WHITTEMORE of Somerset

BAKER of Sagadahoc

Representatives:

FOLEY of Wells

PICCHIOTTI of Fairfield

PRESCOTT of Waterboro

WALLACE of Dexter

READ.

Representative BECK of Waterville moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Melaragno.

Representative **MELARAGNO**: Thank you, Mr. Speaker. Mr. Speaker, Women and Women of the House, please, I ask that you please support the pending motion. This bill seeks to restore the opportunity for consumers to have a say before their insurance premiums go up significantly.

As we move toward a system that hopefully will afford everyone access to affordable quality healthcare, the truth is, we are not there yet. Essentially, everyone is now required to buy health insurance, and for some it is still very expensive relative to their monthly income. The consumer deserves to be heard now more than ever and this bill will allow that, nothing more. It's a conservative proposal triggering the Bureau of Insurance to hold public forums only if an insurance company proposes to raise rates at two percent over medical inflation.

The insurance companies have a role in this process. The Bureau of Insurance have a role in this process. And the consumer should have a role in this process as well. Women and Men of the House, I respectfully ask that you follow my vote. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Wallace.

Representative **WALLACE**: Thank you, Mr. Speaker, this bill basically is doing what the insurance bureau is doing right now. They have a right to call a review at any time they think this is excessive rate. The superintendent stated at the time they hold hearings right now and no one shows up. No one's interested, basically. The rates are set by a percentage of over what the, what insurance costs right now. It can't go over 10 percent. That's by ACA rules. This, right now, I mean, if we want to put more work on state employees, this is one way to do it and cost more money. But it's an unnecessary ruling right now.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Goode.

Representative **GOODE**: Mr. Speaker, may I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative **GOODE**: I was wondering if perhaps there was a member of the committee who could answer a question as to whether this process has been used at all in recent years.

The SPEAKER: The Representative from Bangor, Representative Goode, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, the Representative from Bangor's question, this bill does not propose to bring us back to the days before PL 90, where almost any rate increase would trigger a public hearing as required by the Maine Administrative Procedures Act. All this bill seeks to do is put into statute a requirement that the Bureau of Insurance, when your insurance company seeks to raise your rates in the individual market above a certain trigger, that they solicit public comment at public hearings, some geographic diversity in the state. That's all the bill does.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I would like to note that in the committee, the Commissioner of Insurance did come. He testified against this bill. He was concerned with the additional work it would put on his staff. He did indicate that it would probably require him to hire more people. It would also put an added burden on the timeframe for filing rates.

Right now under the ACA, rates have to be filed prospectively and it takes them up to six months to do the rate reviews. To add an additional public hearing on to would add another 30 to 60 days onto that. It would be very difficult for them to achieve the rate structure in time for the ACA mandated times and therefore the Bureau of Insurance testified against this bill and I would urge my fellow Representatives to do the same. Thank you, Mr. Speaker.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Beck.

Representative **BECK**: Thank you, Mr. Speaker, I know the clock is ticking and I'm sorry for rising again. Those concerns from the Bureau of Insurance apply, again, to what the bill originally proposed to do which was trigger public hearings as required by the Formal Procedures Act, not simple public hearings at a high school cafeteria, or a classroom at the University of Maine.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 55

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann, Harlow, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Verow, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Herbig, Malaby, Martin R, Skolfield.
Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-104)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-104)** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Eliminate the Maine School Performance Grading System"

(H.P. 258) (L.D. 392)

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
MAKER of Calais
McCLELLAN of Raymond
PIERCE of Falmouth
POULIOT of Augusta
STEARNS of Guilford
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought to Pass** on same Bill.

Signed:

Senator:

MILLETT of Cumberland

READ.

On motion of Representative KORNFIELD of Bangor, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-107)** on Bill "An Act To Increase Funding for the Maine Community College System"

(H.P. 838) (L.D. 1220)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
HUBBELL of Bar Harbor
PIERCE of Falmouth
TIPPING-SPITZ of Orono

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:

Senators:

LANGLEY of Hancock
EDGECOMB of Aroostook

Representatives:

MAKER of Calais
McCLELLAN of Raymond
POULIOT of Augusta
STEARNS of Guilford

READ.

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Mr. Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may pose his question.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, is it my understanding that there is another mechanism, or another bill that is actually relevant to increase funding for the Maine Community College System?

The **SPEAKER**: The Representative from Newport, Representative Fredette, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, in regards to the question from the Representative from Newport, Representative Fredette, my understanding is that the Education Committee passed an initiative with increased funding for the community colleges, as well as several other increased funding

proposals for education statewide. And I believe that might be what he's referring to. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: The Education Committee voted unanimously for \$2 million the first year and \$4 million the second year for the community college system. This bill was the second bill that half the committee felt we needed an assurance just in case the Appropriations Committee didn't put that full \$6 million in, but the other half of the committee felt that they didn't need that assurance, that that would go through. But, the important thing is the committee is unanimous on funding the community college system by \$6 million.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Maker.

Representative **MAKER**: Mr. Speaker, Ladies and Gentlemen of the House, I certainly agree with Representative Kornfield. We are committed to the community college. Our side felt that since we wanted to stand behind the appropriators and guarantee we weren't going to put more money on the table, and every single one of us support the community college by the vote that we took in the budget. And I believe if we felt that that wasn't going to happen, that we probably would change our votes, but right now that's why we voted the way we did.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, my question is, when are we going to support education at 55 percent that I voted for about nine years ago? We got money for everything else, but we still have not funded the schools at 55 percent.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as a supporter of the community college system, I do recognize the importance of the bill and sending the message to the Appropriations Committee in regards to recognizing the need for increased funding for the community college system, but I do, at least my understanding is, from what I heard people say on the floor today is, is that basically we've already done that through another mechanism. And so, in voting against the motion today, my vote shouldn't be interpreted as not supporting, not increased funding for the community college system, but recognizing that we've already done that through another mechanism.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative McCabe.

Representative **McCABE**: Thank you, Mr. Speaker, Men and Women of the House, I put this bill in. I had this bill sit around for a little bit. I talked with folks in the community college. I asked them, I said, "You know, folks from the community college system, what do you think? Should we run this bill? Bring it before the committee?" There was a lot of support from the folks at the community college to bring this bill forward.

Their hope was to bring this bill to the floor and have an up or down vote and really gauge where people stood on the community college system—where the support was, where the opposition was. Folks, let's face it, right before us now is your opportunity to stand with or not stand with the community college system. We don't know what's going to happen in Appropriations. We don't know what the budget's going to look like. But today, you have an opportunity to press yes and support the community college system, or you can press no. Really, the choice is up to you folks, so, I'm happy to be the sponsor of the

bill, I was happy to bring this bill forward, and I'm happy to see how folks vote today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Mr. Speaker. Mr. Speaker and Members of the House, we, in fact, do have in the Appropriations Committee a recommendation from the Education Committee to recommend \$2 million in the first year, \$4 million in the second year. We have yet to vote on that at this point. All I can say is, if you want a second bite of the apple, this is it, and it's all in your hands.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, and I apologize for rising a second time, but I want to be very clear. And I think our caucus, I think in our caucus this morning as we talked about this bill, is that, you know, we, as the comments from the good Representative from Eagle Lake, indicates, quite frankly, they already know what we want them to know.

And so, our caucus at least, at least my position is, and our caucus in voting on this bill, is that we've already made a communication. We don't need a second bite at the apple. We don't need another reaffirmation of what we want to do. At least, my understanding is, my caucus is in support of that and the work that the committee's already done. And I don't want this, in any way, to be interpreted anything less than that. And so, for people to suggest that by us not voting for this that we're not supportive of that, I just think is disingenuous. And so, I will not be supporting the motion. I support the work that the committee's already done. They've made that communication to the Appropriations Committee, and I don't want it to be anything more than that. Thank you, Mr. Speaker.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 56

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Guerin, Hamann, Harlow, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Mastraccio, McCabe, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Tuell, Verow, Ward, Warren, Welsh, Mr. Speaker.

NAY - Austin, Battle, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Hanington, Hanley, Hawke, Head, Herrick, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Marean, McClellan, Nutting, O'Connor, Parry, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Herbig, Malaby, Martin R, Skolfield.

Yes, 87; No, 60; Absent, 4; Excused, 0.

87 having voted in the affirmative and 60 voted in the negative, with 4 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-107)** was **READ** by the Clerk and **ADOPTED**.

Under suspension of the rules, the Bill was given its **SECOND READING WITHOUT REFERENCE** to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-107)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative BICKFORD of Auburn, the House adjourned at 12:19 p.m., until 10:00 a.m., Wednesday, May 6, 2015, in honor and lasting tribute to Evelyn A. Keene, of Boothbay Harbor and Arnold Leavitt, of Auburn.