

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
50th Legislative Day
Friday, May 29, 2015

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

Prayer by Honorable Stacey K. Guerin, Glenburn.

National Anthem by Mountain Valley High School Chorus, Rumford.

Pledge of Allegiance.

Doctor of the day, Honorable Geoffrey M. Gratwick, M.D., Bangor.

The Journal of yesterday was read and approved.

Representative McCABE of Skowhegan assumed the Chair.

The House was called to order by the Speaker Pro Tem.

COMMUNICATIONS

The Following Communication: (H.C. 175)

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

May 29, 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 Committee on Environment and Natural Resources has approved the request by the sponsor, Senator Saviello of Franklin, to report the following "Leave to Withdraw":

L.D. 588 An Act To Revise the Mining Laws

Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the sponsor, Representative Hymanson of York, to report the following "Leave to Withdraw":

L.D. 473 Resolve, Directing the Department of Education and the Department of Health and Human Services To Jointly Adopt Rules To Protect Children's Health

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 176)

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

May 29, 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:"

Education and Cultural Affairs

L.D. 1152 An Act To Amend the Definition of "Property Fiscal Capacity" in the School Funding Law To Address Inequities Affecting Municipalities Experiencing Significant Reductions in Value

Environment and Natural Resources

L.D. 948 An Act To Harmonize Maine's Laws Governing Toxic Chemicals in Children's Products with Those of Other States

Health and Human Services

L.D. 606 An Act To Remove the Philosophical Exemption from the Immunization Requirements for School Students and Employees of Nursery Schools and Health Care Facilities

L.D. 1385 An Act To Enable a Foster Child To Remain in a Daycare Facility Selected by a Foster Parent

Inland Fisheries and Wildlife

L.D. 887 An Act To Prohibit Hunting Bear Using Dogs and Trapping Bear

State and Local Government

L.D. 494 An Act Regarding the Maintenance of Easements

Taxation

L.D. 1269 An Act To Restore Some Progressivity and Fairness to the State Income Tax

Transportation

L.D. 982 An Act Requiring a Permit and Motor Vehicle Liability Insurance for Transportation Network Companies

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 385)

**MAINE SENATE
127TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 28, 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 accepted the Majority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act To Prevent Tax Haven Abuse" (H.P. 235) (L.D. 341).

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 Labor, Commerce, Research and Economic Development on Bill "An Act To Support Family Caregivers in the Workforce" (H.P. 659) (L.D. 960).

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 Education and Cultural Affairs on Bill "An Act To Establish a Moratorium on the Establishment of Virtual Charter Schools" (H.P. 472) (L.D. 696).

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

READ and ORDERED PLACED ON FILE.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints"

(H.P. 981) (L.D. 1437)

Sponsored by Representative HEAD of Bethel. (GOVERNOR'S BILL)

Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** suggested and ordered printed.

REFERRED to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** and ordered printed.

Sent for concurrence.

Bill "An Act To Include Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders"

(H.P. 982) (L.D. 1438)

Sponsored by Representative HEAD of Bethel. (GOVERNOR'S BILL)

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 25)

ORDERED, that Representative Henry E. M. Beck of Waterville be excused May 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bruce A. Bickford of Auburn be excused April 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew Dana II of the Passamaquoddy Tribe be excused May 5, 6, 7 and 14 for personal and health reasons.

AND BE IT FURTHER ORDERED, that Representative Mark N. Dion of Portland be excused May 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donna R. Doore of Augusta be excused May 13 and 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradlee Thomas Farrin of Norridgewock be excused May 20 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)** on Bill "An Act To Restore Farmlands and Improve Watersheds"

(S.P. 367) (L.D. 1041)

Signed:

Senator:

DILL of Penobscot

Representatives:

HICKMAN of Winthrop

CHAPMAN of Brooksville

DUNPHY of Old Town

McELWEE of Caribou

NOON of Sanford

SAUCIER of Presque Isle

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

Signed:

Senators:

EDGECOMB of Aroostook

SAVIELLO of Franklin

Representatives:

BLACK of Wilton

EDGECOMB of Fort Fairfield

KINNEY of Knox

MAREAN of Hollis

Came from the Senate with the Minority **OUGHT NOT TO PASS** Report **READ and ACCEPTED.**

READ.

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

Representative ESPLING of New Gloucester **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 PRO TEM**: 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. 113

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fecteau, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Peterson, 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, Campbell R, Chace, Corey, Crafts, Dillingham, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Head, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, Marean,

McClellan, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Seavey, Sherman, Sirocki, Skolfield, Stearns, Stetkis, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, McLean, Noon, Pierce T, Sawicki, Timmons.

Yes, 78; No, 62; Absent, 11; Excused, 0.

78 having voted in the affirmative and 62 voted in the negative, with 11 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-128)** 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" (S-128)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Retain Call Centers in Maine"

(H.P. 12) (L.D. 9)

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
MASTRACCIO of Sanford
STETKIS of Canaan
WARD of Dedham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-214)** on same Bill.

Signed:

Representative:

CAMPBELL of Newfield

READ.

Representative HERBIG of Belfast moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative SHORT of Pittsfield **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 PRO TEM**: 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. 114

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell R, Chace, Cooper, Corey, Crafts, Daughtry, Davitt,

Dillingham, Duchesne, Dunphy L, Edgecomb, Espling, Farnsworth, Farrin, Fecteau, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hanington, Hanley, Head, Herbig, Higgins, Hilliard, Hobart, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McClellan, McCreight, McElwee, Monaghan, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Sanborn, Sanderson, Saucier, Schneck, Seavey, Sherman, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Campbell J, Chenette, Chipman, Devin, Doore, Dunphy M, Evangelos, Hamann, Harlow, Hickman, Hobbins, McCabe, Melaragno, Moonen, Rykerson, Shaw, Short, Stuckey, Tipping-Spitz, Tucker, Verow, Warren.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, McLean, Noon, Pierce T, Sawicki, Timmons.

Yes, 118; No, 22; Absent, 11; Excused, 0.

118 having voted in the affirmative and 22 voted in the negative, with 11 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)** on Bill "An Act To Improve Access to Treatments for Lyme Disease"

(H.P. 289) (L.D. 422)

Signed:

Senator:

PATRICK of Oxford

Representatives:

AUSTIN of Gray
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
LOCKMAN of Amherst
STETKIS of Canaan

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-217)** on same Bill.

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

HERBIG of Belfast
BATES of Westbrook
MASTRACCIO of Sanford
WARD of Dedham

READ.

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

Representative ESPLING of New Gloucester **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 PRO TEM**: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this is a bill about people's health. This bill is fine in Massachusetts and the whole New England states except Maine. And it's just a political thing with the doctors and the medical association; that's all it is.

I put this bill in for Representative Bryant about 10 years ago and thought we had it all taken care of, but then we had a doctor stand up by the name of Mills and blew it right out of the water, and kind of politics. So, we're getting another chance at this this time, and I hope both sides of the aisle stand up and vote for this. I've seen both sides of the aisles working hard for it and I hope you will follow my light this time and put this thing in the past. We have to think of the people that suffer with this that have to go to New Hampshire and that because of politics. So let's make this thing a medical thing; vote it through and get it out of the way for the people of Maine. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Ladies and Gentlemen. Mr. Speaker, I want to thank the Representative from Belfast for moving the Majority Committee Amendment "A" forward. This bill has the potential to help so many individuals in our state, as the good Representative just said.

A lot of our individuals are travelling out of state to receive care. A family of five came before us and testified in the LCRED Committee. Both parents and three young children all have Lyme disease. The mom's Lyme doctor's in New York, the children's Lyme pediatrician is in Connecticut; this is a two or three day trip for them. It would be so wonderful for the individuals in our state to be able to access the physicians who would be willing to treat, yet don't quite dare at this time in our state.

I hope you will all support this. This is much needed. Maine is the only state in New England, including New York, that does not have a permissive law for our physicians to treat. This law mirrors Massachusetts law, and they've had no trouble with it, whatsoever. Last year in Maine we had over 1,300 people diagnosed with Lyme disease. The year before, over 1,300 people diagnosed with Lyme disease. And I would anticipate with the number of ticks that I have found on my dogs, myself, and my family as we're out and about doing our yard work and our gardening, that we'll probably have that many and more in our state diagnosed this year. So again, I thank the Representative from Belfast. I really appreciate this, and I hope you will all vote in favor of this motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Bethel, Representative Head.

Representative **HEAD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I am going to vote in favor of this bill because my daughter has Lyme disease and she suffers terribly. She had one round of the antibiotics and was not allowed to have any more in the State of Maine.

She now has an appointment, or hopes to get an appointment, with a doctor in New York that would allow her to have extended treatment. There are days that she can't move her legs, her hands ache, and I need to have that assurance from you people that she won't have to go to New York or Massachusetts for treatment that she could do it right here in the

State of Maine and be well enough to function every day and take care of her children and enjoy their lives and her own. Thank you very much.

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

Representative **CRAFTS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I think this is an exciting day. There's an awful lot of people that are suffering. My sister and my brother-in-law is suffering with Lyme disease. My brother-in-law had to take a leave of absence from work, a job he's held for a long time. There's many mornings that he can't get out of bed.

I've been dealing with this issue with people in different support groups and going to some meetings for several years now, and the people I've met that are suffering with this, it's unbelievable. This is at epidemic levels in Maine and we need to really vote unanimously today as best, if we could here in this House I'm hoping that everybody will get on board with this.

I have a friend that's a business man that him and his wife both have suffered with Lyme disease, had to go to out of state, spent over \$100,000 in treatment, and he's just recently sold out his family business and is willing to and wanting to open up a Lyme's wellness center in the State of Maine. He told me, "Dale," he said, "If this bill doesn't pass, I will be opening one up in Massachusetts." And he's very compassionate. He's got some hospitals that have offered to work with him on opening it up, probably in the Brunswick area. And, I just hope that we can have a wellness center for people to go get treatment.

There's tens of millions of dollars that are leaving the State of Maine that people are, the extra expense of them travelling out of state, going different places around the country, and it's too bad that they couldn't have a place conveniently right here that they could be treated. So, I just hope, again, that you'll follow my light and pass this today. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you, Mr. Speaker, Men and Women of the House, I rise in opposition to this bill. Lyme disease is a dreadful disorder in some people. And the medical community, of which I am one, understands that. We have a bad tick explosion this year, you might've noticed in your homes, and not only Lyme, but Babesiosis is carried in ticks, so beware, and the transmission usually takes place after 24 hours, so beware of that as well.

But this is not a bill about Lyme disease; it's a bill about treatments for evidence-based guidelines and off-label usage. So, Lyme disease does have, and the entire medical community, or as much as you can when you herd cats like this, knows that there's a post-Lyme syndrome. The way that the two camps line up is whether or not there's a bug that's still there that needs to be treated with antibiotics and for how long. But if you are a physician and you're treating someone with an off-label usage of a medication, we do that all the time for all sorts of different diseases, and the discussion is one of informed consent. This is the problem that you might have; this is what we're trying to cure, and the patient will say "yes" or "no" to it. And then the physician has to dutifully document the pro's and con's and the fact that the patient said "yes" to the treatment that they're willing to take.

It's the same thing with a year's worth or after, as this says, four weeks of antibiotics. If I wanted to treat someone for a severe sinus infection after four weeks of antibiotics, and it wasn't recommended in evidence-based protocols, I would explain that to the patient but tell them I think this is a good idea, and I could document it. So, this is a bill that speaks nothing about Lyme disease. It's really about evidence-based guidelines and off-label treatments. So, don't be confused by this.

The second issue is about Lyme disease itself. In the medical community, we argue about this all the time and that's where those arguments should stay. What is chronic Lyme disease? What is a Lyme disorder that lasts longer than the infection seems to be there? What's generating it? There are immunologists who are talking about this because it seems to be some kind of inflammatory response to an initial inflammation from the Lyme bug. So, these are very active discussions, as there are in many, many diseases in medicine.

I was an MS clinician; Multiple Sclerosis is rife with this kind of discussion as well. So, I ask you to vote "no" on this. Not because Lyme disease isn't a bad thing and we're trying to figure it out, but because this bill is not addressing anything that we don't already do in medicine. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I disagree with our colleague who has just spoke. I have Lyme disease. Do any of you know what it's like to pour hot water over your hands so you can get them to move in the morning? Your knees ache. Your hips hurt. Your elbows hurt. You can barely get out of bed some mornings.

I have to go away to get treatment. Because of the antibiotics, they don't like us to have multiple treatments. If I get bit by a tick today, I have to get in the car and go to Massachusetts because my doctor will no longer give me antibiotics. If you know what the pain is, you will vote in the affirmative for the Majority Report Committee Amendment "A". This is very important to those of us that suffer. There's a guy in Topsham who wants to bring a Lyme clinic to Maine, to Topsham, Maine. He's got the money to do it, and unless this is put in a statute, he will take his facility to New Hampshire. Please vote unanimously for this bill so I don't have to keep driving out of state. Thank you.

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

Representative **PECTEAU**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. With all due respect to the Committee Chair and the physicians who feel strongly about this issue, Mr. Speaker, I'm not simply rising in support of this motion, I'm rising to support the victims who testified of their pain and suffering before our committee for hours. I have to say that if you'd told me a few months ago that I'd be working closely with Representative Sanderson on a bill, I really would've been skeptical. But this bill is not a partisan issue. And I have been thankful for the leadership that Representative Sanderson has shown on behalf of those suffering with Lyme disease.

I did not take this bill lightly. I did my homework. I looked at the laws passed in the other New England states and in the State of New York, and watched a 50 minute video from a professor who sees the issue from an opposing perspective. I watched a documentary from those on the advocacy side of this issue. At the end of the day, it made sense to me to adopt the only law in the aforementioned states that use strictly permissive language.

The state with this language was Massachusetts. So I amended the original bill to adopt verbatim the language used in Massachusetts. The law in Massachusetts had an interesting path to being passed. It was included in the Governor's budget in Massachusetts. Governor Duvall Patrick intended to veto that line item in the budget. However, he met with advocates and the Commissioner of Health in Massachusetts and after that meeting he made a decision not to veto this item in the budget. I have to believe that if the Commissioner of Health were convincing enough that Governor Duvall Patrick would've vetoed that line

item. Since this law has gone into effect in Massachusetts, there has been no bill submitted in the Massachusetts Legislature to repeal the law. I am convinced that this is the right way forward to make sure that those suffering with Lyme disease have access to treatment, and doctors feel comfortable providing that treatment if they so choose. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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 strongly urge you to support the pending motion. As the good Representatives have stated in the past, the past speakers, it's permissive language; it's not forcing anyone in the medical community to do anything that they don't want to do.

My mother suffered from chronic Lyme disease. She got it about eight years ago. Seven years ago at this time of day, she'd probably be in bed. Today, she's out gardening and that's because she went to New Hampshire to get treatment for her chronic Lyme. She was on antibiotics for about 18 months, and she continues to see the physician down in New Hampshire in Portsmouth, and she's, for the most part, cured. So, if a doctor would like to prescribe the antibiotics for 18 months, this bill would just say that they can. It's not forcing anybody to do anything. I strongly urge you to support the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Mr. Speaker, as you may know from today's calendar, when this bill was first heard in front of our committee, I had some reservations, along with our Democratic Committee Chair who has made this motion. I was uncomfortable with the lack of informed consent. I was uncomfortable with the fact that the medical association came and spoke the way they did on the bill. I was uncomfortable with the fact that our committee may not be the best instrument to hear this. But that was several weeks ago.

I've heard from a number of constituents in my district. I've visited with several on this, I saw the pain that they're enduring, and I heard their pleas. In fact, it was 100 percent of them were pleading with me to change my vote and to vote for the pending motion. I've also spoken to several doctors and what folks won't tell you is that they're scared, that's why they won't do it, but they do think this is an effective treatment. That's why today, Mr. Speaker, I will be changing my vote and voting in support of the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today to speak on this issue of Lyme's disease. My eight-year-old grandson was bitten by a tick, and because his parents were prudent and they check every day, they finally found a place that didn't look right and took him to a doctor who put him on the 28-day program. And he was one of the fortunate ones; it was caught early and it was taken care of.

That being said, I also have a constituent that lives in my town who was looking forward to retirement, owned a mom-and-pop store, very popular guy. His wife has been down here many times advocating for law on this disease, Lyme's bill. And his retirement consists of, some days, not even being able to get out of bed, spending numerous time throughout the year, each and every year, in the hospital getting intravenous medications.

I'm not from the medical field, I don't pretend to be, but I can see with my eyes. I can see what's going on and I can hear people that talk about this disease. I sat in the hearings and I

also sat in the work session and I heard the stories that were being told. And to you and I, we may take and we may turn around and put money aside and go on vacation this year somewhere. To some of these other people that suffer from Lyme's and cannot get the treatment they deserve here in Maine, they put their vacation money away and they use it to travel and spend to go get treatment in another state.

This is the right thing to do. I applaud the committee for the way they worked on this and come out with both of the Ought to Pass, different amendments; Amendment "A" is the right amendment. I am so glad that that is what's been moved and I ask you, I urge you to do what's right and follow my light.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker, I'm sorry about rising again, but first of all, I want to thank my good Chairman, Representative Herbig, for bringing this forward and helping us with it. I want to thank my good friend, Representative Fecteau, for working on this so hard, and my very, very, good friend, and I have many of them across the aisle, Representative Sanderson, my good Republican friend, for starting this thing.

And so far, you've heard nothing, only one voice, and as I said about Doctor Mills, the one voice was from a doctor sitting in this chamber. And it was the same thing she said that I heard 10 years ago. But it was like the widening of the highway, if I want to get off track a little bit. And the environmentalists saying it was bad for this and bad for that. But after enough people got killed on the Maine Turnpike, they widened the highway, after it was too late for many people.

Well, it's been too late for many people for the last 10 years, and it's time, as lawmakers, for us to stop listening to the other side, the very minority, and I'll say the same thing I do about many things: If you don't believe in it, Doctor, don't treat them. You don't have to treat them.

The SPEAKER PRO TEM: The Member will defer. The Chair would remind all Members to not call out individual members and to focus comments on the debate at hand. The Member may proceed.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House and to stay as close as possible to the pending question.

Representative **CAMPBELL**: I was talking about doctors in the state, not anybody in the chamber. I said if they don't want to treat a patient...

The SPEAKER PRO TEM: The Member will defer and keep the comments to the bill. "Doctor," singular, was mentioned. The Member may proceed.

Representative **CAMPBELL**: So, I ask you all today, as lawmakers, after I got my hand slapped, to follow my green light and let's pass at this time and let's not let anybody else in the State of Maine have to suffer with this treacherous disease. Thank you and I'm sorry, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Gilbert.

Representative **GILBERT**: Mr. Speaker, Ladies and Gentlemen of the House, I stand in support of LD 422 Amendment "A." In Maine we have around 1,300 new cases of Lyme disease diagnosed each year, but we have no way of knowing how many go undiagnosed. This bill empowers medical professionals to apply their best judgement. This is what patients and doctors deserve. It's not right to remove treatment from a patient if it's working, or to penalize the physician if they administer the treatment because it works. Please follow my light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I've watched my cousin suffer for years with Lyme disease. We now have treatments that can help with the pain that my cousin equates to arthritis in every joint in her body on a daily basis. My friend and dance instructor is an advocate for Lyme awareness because she suffers with it every day and I have seen her on days where every step she takes causes extreme pain. Last summer a good friend of mine developed Lyme disease which caused temporary paralysis, but thanks to modern treatments she is almost 100 percent recovered a year later. It's a long road, but we owe it to the people of Maine to help them get access to treatments that can help them live productive lives.

Ticks are here to stay. They are in every county in Maine now. They carry diseases, one of which, Lyme, is treatable today. People and pets get this horrible disease. I have to check my family and pets daily as we have tick infested land on our farm. It was not uncommon to remove a dozen or more ticks from our Springer Spaniel after a day in the woods pulling taps in April and early May after the maple season had ended. He, on the other hand, loved it because he was getting lots of attention.

I worry it is only a matter of time before a member of my immediate family contracts this disease and so I will be voting for Committee Amendment "A" in order for the people of Maine to have access to treatment that can help ease their suffering. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Rockport, Representative Welsh.

Representative **WELSH**: Thank you, Mr. Speaker, Men and Women of the House, this is a very tough issue for all. We all have friends, neighbors, people in this body who are struggling with chronic Lyme disease. There's just no question about it. But I also know that from my discussions with my neighbor, who's an immunologist, that he also struggles with treating the effects of long term antibiotics, which are as debilitating in their own right as the treating of chronic Lyme disease.

I just don't believe that legislatures should be making decisions about medical treatments. That discussion is happening in the medical community, and I think that's where we need to leave it to be sorted out. And I ask you to oppose this motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as a police officer for 27 years in South Portland, I saw a lot of people in my community, and I'd say a number of them that had come down with this disease, and I've seen how much it's changed their lives. Even right down into my own neighborhood, a gentleman down the street, his daughter had it.

I'm not a doctor. I never played one on TV. But what I will say, I don't think it's up to me to try to tell a doctor how to do his job. The doctor is the one that's going to know what's right for their patient, dependent upon their patient's history, and I think this will allow, or open a door to a doctor, and give them a chance to treat their patients better. So, I'll ask you please, like those here, let's show united force together and let's approve this and let the doctors do their job. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: Thank you. I think the discussion here is about Lyme disease, and it is a bad disorder. I started out, and excuse me for rising again, and I take no offense

from any comments made. This is a conversation that I have had many times in my office, and it's the collective understanding that Lyme disease does something bad after a tick bite.

But there's no evidence in the medical literature, I want to let you know, that antibiotics do anything to cure that beyond time and keeping a body healthy. So, thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. This bill puts me in a hard place. For those of you who were here in the 126th, you know that this is something that's near and dear to me. My roommate, and one of my best friends in the entire world, suffers with chronic Lyme. I have watched her for 10 years, watched this disease unravel her life, I watched her have to drop out of college because of what happened. I watched her as doctors told her what was going on didn't exist and it was just in her head. I have seen the ups and downs of this disease and it is a horrific, horrific disease, and we need to be doing more.

I also, for those of you who know me personally, spent Monday night in the veterinarian emergency clinic with my dog, who had just come down with not Lyme, but they think it might've been Ehrlichiosis that caused her to be instantly paralyzed. So, now I'm seeing it from the other side. These diseases are here. They're frightening.

But I do have some concerns about the language in Amendment "A." I am very concerned about the way that Lyme is defined and drafted into statute. And, actually, speaking with my close friend and roommate, I'm nervous that if we put something in statute, we're overly defining it and this could hurt further treatment. I think we do need to help our doctors. I think we need to make sure that no one is having disciplinary actions taken against them when they're trying to help their patient and they're doing what, in their mind, is professionally the best option. I also think we need to look long and hard later on in the session, and hopefully funding research. You know, we can't just put this in statute and hope that doctors will take action. We need to assist them. We need to be funding research. We need to be helping the patients. But, because of these reasons, especially the definition of Lyme disease, I'm, unfortunately, rising in opposition to the amendment as proposed. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising twice, but I've sat here and I've listened to the conversation and I am very pleased with the overwhelming support for this motion. The good Representative Hymanson from York is correct; there are two different discussions on this. And this is why this bill is necessary.

There is a Minority Report, a minority belief in the treatment of Lyme, and there's a majority belief on how to treat Lyme. The majority belief follows the IDSA guidelines, the Infectious Disease Society guidelines. In those guidelines they really state, necessarily, that there is, essentially, no such thing as long-term chronic Lyme. However, there is a very, the minority belief is ILADS, for the International Lyme Associated Diseases Society. That's also a very clear set of protocols.

When moving through and learning about Lyme, until more is learned about it, until more people start treating it, it will always remain a minority view. But that does not mean it is not an appropriate way to treat. There are challenges to long-term antibiotic therapy, of course. But when you talk to an individual who's lost their eyesight, who can't get out of bed, who is suffering from tremendous pain, and have continually been

misdiagnosed, they're willing to give this a try; they're willing to take that chance. There's some individuals in the balcony today who have been just in, right in, that very same situation. They have family members who have been in that situation.

Some people get so desperate, everybody remember Bill Chinnock? He committed suicide because he could not get appropriately treated for Lyme. Since we had the public hearing, I've been following the Lyme community on Facebook, and they've posted of two individuals who've committed suicide just because they cannot stand the pain of Lyme any longer. Now, if I'm faced with that, or I'm faced with long-term antibiotic therapy, I want to make sure that I at least have the opportunity to try.

And, again, because treating long-term chronic Lyme with long-term antibiotic therapy is the minority view, that's exactly why we need this law. It's not prescriptive. It doesn't tell a physician they have to treat. It doesn't tell a physician how to treat. It merely allows a physician to treat. And I think that's what we should do with our physicians—allow them to treat. No one says you have to.

So, hopefully, we can move on and get this vote done because I think there's a lot of support for it. And again, I appreciate all the support and I know the individuals in this state who suffer from chronic Lyme sincerely appreciate your support. Thank you.

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

Representative **SANBORN**: Thank you, Mr. Speaker, I have to admit that I did not know that this bill was coming up today and really did not prepare remarks, and wish that I had because it's an incredibly important topic. I really appreciate all the work of the LCRED committee because I know that they tried so hard to come up to, or come up with a good solution to this problem. I know what it's like to be in those hearings where there's so much emotion because so many people are suffering. You know, whether we're talking vaccines or the problem of not knowing what to do or how to prevent Autism. There's just, there's so many serious illnesses that we just don't have the science and don't know how to fix it.

But I strongly, strongly believe that we should not be legislating the practice of medicine. I think that there is no doctor that I know of that wants to avoid giving treatment to a patient that would help. But we have to have the science behind that to know that it would help the patient, and quite honestly, it's a bit offensive to think that so many people think that physicians are withholding treatment that could be helpful. It's also clear from the discussion that the great majority believe what we have not proven: that long-term antibiotics actually cure the disease. And once we have evidence to support that, I don't think that there would be any physician who would not move to prescribe long-term antibiotics.

We also, as physicians, live by our oath of "doing no harm," and we take that incredibly seriously, and that plays into this argument as well. As Representative Hymanson pointed out, physicians can already use long-term antibiotics if and when they believe that is the right thing to do. This legislation really is not needed, so again, I appreciate all the hard work, but I strongly encourage you to vote against the pending motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I spent a career as a conservation officer and a great deal of that time was spent in the outdoors of our state, and years ago when Lyme disease came to the forefront, we began to be very aware of it. And we cautioned

our people in that field to be ever vigilant and watch themselves and each other.

It came from Lyme, Connecticut, as most of you know. That's the name of the small town that Lyme disease first originated. And over the years, we up here in Maine were able to forestall that. Our geography and the distance away from the source was sufficient to keep us from acquiring the problem up here.

I would just like to point out that of all of the northeastern states, New Hampshire, the State of New Hampshire, the State of Vermont, the Commonwealth of Massachusetts, State of Connecticut, State of Rhode Island, and the State of New York which isn't in New England but it's in the northeast, have all demonstrated that this treatment works. And I believe that the evidence is there that Maine should follow their lead and be part of the northeast establishment in seeing that this is passed. So I will ask you to follow my light. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative REED: Thank you, Mr. Speaker, if I may quote Caleb or Joshua from the Good Book, *The Bible*, who said, "We have encompassed this mountain long enough." It is my understanding that this figures to be a big year for ticks in the State of Maine due of the large amount of snow that fell in our state this winter, which allowed them to do better in the larvae stage than they would have if it had been much colder.

I'll be supporting this motion because we are all just one tick away from Lyme disease. This is a bill whose time has come. This is a bill that can really bring hope and change. I hope you'll all support the pending motion. Thank you, Mr. Speaker. Thank you, Ladies and Gentlemen.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative PIERCE: Thank you, Mr. Speaker, and I apologize for rising a second time. I just want to remind people as they make their vote today, think of us who walk cringingly when we're having an outbreak attack of Lyme disease. I can go many days and feel good. Other days, I have all I can do to move.

Do you know why there's no Lyme disease clinics in Maine? Because it's not in statute, so that these people will not bring clinics to Maine until we pass a law so that we can look at a variety of treatments. Long-term antibiotics might not be best for some. Some say it's not the answer and there's not a long-term affect. Well, I've been suffering for four years. I don't know what long-term is, if four years isn't long enough, I guess I'm going to just keep dealing with it.

But I ask you, if you want a Lyme disease clinic in the State of Maine, so they can explore all treatment options, pass this bill. This does not tie a doctor's hands and make them treat when they feel it's unethical or against their better judgement. Other's doctors have different regimens. That's why we always have a second opinion. I urge you pass this legislation so those of us who have Lyme disease can get treatment in Maine with different options, and have a second opinion on this. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative DAUGHTRY: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising a second time, but I'd like to pose a question through the Chair to anyone who may answer it?

The SPEAKER PRO TEM: The Representative may pose her question.

Representative DAUGHTRY: I am wondering about the comments about a clinic not being able to open in Maine currently under our law, and I'm wondering why the Majority

Amendment that's in front of us would ensure that clinics could open up.

The SPEAKER PRO TEM: The Representative from Brunswick, Representative Daughtry, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Chelsea, Representative Sanderson.

Representative SANDERSON: Thank you, Mr. Speaker, I rise to answer the question. The good Representative from Lisbon, Representative Crafts' friend, he has bought a building in Massachusetts. He is from Maine. He would like to invest in Maine. He would like to invest in a clinic in Maine, but he will not do so without the protection of statute.

The SPEAKER PRO TEM: 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. 115

YEA - Alley, Austin, Babbidge, Battle, Beavers, Bickford, Black, Brooks, Bryant, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Davitt, Devin, Dillingham, Doore, Duchesne, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Fecteau, Foley, Fowle, Fredette, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Greenwood, Grohman, Guerin, Hanington, Hanley, Harlow, Head, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Long, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McElwee, Melaragno, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Russell, Sanderson, Saucier, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Winsor, Wood, Mr. Speaker.

NAY - Bates, Beck, Beebe-Center, Blume, Burstein, Daughtry, Dunphy M, Farnsworth, Frey, Gattine, Golden, Goode, Grant, Hamann, Herbig, Hubbell, Hymanson, Jorgensen, Kruger, Longstaff, Luchini, Mastraccio, McCreight, Monaghan, Moonen, Rotundo, Rykerson, Sanborn, Schneck, Stuckey, Tepler, Tipping-Spitz, Warren, Welsh.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, McLean, Noon, Pierce T, Sawicki, Timmons.

Yes, 106; No, 34; Absent, 11; Excused, 0.

106 having voted in the affirmative and 34 voted in the negative, with 11 being absent, and accordingly the Majority Ought to Pass as Amended Report was ACCEPTED.

The Bill was READ ONCE. Committee Amendment "A" (H-216) 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-216) and sent for concurrence.

Majority Report of the Committee on LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT reporting Ought to Pass as Amended by Committee Amendment "A" (H-215) on Bill "An Act To Protect Earned Pay"

(H.P. 456) (L.D. 675)

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
CAMPBELL of Newfield
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

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

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

READ.

On motion of Representative HERBIG of Belfast, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Protect Preemployment Credit Privacy"

(H.P. 795) (L.D. 1157)

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

AUSTIN of Gray
CAMPBELL of Newfield
LOCKMAN of Amherst
STETKIS of Canaan
WARD of Dedham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-213)** on same Bill.

Signed:

Senator:

PATRICK of Oxford

Representatives:

HERBIG of Belfast
BATES of Westbrook
FECTEAU of Biddeford
GILBERT of Jay
MASTRACCIO of Sanford

READ.

On motion of Representative HERBIG of Belfast, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Authorize Tribal-state Memoranda in the Eel and Elver Fisheries"

(H.P. 862) (L.D. 1262)

Signed:

Senators:

BAKER of Sagadahoc
LANGLEY of Hancock
MIRAMANT of Knox

Representatives:

KUMIEGA of Deer Isle
ALLEY of Beals
BATTLE of South Portland
BLUME of York
HAWKE of Boothbay Harbor
PIERCE of Dresden
SAWICKI of Auburn
TUELL of East Machias

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

Signed:

Representatives:

DEVIN of Newcastle
MCCREIGHT of Harpswell

READ.

Representative KUMIEGA of Deer Isle moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought Not to Pass** Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 146) (L.D. 378) Bill "An Act To Facilitate the Issuance of a Gravestone for a Deceased Veteran with No Next of Kin" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 242) (L.D. 649) Resolve, Directing the Department of Health and Human Services To Modify Coverage for Eyeglasses for Children under the Provisions of the MaineCare Program and Review Certain Reimbursement Rates Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**

(H.P. 482) (L.D. 706) Resolve, To Establish a Commission To Study Transportation Funding Reform Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)**

(H.P. 514) (L.D. 761) Bill "An Act To Authorize Free Samples of Wine by a Restaurant" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

(H.P. 697) (L.D. 1002) Bill "An Act To Appropriate \$500,000 for the Electronic Monitoring Fund" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-220)**

(H.P. 898) (L.D. 1320) Bill "An Act To Amend the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-224)**

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 as Amended** and sent for concurrence.

(H.P. 304) (L.D. 465) Bill "An Act To Eliminate the Broadband Sustainability Fee" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-219)**

On motion of Representative GIDEON of Freeport, 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.

(H.P. 808) (L.D. 1176) Bill "An Act To Prohibit the Sale and Possession of Powdered Alcohol in the State" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-226)**

On motion of Representative GIDEON of Freeport, was **REMOVED** from the First Day Consent Calendar.

The Committee Report was **READ**.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the **Unanimous 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 PRO TEM: A roll call has been ordered. The pending question before the House is Acceptance of the Unanimous Ought to Pass as Amended Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 116

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Devin, Dillingham, 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, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - Long.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, McLean, Noon, Pierce T, Sawicki, Stuckey, Timmons.

Yes, 138; No, 1; Absent, 12; Excused, 0.

138 having voted in the affirmative and 1 voted in the negative, with 12 being absent, and accordingly the **Unanimous Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-226)** 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-226)** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Fund the Maine Diversion Alert Program

(S.P. 475) (L.D. 1307)

(C. "A" S-106)

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. 130 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Allow a Home Heating Oil Delivery Driver To Bleed a Home Heating Oil Burner

(S.P. 108) (L.D. 294)

(C. "A" S-120)

An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event

(H.P. 350) (L.D. 511)

(C. "A" H-176)

An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems

(H.P. 441) (L.D. 660)

(C. "A" H-189)

An Act To Update the Maine Veterinary Practice Act

(S.P. 288) (L.D. 814)

(C. "A" S-116)

An Act To Improve Transit Services Statewide

(H.P. 578) (L.D. 844)

(C. "A" H-186)

An Act To Protect Vision Care Patients and Providers

(S.P. 310) (L.D. 865)

(C. "A" S-114)

An Act To Remove Barriers to School Construction Financing in Regional School Units

(H.P. 840) (L.D. 1222)

(C. "A" H-197)

An Act To Protect Patients Who Need Eye Care

(S.P. 453) (L.D. 1271)

(C. "A" S-115)

An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards

(H.P. 916) (L.D. 1347)

An Act Concerning Membership on the Board of Directors of the Lewiston-Auburn Water Pollution Control Authority

(S.P. 495) (L.D. 1362)

(C. "A" S-112)

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

Resolves

Resolve, To Implement Recommendations of the Government Oversight Committee To Strengthen the Ethics Practices and Procedures for Executive Branch Employees

(H.P. 9) (L.D. 6)

(H. "A" H-87 to C. "A" H-52)

Resolve, Directing the Department of Inland Fisheries and Wildlife To Examine the Use of an Antler Point Restriction System To Increase the Age, Size and Number of Antlered Deer in Maine

(S.P. 298) (L.D. 849)

(C. "A" S-110)

Resolve, Requiring the Judicial Department To Study Court Facility Needs in Oxford, Waldo and York Counties

(H.P. 860) (L.D. 1260)

(C. "A" H-190)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

An Act To Move a Township from House District 150 to House District 151

(H.P. 616) (L.D. 897)

(C. "A" H-188)

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

On motion of Representative MARTIN of Eagle Lake, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Improve Enforcement of Maine's Marine Resources Laws

(S.P. 438) (L.D. 1233)

(C. "A" S-109)

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

On motion of Representative KUMIEGA of Deer Isle, was **SET ASIDE**.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Deer Isle, Representative Kumiega.

Representative **KUMIEGA**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, Item 10-10 is "An Act To Improve Enforcement of Maine's Marine Resource Laws." It contains some technical changes to the notification process for suspensions. It contains a time limit on when administrative suspension hearings can be held.

It also has one significant policy change: It changes the penalty for the violation of removing the eggs from a female lobster from a one year suspension to a lifetime license revocation. And I know that sounds pretty extreme, but to the lobstermen and women of the state, this offense of removing the eggs from a female lobster is a very serious offense. Law abiding fishermen have an extremely hard time understanding why someone would sacrifice tens of thousands of future lobsters for the sake of being able to harvest a single female lobster.

The practice of returning egg lobsters to the ocean is why our fishery is so sustainable and the men and women of the industry feel very strongly that anyone who will willfully kill thousands of young lobsters to harvest a single female lobster is not deserving of the privilege to harvest our most valuable marine resource. Mr. Speaker, I request a roll call.

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 PRO TEM: 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. 117

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Campbell J, Campbell R, Chace, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, Devin, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, 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, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Marean, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Powers, Prescott, Reed, Rotundo, Russell, Rykerson, Sanborn, Sanderson, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood, Mr. Speaker.

NAY - NONE.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, McLean, Noon, Pierce T, Sawicki, Timmons.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem, and sent to the Senate.

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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Increase Consumer Protections

(H.P. 859) (L.D. 1259)

(C. "A" H-166)

TABLED - May 26, 2015 (Till Later Today) by Representative McCABE of Skowhegan.

PENDING - PASSAGE TO BE ENACTED.

Subsequently, the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

ORDERS

On motion of Representative PIERCE of Dresden, the following Joint Order: (H.P. 983)

ORDERED, the Senate concurring, that Bill, "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest," S.P. 93, L.D. 255, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ and PASSED.

Sent for concurrence.

REPORTS OF COMMITTEE**Divided Report**

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Provide Enhanced Mental Health Services to the County Prison Population"

(H.P. 438) (L.D. 657)

Signed:

Senators:

ROSEN of Hancock
BURNS of Washington
GERZOFISKY of Cumberland

Representatives:

FOWLE of Vassalboro
CHENETTE of Saco
LAJOIE of Lewiston
LONG of Sherman
NADEAU of Winslow
THERIAULT of China
TIMMONS of Cumberland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-222)** on same Bill.

Signed:

Representatives:

DAVITT of Hampden
GERRISH of Lebanon
WARREN of Hallowell

READ.

Representative FOWLE of Vassalboro moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The SPEAKER PRO TEM: 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 don't speak all that often, or for that long, but I hope you will bear with me for a few minutes because I feel very passionately about this bill.

I oppose the current motion and respectfully ask your thoughtful consideration of the Minority Report, which is a Resolve that directs the Consumer Council System of Maine to convene a broadly representative working group to collect data to define the unmet needs, components, costs, and possible funding sources for mental health, including drug addiction, services in our county jails by February 1, 2016. It further authorizes the committee of jurisdiction to act via the submission of legislation next year. The fiscal note indicates minor costs for Department of Correction and Health and Human Services. In other words, there's no fiscal note affiliated with this.

Last fall, while talking with three county sheriffs, including my own in York County, I learned that at least 70 percent, or even

more, of the individuals in our county jails have mental health or addiction issues, or both, also called dual diagnosis. Although I totally disagree with putting ill people in jail instead of in a more cost effective mental health treatment centers, my conclusion is if jail is where they are, then mental health treatment must come to them, especially via contracting local providers.

We have a duty to provide inmates with medical services, including mental health services, and to provide them protection from harm. In February of this year, I read this in the *Bangor Daily News* editorial:

"Maine's County Jail system needs a better management structure. More important, the state needs to re-examine why so many people are in jail to start with. And what we hope to accomplish by keeping them there. We'll likely find that many of them don't need to be behind bars."

It seems that since most mental hospitals were closed in the last few decades, many of the people that were, or who now should have been in such hospitals, have eventually ended up in our county jails. I believe these people need healing, not warehousing, that's not an original; I read that some place. But, again, jail is where they are at this moment and it is our responsibility to take care of them humanely and compassionately.

To me, the long-term goal should be to move toward treatment, not incarceration for individuals with mental health and addiction issues, and thereby also saving our state a lot of money. I conclude with a statement from a US Department of Justice report on the subject of mental health services for incarcerated persons: "With the appropriate treatment services in the criminal justice system, and connection to community-based services upon release, these special inmate populations could live successful, integrated lives within their communities."

Please vote "no" on this motion. And I will make an addendum. I know there have been lots of studies in the past, but apparently, they haven't been acted on because the situation still exists. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hampden, Representative Davitt.

Representative **DAVITT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I voted for the Minority Report on this because it is true, our jails have become the mental health institutions of this state and it's time we do something about it. We're asking for a thorough review and we've asked that the persons who are most familiar with it do the review and report back so that finally, possibly, we may do something about it. I ask you to vote "no" on this motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Fowle.

Representative **FOWLE**: Mr. Speaker, I love the way you say Vassalboro. I rise because I am on the Majority Report Ought Not to Pass. It isn't that we, in the committee, don't recognize that there is a problem with mental illness in our jails, but what we did feel, or for myself and I think others, is that this was going to be looking at the best practices, and I think we already have a number of best practices in this state.

One being what's happening here in Kennebec County, which is a co-occurring courts, where those that commit crimes with mental illness are dealt with in a special way, through a special court, with special support and services. And, what we need to do as a Legislature is not put out a task force, but support the programs that we do have that are the best practices and are proven, and I know when that court went into place a long time ago, a number of years ago, social workers having conversations with the District Attorney's Office and the judges because it really did do something that was never done before here in this state.

And, to put these program forward, you have to have a judge that's willing to do it, you have to have mental health in that area willing to do it, you have to have the sheriff willing to do it. It takes a lot to make these things happening. And those conversations are happening around the state. So, I think we do have a number of best practices and that is my reason for voting on the Ought Not to Pass, is to try to work to support those programs going forward. And, Mr. Speaker, I would like to ask for a roll call.

The same Representative **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 PRO TEM: The Chair recognizes the Representative from Wells, Representative Foley.

Representative **FOLEY**: Thank you, Mr. Speaker, I rise in opposition to the pending motion. I had the good opportunity to spend some time at our jail in York County, where we found five inmates who were suffering from mental illness, were not getting the treatment that they needed, the sheriff was in desperate need of trying to find help for these individuals.

With the assistance of Representative Gerrish and myself, we were able to get two of those patients into facilities. He was struck with what assistance he did not have, especially on weekends, where these mental health folks were travelling around. There needs to be a more comprehensive plan, how to deal with the mental illness of patients in our jails, so I'd urge you to vote against this motion and let us get the proper treatment to our jail inmates. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: 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. 118

YEA - Battle, Beck, Bickford, Black, Campbell R, Chenette, Crafts, Dillingham, Doore, Duchesne, Edgecomb, Espling, Farrin, Fowle, Gideon, Golden, Goode, Grant, Greenwood, Hanley, Head, Herbig, Hogan, Jorgensen, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Long, Luchini, Mastraccio, Nadeau, Nutting, Parry, Peterson, Picchiotti, Pouliot, Rotundo, Sanborn, Seavey, Shaw, Sirocki, Theriault, Timberlake, Tuell, Wallace, Ward, Welsh, Winsor, Wood.

NAY - Alley, Austin, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chipman, Cooper, Corey, Daughtry, Davitt, Devin, Dunphy L, Dunphy M, Evangelos, Farnsworth, Fecteau, Foley, Fredette, Frey, Gattine, Gerrish, Gilbert, Gillway, Ginzler, Grohman, Guerin, Hamann, Hanington, Harlow, Hickman, Higgins, Hilliard, Hobart, Hubbell, Hymanson, Kinney J, Kruger, Longstaff, Lyford, Maker, Malaby, Marean, Martin J, Martin R, McCabe, McClellan, McCreight, McElwee, Melaragno, Monaghan, Moonen, Morrison, O'Connor, Pickett, Pierce J, Powers, Prescott, Reed, Russell, Rykerson, Saucier, Schneck, Sherman, Short, Skolfield, Stanley, Stearns, Stetkis, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Turner, Vachon, Verow, Wadsworth, Warren, White.

ABSENT - Buckland, Chapman, DeChant, Dion, Hawke, Herrick, Hobbins, McLean, Noon, Pierce T, Sanderson, Sawicki, Timmons, Mr. Speaker.

Yes, 51; No, 86; Absent, 14; Excused, 0.

51 having voted in the affirmative and 86 voted in the negative, with 14 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-222)** 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-222)** and sent for concurrence.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Friendship, Representative Evangelos, who wishes to address the House on the record.

Representative **EVANGELOS**: Thank you very much. I just wanted to take a moment. Today is May 29th. President Kennedy was born on May 29, 1917, and he would've been 98 years old today, and I know he died under very difficult circumstances. This happens to be my personal opinion based on the historical record that the country has never come to terms with the facts behind his removal from power. On April 4th, 1968 Martin Luther King met the same fate. And on June 4, 1968 President Kennedy's brother.

George Orwell once said that, "In a time of universal deceit, telling the truth is a revolutionary act." I would urge everybody to take the time to read a recent book by James Douglass; it's entitled JFK and the Unspeakable. And the "unspeakable" is defined as the collective denial a nation goes into when they fail to come to terms with the facts behind history. It's called JFK and the Unspeakable, by James Douglass, that's with two S's. Thank you for the time, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Knox, Representative Kinney, who wishes to address the House on the record.

Representative **KINNEY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, in reference to Roll Call No. 108V on LD 737, had I been present, I would have noted "nay."

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

On motion of Representative STANLEY of Medway, the House adjourned at 12:37 p.m., until 9:00 a.m., Monday, June 1, 2015.