

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 LEGISLATURE
FIRST REGULAR SESSION
61st Legislative Day
Monday, June 15, 2015

The Speaker resumed the Chair.

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

Prayer by Reverend Peter Day, Holy Trinity Greek Orthodox Church, Lewiston.

National Anthem by Honorable Deane Rykerson, Kittery and Olivia Pomeroy, Kittery Point.

Pledge of Allegiance.

The Journal of Friday, June 12, 2015 was read and approved.

Representative McCABE of Skowhegan assumed the Chair.
The House was called to order by the Speaker Pro Tem.

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

COMMUNICATIONS

The Following Communication: (S.C. 436)

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

June 12, 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 Criminal Justice and Public Safety on Bill "An Act To Protect Patients from Sexual Exploitation" (H.P. 541) (L.D. 792), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass as Amended Report from the Committee on State and Local Government on Bill "An Act To Improve the Maine Administrative Procedure Act" (H.P. 922) (L.D. 1354), in non-concurrence.

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 State and Local Government on Resolve, To Study Understaffing in State Agencies (H.P. 763) (L.D. 1103), in non-concurrence.

Please be advised the Senate today insisted to its previous action whereby it accepted the Minority Ought to Pass Report from the Committee on Criminal Justice and Public Safety on Bill "An Act To Establish Training Standards for Persons Investigating Domestic Abuse Complaints" (H.P. 981) (L.D. 1437), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 437)

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

June 12, 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 Minority Ought to Pass as Amended Report from the Committee on Energy, Utilities and Technology on Bill "An Act To Maximize the Benefits of Renewable Energy in Maine" (H.P. 904) (L.D. 1329), in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative WHITE of Washburn, the following Joint Order: (H.P. 989)

ORDERED, the Senate concurring, that Bill, "An Act To Extend the Funding Period for Landfill Closure Costs," H.P. 404, L.D. 580, and all its accompanying papers, be recalled from the Governor's desk to the House.

READ.

On motion of Representative WHITE of Washburn, **TABLED** pending **PASSAGE** and later today assigned.

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

COMMUNICATIONS

The Following Communication: (H.C. 220)

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

June 12, 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 660, "An Act To Protect Homeowners from Damage in the Event of a Failure of Public Water Systems."

This bill is an attempt to address an unfortunate set of circumstances that occurred in one water district in the state. The bill permits consumer owned water utilities to increase the amount in their contingency funds from 7% or 12%, based on the utility's revenue, and to use these funds to reimburse homeowners for damages due to a water system failure, such as a water main break.

The bill would not prevent future unfortunate events from occurring and may reduce the incentive for insurance markets to

address similar water damages. It should be noted that water utilities already have the ability to budget for such expenses, but most do not. In addition, many water utilities do not currently put aside money in a contingency fund, despite having the authority to do so. Neither of these circumstances would change if this bill passed, and it is unlikely that there would be any improvement for affected homeowners for future water damage.

For this reason, I return LD 660 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item 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)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative DeChant.

Representative **DeCHANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, good morning. I welcome the opportunity to talk to folks this morning about LD 660 and encourage the reconsideration of the veto. This bill is a modest bill. It was a joint unanimous support in the committee, the Energy, Utilities, and Technology. Also, it was an issue that came before the Insurance and Financial Services Committee, and together we figured out that this was the best way, the modest way, to approach this issue.

The issue is one that is a consolidated attempt to address the unfortunate set of circumstances that can happen within anybody's district, within anyone that is currently on public water. This is a bill that addresses that issue. There are, Mr. Speaker, there are 240,000 water line breaks per year in the United States, and that's 657 per day. So, in Maine, with an old infrastructure, we are sitting on infrastructure that's over 100 years old and that, while municipalities are making these slow improvements, citizens are sitting on a time bomb.

And so, Mr. Speaker, Ladies and Gentlemen of the House, think about if you went to bed one night and by two o'clock the next morning, you're awoken by neighbors because there were over 900 gallons a minute of water coming into your basement by an infrastructure water main break at no fault of your own. By the next day, you are told by your insurance company that it's not covered, it never could be covered, because this definition of flood is not within the federal definition that private homeownership insurance can cover. You're told by the municipality that they've got immunity under the Maine Tort Claims Law and then you're told by your water district that they'd like to help you out, but because of the PUC has a statute that says that their contingency funds can't be used in this manner, their hands are tied.

Meanwhile, you, Mr. Speaker and Ladies and Gentlemen of the House, are faced with, potentially, \$20 thousand or more of debt that by no fault of your own. So, we've gone through the due diligence. We, on the Utilities Committee, and with the Financial Services and Insurance Committee, we went through and found out that this was the modest approach. It changes just a few words in statute with the PUC that allows this sort of catastrophe to be listed amongst funds that could be used—not mandated—that could be used for water districts. So instead of thinking that this is not going to prevent the next water main break. I agree with that 100 percent. It's not. There will be a next water main break. Instead, it is the only way, a modest way, in which a consumer can address and seek some sort of

assistance with a catastrophe, a financial setback like this, that few of us could absorb. So, I encourage that we override this veto. 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 PRO TEM: 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. 239V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Evangelos, Farnsworth, Foley, Fowle, Frey, Gattine, Gerrish, Gideon, Gilbert, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Herbig, Herrick, Hickman, Higgins, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce T, Pouliot, Powers, Prescott, Rotundo, Sanborn, Saucier, Schneck, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Verow, Wadsworth, Ward, Warren, Welsh, Winsor, Wood.

NAY - Black, Campbell R, Crafts, Edgecomb, Espling, Farrin, Fredette, Gillway, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Hilliard, Hobart, Kinney M, Lockman, Long, Lyford, McClellan, McElwee, Nutting, Pierce J, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stetkis, Theriault, Timberlake, Timmons, Wallace, White.

ABSENT - Beck, Devin, Dillingham, Fecteau, Marean, Russell, Rykerson, Skolfield, Mr. Speaker.

Yes, 107; No, 35; Absent, 9; Excused, 0.

107 having voted in the affirmative and 35 voted in the negative, with 9 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 221)

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

June 12, 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 483, "An Act Regarding the Reporting Standards for Child Abuse."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 483 unsigned and vetoed.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act Regarding the Reporting Standards for Child Abuse

(H.P. 322) (L.D. 483)
(C. "A" H-193)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Bates.

Representative **BATES**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just to shed a little bit of light on this bill. This is a correction bill. It simply corrects an overly broad section of law in the most recent reformation of the Child Abuse Reporting Act. It was a unanimous report out of HHS, so I'd like to thank the committee and all the cosponsors who helped shepherd this through.

Basically, this deals with injuries that would take place during a live birth. Currently, there is what's called an "automatic reporter" for children ages 0-6 months, where any bruising, discoloration, fracture, or other similar injuries are automatically reported to the Department as child abuse. Unfortunately, these are common injuries during the birthing process, and as such, the Department is receiving a lot of claims that not only give hospitals a bad rap, but also bog them down from any kind of complicated delivery.

So, this bill would simply create a narrowly focused exemption which would protect those who are looking out for our youngest citizens and have to deal with difficult deliveries. The exemption would be that deliveries in a hospital attended by a licensed medical practitioner would be exempt from this report and it would allow the Department to go after what it should be doing in its investigative process, which is to more accurately go after real child abuse. Thank you, Mr. Speaker.

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 PRO TEM: 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. 240V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell,

Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, 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, 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.

NAY - NONE.

ABSENT - Beck, Devin, Dillingham, Fecteau, Marean, Russell, Skolfield, Mr. Speaker.

Yes, 143; No, 0; Absent, 8; Excused, 0.

143 having voted in the affirmative and 0 voted in the negative, with 8 being absent, and accordingly the Veto was **NOT SUSTAINED.** Sent for concurrence.

The Following Communication: (H.C. 222)

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

June 12, 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 511, "An Act To Permit a Licensed Sales Representative To Provide Spirits at an Approved Tasting Event."

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

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

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 511 unsigned and vetoed.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item 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)

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 PRO TEM: 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. 241V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, 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.

NAY - Crafts.

ABSENT - Beck, Dillingham, Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 144; No, 1; Absent, 6; Excused, 0.

144 having voted in the affirmative and 1 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 223)

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

June 12, 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 537, "An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

I will not sit by and watch a handful of Democrats disenfranchise the people they were elected to represent. I want to ensure that

each piece of legislation gets the widest possible representation in Augusta.

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 537 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Avoid the Inappropriate Use of Assessment Tools on Children before Grade 3

(H.P. 361) (L.D. 537)

(C. "A" H-198)

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 rise today to urge you to overturn this veto. This bill is mine. It's something I'm very passionate about, but mostly, I want to rise and tell you that this came out of the Education Committee as a unanimous vote. It's something that we worked again and again and came up with what I think is a great piece of language to make sure that young children in our education system aren't having standardized tests used in a manner that could determine their future academic success.

And I just wanted to read you really quick, the major language of the bill just says that, "An early childhood statewide assessment must avoid inappropriate use of assessment information. Specifically, the assessment may not result in labeling children, restricting kindergarten entry, or predicting a children's future academic and life success." Throughout the country we're seeing high-stakes testing being used in grades third and below that are labeling children and keeping them out of certain programs. This language was drafted with the Department of Education, we all agreed on it, and this is a way to ensure that Maine students have the best step forward and aren't being stressed out by high-stakes tests at an early age. I urge you to overturn the veto.

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 PRO TEM: 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. 242V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, 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.

NAY - NONE.

ABSENT - Beck, Dillingham, Fecteau, Marean, Skolfield, Mr. Speaker.

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 Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 224)

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

June 12, 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 844, "An Act To Improve Transit Services Statewide."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 844 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Improve Transit Services Statewide

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

(C. "A" H-186)

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 PRO TEM: 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. 243V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgcomb, Esping, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Long, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, 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.

NAY - NONE.

ABSENT - Beck, Dillingham, Fecteau, Marean, Skolfield, Mr. Speaker.

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 Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 225)

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

June 12, 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 1222, "An Act To Remove Barriers to School Construction Financing in Regional School Units."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for

reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1222 unsigned and vetoed.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

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

(H.P. 840) (L.D. 1222)
(C. "A" H-197)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, quick refresher. This bill equalizes the options for construction financing between RSU's and municipalities. Currently, municipal school districts like sewer districts or water districts have a leveled debt payment schedule over the life of the bond for school construction. That's like a house mortgage.

RSU's currently do not have that option. So, right now RSU's pay interest on a front-loaded, upfront, heavy payment at the beginning. And so to be taxpayer friendly, we're asking that we make it a level debt payment structure also available to RSU's. I thank the consideration and then scrutiny of the Education Committee unanimous report went through both chambers without dissent. The cosponsors are folks from around the state who represent RSU's. Thank you very much. I hope you can support this. Thank you, Mr. Speaker.

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 PRO TEM: 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. 244V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Buckland, Burstein, Campbell J, Campbell R, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Crafts, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling, Evangelos, Farnsworth, Farrin, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, 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.

NAY - Lockman, Long.

ABSENT - Beck, Dillingham, Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 143; No, 2; Absent, 6; Excused, 0.

143 having voted in the affirmative and 2 voted in the negative, with 6 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 226)

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

June 12, 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 1259, "An Act To Increase Consumer Protections."

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

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

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1259 unsigned and vetoed.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Increase Consumer Protections

(H.P. 859) (L.D. 1259)
(C. "A" H-166)

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in support of overriding this veto as the sponsor of this bill. Just a quick summary of what it does. This issue came to us two years ago in our committee when a state trooper had a less than positive experience with a 17-year-old. And the 17-year-old reacted by placing a retaliatory lien against the state trooper.

Over the course of hearing about this, it turns out this has also happened to employees of sheriffs' departments. This has happened to some of our judges who have had retaliatory liens filed against them after a court case was decided. And our committee, two years ago, decided that we would give expedited review to those folks who have retaliatory and fraudulent liens filed against them so that they could get to court more quickly to

get a court order to remove that lien. That was a good decision. I support that decision. But, it leaves all of the burden on the victim. In this case, a judge or a state trooper, who's had a retaliatory lien filed against them, to get a lawyer, go to court, get a court order to remove it.

This bill would flip that process. It would give the Secretary of State's Office the discretion to remove that fraudulent lien. And then it would put the burden on the person who filed it to go to court to get a court order to prove that the lien is not fraudulent and not retaliatory. I want to thank the members of the Judiciary Committee for their unanimous bipartisan support of this bill and I urge you to override the veto. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Saco, Representative Hobbins.

Representative **HOBBS**: Thank you very much, Mr. Speaker and Women and Men of the House, I believe that my colleague and fellow member of the Judiciary Committee did an excellent job in explaining the necessity of this particular bill. This particular bill received a unanimous report. There was a bipartisan review of this issue. It is, unfortunately, that individuals in our society have used this approach as a matter of, really intentional what should be civil disobedience in some cases, with intentional malice to hurt people's credit and hurt those in public office and others who are citizens who disagree respectfully with their position. Even though I'm a little stunned that this was vetoed, but due respect to the Chief Executive, I hope you will override this veto. 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 PRO TEM: 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. 245V

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

NAY - Crafts, Dillingham, Hanington, Hilliard, Long, Pierce J, Stetkis, Timberlake.

ABSENT - Beck, Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 138; No, 8; Absent, 5; Excused, 0.

138 having voted in the affirmative and 8 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 227)

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

June 12, 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 1347, "An Act To Implement Recommendations of the Government Oversight Committee To Clarify That Competitive Bid Provisions Apply to Grant Awards."

As promised, I am vetoing all bills sponsored by Democrats because they have stifled the voice of Maine citizens by preventing them from voting on the elimination of the income tax. These legislators were elected to serve the people of Maine, but they choose to operate behind closed doors to advance their own partisan agendas. Rather than work with me to at least give the Maine people a chance to vote on lowering or eliminating the income tax, they closed the door. They defend the status quo and they cut the people out of the process.

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

Therefore, in order for legislation sponsored by Democrats to become law, they will have to follow the procedure for reconsideration of a veto, which requires two-thirds support of the Legislature and a roll call. Instead of allowing them to pass bills out of the public eye and with no accountability, I believe the Maine people deserve to see how their elected officials voted on each piece of legislation.

For this reason, I return LD 1347 unsigned and vetoed.

Sincerely,

S/Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item 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)

The SPEAKER PRO TEM: The Chair recognizes the Representative from Thomaston, Representative Kruger.

Representative **KRUGER**: Thank you, Mr. Speaker, Members of the House, this bill went under the hammer last time so you might not be all that familiar with it. It was a unanimous vote by the bipartisan Government Oversight Committee. A small item, really, more housekeeping than anything else, but it brings grants into line with other contracts.

It doesn't change law in any significant way, but it comes from the report that the Office of Program Evaluation and Government Accountability submitted concerning the Maine Center for Disease Control's handling of the Healthy Maine Partnership's contracts and funding for Fiscal Year 2013. That situation, you may recall, had created a great deal of controversy due to a lack of transparency in how CDC had selected its lead HMP agencies, and how it determined the amount of the grants awarded, and allegations of destruction of documents related to those decisions. In connection with that report, the GOC also held a public inquiry to further question CDC officials about the situation and decisions.

This bill comes out of that, as I say, it went under the hammer in the House, it was unanimous by the bipartisan committee, and I would appreciate your support of the override. 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 PRO TEM: 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. 246V

YEA - Alley, Austin, Babbidge, Bates, Battle, Beavers, Beebe-Center, Bickford, 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, Foley, Fowle, Fredette, Frey, Gattine, Gerrish, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Grohman, Guerin, Hamann, Hanington, Hanley, Harlow, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kruger, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, Mastraccio, McCabe, McClellan, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Nutting, O'Connor, Parry, Peterson, 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.

NAY - Long, Picchiotti.

ABSENT - Beck, Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act To Expand Opportunities for Economic Development in Maine"

(S.P. 497) (L.D. 1364)

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 to Pass as Amended by Committee Amendment "A" (S-198)** on same Bill.

Signed:

Senators:

VOLK of Cumberland

CUSHING of Penobscot

Representatives:

AUSTIN of Gray

LOCKMAN of Amherst

STETKIS of Canaan

WARD of Dedham

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-198) AND SENATE AMENDMENT "A" (S-234).**

READ.

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

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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, on this Divided Report I find myself with the majority, and the title of the bill kind of made me wonder why I would be against creating jobs. But, when I got the summary and read the summary, there was four points of changes to the Pine Tree Development. I won't read the whole four. I'll just read number two.

"Current law defines a qualified Pine Tree Development Zone employee as an employee for whom group health insurance is provided. This bill eliminates the requirement that group health insurance be provided." You know, we talk about creating jobs. We don't want to pay more than \$7.50 an hour, we don't want any health insurance, so now I find out why I'm on the Majority Report and I intend to vote that way. 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. 247

YEA - Alley, Babbidge, Bates, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, 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, 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.

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 J, Kinney M, Lockman, Long, Lyford,

Maker, Malaby, 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 - Beck, Fecteau, Marean, Skolfield, Mr. Speaker.
Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-414)** on RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations

(H.P. 612) (L.D. 893)

Signed:

Senators:

BURNS of Washington
JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth
MOONEN of Portland
SHERMAN of Hodgdon
WARREN of Hallowell

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

Signed:

Representative:

GUERIN of Glenburn

READ.

On motion of Representative BEAR of the Houlton Band of Maliseet Indians, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit Discrimination against a Person Who Is Not Vaccinated"

(H.P. 653) (L.D. 950)

Signed:

Senators:

JOHNSON of Lincoln
VOLK of Cumberland

Representatives:

HOBBINS of Saco
EVANGELOS of Friendship
GINZLER of Bridgton
HERRICK of Paris
McCREIGHT of Harpswell
MONAGHAN of Cape Elizabeth

MOONEN of Portland
WARREN of Hallowell

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-413)** on same Bill.

Signed:

Senator:

BURNS of Washington

Representatives:

GUERIN of Glenburn
SHERMAN of Hodgdon

READ.

Representative HOBBINS of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **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 Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker. Good morning, Men and Women of the House, I sponsored this bill earlier this year and we had quite a turnout a few weeks ago with parents bringing their kids from all over the state to testify in support of LD 950 to protect their rights to choose which vaccines they choose to administer to their kids and when they administer those to their kids.

According to the CDC, last year's flu shot was 23 percent effective. How many people here got a flu shot last year? Well, nearly eight out of 10 of you were not protected. In other words, 77 percent of those who took the flu shot last year were not really protected. It was a false hope. We have medical workers in this state, we have teachers, and we have others who are either compelled, coerced, pressured, or required to take a flu shot in order to show up to work. Yet nearly eight out of 10 of them got a flu shot and did nothing for them except check a box off a form.

The folks like myself who question the safety of vaccines are often criticized as anti-vaxers, or non-scientific thinking people. And it's just the opposite. There's a plethora of information out there, peer reviewed medical journals, that suggest that there are links between a rise in certain diseases that we're experiencing today, like Type-1 Diabetes among young people, autism is exploding, and we see these incidents of these disease accelerate at a rate while we're expanding the use of vaccines and over-stimulating the immune systems of our children. There is a link in the scientific literature and we need to respect that science and not just blindly accept a medical product because a pharmaceutical company that makes a ton of money off of it tells us it's good for us, and encourages our state or the federal government to highly recommend or require us to take a product that may not be safe for us.

We had dozens and dozens of parents coming to testify that when they gave their child the pertussis vaccine or an MMR vaccine, within 24 hours they had a severe reaction to it. And, as a one-off, you may say, "Well, it's an exception." But when you have tens of thousands of cases like this happening every year, you have to ask yourself, "What's going on here?" The good Senator, who heads the committee, summarized his position very well. And he said, "Yes, it's true, in this country there is an epidemic. There is an epidemic of autism." And he, like many others in this chamber, have been affected by this. It's hard to

find somebody whose own child hasn't been damaged in some way, compromised, or a friend of a friend or a relative who can tell you, "Yeah, my child has autism. Don't know how it happened, but, you know, he went through, got all of his shots, he was kind of listless the next day, he had some swelling in his head, and now he can't walk so well and he's developmentally delayed."

So, the evidence is out there that these things are not pure like water. There are risks with all medications. And at the end of the day, this bill is about who controls your body: you or the CDC; you or a group of bureaucrats and officials that sit behind closed doors and decide how many vaccines are going to be in the schedule this year, that for some reason we're all obligated to join. Because if we want to not vaccinate our children, we have to opt out. We have to say, "No, we don't want medicine." I disagree with that. We don't have to opt out of anything. We don't need vaccines. It's something we can either take or not take. You can take an Aspirin, you can take a Tylenol, you can take nothing.

Personally, I avoid medications. I rely on natural food. I avoid anything that's going to pollute my body and I try to take care of myself in the best way I see fit. And that's my right as an individual. I get to decide what goes into my body or not. And this whole concept of "herd immunity" is a red herring. I'm not a cow. I'm a human being. I'm not here to be controlled by society for my personal health. Neither are you.

I'm making this argument, I'm submitting this bill, not to protect Republicans or people who believe in natural foods and natural health. This bill is to protect your rights from an overzealous government that will compel you to take a medication because they believe it's good for you. That choice belongs to you. That choice belongs to you and I want to protect that choice.

If a woman has a right to control her reproductive system, surely, I have a right to control my immune system. And I believe in informed choice. I'm not anti-vaccine. I'm for selective use of vaccines.

The SPEAKER PRO TEM: The Member will defer. The Chair will remind all Members to direct their comments towards and through the Chair.

The Chair reminded all members to address their comments toward the Speaker Pro Tem.

The SPEAKER PRO TEM: The Member may proceed. Thank you.

Representative **SAWICKI**: In closing, granted, people like me who homeschool, we want to decide which vaccines we take or do not take. I'm a minority. I'm a minority group. But I'm not alone. I'm not an individual, I'm a minority group. I, as an individual, choose to allow my natural immune system to protect my health. When you contract measles naturally, and recover, you have lifelong immunity. If you rely on vaccines to give you protection, you're getting partial protection and you need to go in for tune-ups every few years. It's called a booster shot.

Now, do you know when that booster, or that original vaccine has expired? No, but there's a best guess. You could contract measles, like they did in Disneyland, even though you've been vaccinated once or twice with boosters. These things have waning immunity. The immunity goes away over time. If I contract measles naturally and I recover, which most people do, I have lifelong immunity. I'd rather have that than compromised immunity because of a vaccine. I should have that choice.

As a minority, I ask for this body to put their personal biases aside and allow me to live as I was born: with an immune system. I wasn't born with vaccines, I was born with an immune system. I have a system in place to protect my body. Through our history

as a republic, we have protected the rights of minorities. In the Maine Human Rights Act, the types of people that we protect, we protect because of their race, their color, sex, sexual orientation, physical or mental disabilities, marital status, and religion. Many of these conditions that we're protecting with the Maine Human Rights Act, are simply due to the way we're born. We don't choose which race we're born into.

Yet, in this country, we heavily discriminated against people 200 years ago, until we caught up as a society and understood that regardless of your race, you are an equal among us. Same thing with women. Just over 100 years ago, this would be filled with all men. Yet, we are wise enough as a nation to understand that just because you're born with one type of reproductive system or another, you're still an equal and you have equal rights. And I ask for you to consider this a similar issue. We don't discriminate against people because they're born with handicaps. We're compassionate. We're empathetic. We protect the rights of minorities in this state and in this country. And I would argue that being born with an immune system is not something to be discriminated against. I have an immune system. We all have an immune system.

Medicines are there to theoretically help us. They're not absolutely perfect. We have plenty of evidence to show that they cause damage to certain individuals and we need to have the right to always make an informed choice when it comes to which medicines we allow into our bodies and who controls our bodies. Do you control your body or would you like the government to make decisions about what you do with your body? That side has made this argument for 30, 40 years, and I support your argument philosophically. It's your body, it's your choice. When it comes to vaccines, it's my body, it's my choice, and I ask for this House to stand up and vote against the Ought Not to Pass and to vote in favor of informed consent and personal control of your very body. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, I'll bet the Hawaiians wish vaccines existed prior to Captain Cook's arrival in 1778. About 80 percent of Hawaiians were lost to diseases such as chicken pox, which Captain Cook and his crew carried there. Thank you.

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

Representative **FOLEY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, 28 years ago, my wife and I lost our two-month-old daughter 36 hours after she received her first set of vaccinations, including her DPT shot. Our daughter was a healthy baby, with an Apgar score of nine, weighing seven pounds, 11 ounces at birth and exceeding all growth charts until the day she died.

We were fortunate to have two other children after that, and we chose to have our vaccinations at a different protocol. We didn't have vaccinations so early in our other children's lives and they never had the DPT shot. Fortunately, my two sons never were discriminated against, attending schools, playing little league, boy scouts or cub scouts. This bill simply says that if you make a choice, and those choices are difficult, it's not something done lightly. My wife and I agonized greatly over it. But we made a choice because we felt it was in the best interest of our boys at the time based on the circumstances that we had.

I don't wish this on anyone, but I do ask that you understand that there are decisions that people make based on the circumstances that they have in their lives. And there are times when you must choose whether to vaccinate or not vaccinate.

My wife and I made that choice and I hope that you would understand and respect that choice. Thank you, Mr. Speaker.

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

Representative **MOONEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise as a member of the Judiciary Committee and a member of the Majority Ought Not to Pass Report. Just to provide a little bit of what I think some of us were thinking on the committee.

We didn't really get into the merits of vaccines, the side effects, or potential side effects. I think that's really an issue for HHS. We were really looking at this as an issue of the Maine Human Rights Act. And in the Maine Human Rights Act, there are protected classes that are immutable traits—traits that are not chosen. You don't choose your sex, you don't choose your age, you don't choose to have a disability, you don't choose your race. And the intent of the Act is really to prevent discrimination based on those traits that are unchangeable and unchosen. And this is not one of those. This is a choice, whether or not to vaccinate yourself or your children.

We did hear from the Maine School Management Association, who were concerned about facing discrimination claims if they sent an employee or a student home who was unvaccinated during an outbreak. We heard from the Maine Medical Association and other medical employers who were worried about discrimination claims if they refused to hire someone to work in the medical field who was unvaccinated. So we heard from a lot of different types of employers who were really concerned about how this would affect them. And I think ultimately, because this is not an immutable trait that is unchangeable, we felt it was not appropriate for the Maine Human Rights Act. There may be somewhere else in statute that this is appropriate, but we felt like this was not the correct statute and that's why we were on the Ought Not to Pass. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I also had a child that was affected by vaccines. Our oldest son, when he had the pertussis shot, had a severe convulsion and the doctor said no more pertussis for him and if I had any subsequent children, she would recommend no pertussis for them.

At that point in time, as it is today, he was still able to go to Boy Scout camp and to school without those vaccines, but there is a move nationally to require vaccines for school attendance and for different social events. So, I believe this bill is necessary as a human right—the human right to choose not to put foreign materials into our bodies. This bill is only offering a choice for Maine families to be free from discrimination if they choose to alter or defer from the childhood vaccination schedule, like the Foley family did.

If you want to vaccinate your children, you are 100 percent free to do that. Your children will be protected and the majority of children will be protected if their parents choose to have them vaccinated. But should not the parents who decide that they believe the pure form of their child's body is preferable be protected and not discriminated against and kept from social activities when your vaccinated child is protected from them. They are no risk to your child. Thank you.

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

Representative **SANBORN**: Thank you, Mr. Speaker Pro Tem. Mr. Speaker, Women and Men of the House, physicians and the public health experts consider vaccines to be the

greatest public health accomplishment of the 20th century. Vaccines save lives.

If you've been paying attention to the concern over our falling vaccination rates, and thus falling herd immunity in our communities, you will already be aware that those of us who are unable to be vaccinated, because of age or compromised immune systems, are at much greater risk of becoming ill with preventable infectious diseases and that could put lives at risk.

LD 950 is dangerous legislation that could have serious unintended consequences. By proposing to amend the Maine Human Rights Act to give "protected class" status to individuals who choose not to be vaccinated, many in our community, but especially those in a health care setting could be put at serious risk. For the protection of vulnerable patients, hospitals, medical practices, nursing homes and other health care institutions are typically requiring vaccination unless a medical reason not to vaccinate exists.

In the case of measles, unvaccinated employees usually are not allowed to work during an outbreak, since they could contract the infection and unknowingly transmit it to patients with weakened immune systems. For some diseases, like influenza, those who are not vaccinated may be required to wear a mask while dealing with patients during flu season. The public policy rationale for continuing to provide legal authority for those practices is sound. You, as an employee, are making a choice that puts other lives at risk.

I must emphasize that to be vaccinated is a choice, unlike most other protected class status served by the Human Rights Act. The list of protected attributes which are "intrinsic" to an individual, such as age, race, color, sex and so on, are not by choice. Disease spreads among our population the more individuals choose not to vaccinate themselves or their children.

Some workplaces must use immunization status as a requirement to protect the health of those they serve. Please vote down this dangerous piece of legislation to provide for the greater good. Someday your life or that of a loved one may count on it. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker, I apologize for rising a second time. I just wanted to clarify and respond to two comments that were made by two Representatives just now and that concern is the Maine Human Rights Act and the protected classes. And I'm hearing this argument that it only covers conditions that are intrinsic to us at birth, but I would like to point out to the Representatives and to this House, that the Maine Human Rights Act also protects people because of their marital status and their religion. And I would argue that both of those are choices. Thank you.

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. 248

YEA - Alley, Babbidge, Bates, Battle, Beavers, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chace, Chapman, Chenette, Chipman, Cooper, Corey, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Edgcomb, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Herrick, Hickman, Higgins, Hobart, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lajoie, Lockman, Longstaff, Luchini, Maker, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison,

Nadeau, Noon, Nutting, Peterson, Pierce T, Pouliot, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Sherman, Short, Stanley, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Tuell, Turner, Vachon, Wallace, Warren, Welsh.

NAY - Austin, Bickford, Black, Buckland, Campbell R, Crafts, Dillingham, Dunphy L, Espling, Farrin, Foley, Gerrish, Greenwood, Guerin, Hanington, Hanley, Head, Hilliard, Long, Lyford, Malaby, McClellan, McElwee, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sanderson, Sawicki, Sirocki, Stetkis, Timberlake, Timmons, Verow, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Fecteau, Fredette, Kruger, Marean, Skolfield, Theriault, Mr. Speaker.

Yes, 102; No, 42; Absent, 7; Excused, 0.

102 having voted in the affirmative and 42 voted in the negative, with 7 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

ENACTORS
Emergency Measure

An Act To Protect the Future of Harness Racing
(H.P. 705) (L.D. 1022)
(C. "A" H-377)

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

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

Representative **GOODE**: Apologies, Mr. Speaker, I was hoping to rise on LD 742.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 voted in favor of the same and 2 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 Change the Budget Approval Process for Alternative Organizational Structures
(H.P. 516) (L.D. 763)
(C. "A" H-400)

An Act To Help Older Adults Age in Place through Comprehensive Planning
(H.P. 628) (L.D. 909)
(C. "A" H-299)

An Act To Create the Central Maine Water District
(H.P. 887) (L.D. 1309)
(C. "A" H-399)

An Act To Allow an Attorney To Speak or Provide a Written Statement for a Victim at Sentencing
(H.P. 960) (L.D. 1413)
(C. "A" H-398)

An Act To Correct an Inconsistency in the So-called Dig Safe Law
(S.P. 545) (L.D. 1444)

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.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 12, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (11) **Ought Not to Pass** - Minority (2) **Ought to Pass as Amended by Committee Amendment "A" (S-210)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Invest in Maine Companies"
(S.P. 401) (L.D. 1132)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)**.

TABLED - June 12, 2015 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative HERBIG of Belfast, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-401)** - Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** on Bill "An Act To Amend the Definition of 'Health Care Practitioner' in the Maine Health Security Act To Include Pharmacists"
(H.P. 99) (L.D. 141)

TABLED - June 12, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - Motion of Representative HERBIG of Belfast to **ACCEPT** the Majority **OUGHT NOT TO PASS** Report.

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

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

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

Representative **BEAVERS**: How many other states have done this? How many other states have pharmacists on the healthcare provider list?

The SPEAKER PRO TEM: The Representative from South Berwick, Representative Beavers, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE**: Thank you, Mr. Speaker, at this time there are about 48 states that have pharmacists on the healthcare practitioner side of their Medicaid rules so that the pharmacist can be held as a health practitioner. So, and I'm prepared to speak on that if I can.

Representative ESPLING of New Gloucester **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 Durham, Representative Chace.

Representative **CHACE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to oppose this Ought Not to Pass on LD 141. Currently, pharmacists are not reimbursed by MaineCare for counseling on medications. The reason for this bill was to add pharmacist to the listing of healthcare providers under Maine law so that pharmacists would be included with doctors, nurses, even dieticians, as healthcare practitioners.

This bill is about as nonpartisan as we can get. Pharmacies are reimbursed by MaineCare and Medicaid at the store provider number level at this time, not to the licensed pharmacist that is providing the service. So, like physicians, nurse practitioners, nurses, I have an NPI number, a National Provider ID number. I am not billed to that number. The store is.

This had never been an issue in the past. As most pharmacy contracts are based on the cost of a drug and then a dispensing fee, and always linked; they were never separate. In today's world, pharmacists, by law, are required to counsel patients on their medications as well as perform reviews for timeliness, appropriateness, as well as many other factors. If you see the doctor and she finds that there is nothing wrong with you to continue your progress and routines, that consultation is still going to be charged. In the pharmacy environment, consultation can now come separately from the dispensing of the drug.

Compliance checks are often after the fact and are not necessarily at the next dispensing of a medication. It's estimated that 40 percent of MaineCare recipients smoke. Pharmacies are poised in both availability, ability, and approachability to assist our MaineCare citizens to stop smoking, and counseling and follow-up is an intensive part of a quitting smoking regimen, as I'm sure you are all aware. Even our Healthy Maine Tobacco Hotline folks, they come to our pharmacies to be counseled. They are still counseled by pharmacists.

There is no fiscal note to this amendment for two reasons: MaineCare will pay for these services out of their current operating budget. And two, MaineCare will only do this if they choose to reimburse for such services for providers and this amendment is not going to change that. Mr. Speaker, Men and Women of the House, 48 state Medicoids have added pharmacists to their list of practitioners for drug counseling, and I'm please asking that we vote this motion down and allow this amendment for our pharmacists. Thank you.

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

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker and Ladies and Gentlemen of the House, as far back as I can remember, we have a group up here in Maine that gives counseling. You also get counseling at Maine Heart Association and Maine Lung Association when it comes to smoking. We don't have to go to the drug counseling for smoking and turn around and bill MaineCare. MaineCare doesn't have enough money to take care of the people it should be taking care of now. Thank you.

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. 249

YEA - Alley, Babbidge, Bates, Beck, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Hamann,

Harlow, Herbig, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Longstaff, Luchini, Martin J, Martin R, Mastraccio, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Noon, Peterson, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stanley, Stuckey, Tepler, Tipping-Spitz, Tucker, Warren, Welsh, Winsor, Mr. Speaker.

NAY - Austin, Battle, Beavers, 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, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, McClellan, McElwee, Nutting, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stearns, Stetkis, Sukeforth, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Fecteau, Marean, Skolfield.

Yes, 79; No, 69; Absent, 3; Excused, 0.

79 having voted in the affirmative and 69 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 272) (L.D. 742)

(C. "A" S-129)

TABLED - June 10, 2015 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **FINAL PASSAGE**.

On motion of Representative LUCHINI of Ellsworth, the rules were **SUSPENDED** for the purpose of **RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby the Resolution was **PASSED TO BE ENGROSSED**.

On further motion of the same Representative, the rules were **SUSPENDED** for the purpose of **FURTHER RECONSIDERATION**.

On further motion of the same Representative, the House **RECONSIDERED** its action whereby **Committee Amendment "A" (S-129)** was **ADOPTED**.

The same Representative **PRESENTED House Amendment "A" (H-417)** to **Committee Amendment "A" (S-129)** which was **READ** by the Clerk.

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

Representative **LUCHINI**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, just wanted to quickly explain what this amendment would do. Essentially, this would delay the date of when this would become part of the Constitution till March 1, 2016, instead of on the date of the Chief Executive's Proclamation. The intent of this is to ensure that any of the current initiatives that have already been started or going on now for the 2016 ballot would not be affected and they wouldn't have to restart the signature gathering under a different rules that would be implemented if this were to pass.

This was made in consultation with the Secretary of State's Office because the deadline for the 2016 is generally sometime in February to make it on the ballot for that year. So, that's what

this amendment does and I hope you'll support it. Thank you, Mr. Speaker.

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

Representative **KINNEY**: Mr. Speaker, Ladies and Gentlemen of the House, I rise in favor of the pending motion. While all can vote, the whole process of signature collection baffles and confuses the rural communities. The people in rural Maine often wonder, "Where did that come from? How did it get on the ballot?"

During a recent signature ballot initiative, a company from California received over \$250 thousand for a ballot initiative—an initiative that had collected 78,528 signatures in the State of Maine that were turned into the Secretary of State. Out of those, only 63,626 were valid. Yet, 75 percent of those came from 115 First Congressional District towns.

The SPEAKER PRO TEM: The Member would please defer. The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: Mr. Speaker, Point of Information. Are we debating and voting on the amendment or the bill itself, and what should we be speaking to at this point? It's a little bit confusing. Thank you.

The SPEAKER PRO TEM: The present motion before the House is the acceptance of House Amendment "A" to be Adopted.

Representative **CHIPMAN**: That's the amendment that was just distributed that Representative Luchini spoke to?

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Portland, Representative Chipman.

Representative **CHIPMAN**: And is that the amendment that the Representative from Ellsworth just spoke to? That's what we're actually speaking to at this point and would be voting on?

The SPEAKER PRO TEM: At this point in time, the amendment is House Amendment "A" presented by the Representative from Ellsworth, Representative Luchini.

The SPEAKER PRO TEM: The Member may proceed.

Representative **KINNEY**: Seventy-five percent of the 63,626 signatures came from First Congressional District towns and to further pare down the number, would result with 12 towns, mostly in Cumberland County, were responsible for 46 percent. And 22 towns were responsible for 48 percent.

Excluding York county, what about the other 14 counties? Maine has 35,000 square miles. Over 490 towns and cities. And as you ride around this great state this summer, whether you head up to Coburn Gore, or whether you head to "The County," please think about the entire state. Thank you, Mr. Speaker.

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

Representative **DION**: I just wanted to rise, Mr. Speaker, and address the Members of the House on this particular bill. There might be some confusion, procedurally, as to what we might be voting for and if that's the case, I extend my apology to the Members of the chamber for rising. But I'd like to speak to the bill in its entirety.

As I've spoken in the past, the Legislature is keen on...

The SPEAKER PRO TEM: The Member may defer. Right now before us we are discussing House Amendment "A" only.

The Chair recognizes the Representative from Portland, Representative Dion.

Representative **DION**: Then as a Point of Information, is the Chair considering just the vote on the amendment, then we'll revisit the bill in its entirety?

The SPEAKER PRO TEM: The Chair will answer in the affirmative. At this time, we are taking up the amendment and there will be an opportunity to debate the bill.

Subsequently, **House Amendment "A" (H-417) to Committee Amendment "A" (S-129) was ADOPTED.**

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

Representative **RUSSELL**: Point of Order. I'd like to make sure that there's a roll call on the bill. Are we just doing the amendment at the moment or the bill? Because if we're doing the bill, I'd like to call for a roll call.

The SPEAKER PRO TEM: At this time, we are adopting Committee Amendment "A" as amended by House Amendment "A" thereto be adopted. The next step will be the Engrossment.

The Chair recognizes the Representative from Portland, Representative Russell.

Representative **RUSSELL**: Further clarification.

The SPEAKER PRO TEM: The Member may proceed

Representative **RUSSELL**: At which time, it would be appropriate to request a roll call on the entire bill?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative **RUSSELL**: Much obliged.

Committee Amendment "A" (S-129) as Amended by House Amendment "A" (H-417) thereto was ADOPTED.

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

Representative **GOODE**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise just to mention a few quick points on the bill before us. The amendment before it does not change the nature of the bill to alter where people collect their signatures before an initiative goes out to referendum. It just changes the date when it goes into effect, as the good Representative from Ellsworth mentioned.

I just wanted to rise to explain a few things about the bill. In the debate on the bill in a prior session, it was stated a number of times on the floor that the bill would make it so 10 percent of the signatures you collect would have to come from one of the congressional districts. Upon my further research, the bill does not make it so 10 percent of your signatures have to come from one congressional district. Right now you have to collect about 60 thousand signatures to put a question on the ballot.

This bill would make it so if you put a question on the ballot, 29 thousand signatures would have to come from the Second Congressional District and 32 thousand signatures would have to come from the First Congressional District. So, it is not about just making it so you have to collect some of your signatures in one of the districts, or a little bit more than what you used to collect.

It dramatically alters the initiative and referendum process which is a process that we've had in place for over 100 years. It's a process that people of all political persuasions in all parts of the state have used. It's a process that is designed to make sure that when we drift too far from where the public is at that there's a mechanism to make sure we're kept in check. It's a process that I don't always agree with the reasons for why it's used, but I agree with it being there.

I, as folks know, represent part of the City of Bangor. I've never heard of a referendum strategy that is likely to pass without there being a presence in the Second Congressional District. I know that there's different feelings about recent referendums and different feelings about different constituencies. I would like to let folks know that I was born in Calais, have lived in Hodgdon, have lived in Monticello, have lived in Orono, have lived in Bangor. I feel totally comfortable with the current process and the fact that

you would have to have a presence in lots of different parts of the state to win a referendum.

I also rise, four generations of my family have worked at Al's Diner in Mars Hill. Five generations of the other side of my family have lived in Bangor. I dislike some of the policies that come from the First Congressional District more than anybody else in this body. And so, I'm totally comfortable with keeping the initiative and referendum process the way it is. I think you have to have a statewide presence now and I really just ask all of you before you vote on it to be sure that you know that it does not simply make it so if you collect 60 thousand signatures, six thousand have to come from the Second Congressional District. It makes it so half of the signatures you have to collect have to come from each congressional district. I think that is far too high of a burden to put on this process and I encourage you to vote against the pending motion.

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

Representative **DION**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for getting up earlier. I guess we're all entitled to be confused by process from time to time. But my comments today harken back to what I spoke about the last time we discussed this bill.

Whether or not the process for gathering referendum signatures is appropriate, we can look to the history and that seems to suggest that there's been no significant flaw. However, what I would like to remind the body is we're tinkering with the Constitution. The Constitution is the basic charter of government and it's really an instrument to restrain government activity. We often speak of it as a vehicle to assess and assert individual rights, but really, the language of the state Constitution is a mandate from the people to the government and it sets boundaries on government conduct. It restrains government activity. We should tread lightly and in a solemn fashion if we are to upset the balance by incorporating a new amendment to that basic charter. It's the foundation.

On a lighter note, now that we've entered summer, my wife has constructed her to-do list, and she has no objection to blasting walls out of my home on the premise that it needs a little bit of fixing up. And the only boundary that she's been able to accept, grudgingly, is I'm willing to entertain any project as long as it doesn't require blasting out the foundation, causing major excavation and an entire restructuring of the footprint of our residence. That's what we're doing here today.

We're assuming because in some recent initiative that we may have some concern about how signatures were gathered that we should vault into the Constitution and create a new stress within that charter. We should not do that. We exist as a Legislature to address the passions of the day, the problems of the day, and we do so by statute, not by constitutional revision. Constitutional revision should almost rise from a natural consensus of this body and possibly the other chamber that there is something seriously amiss in the contract between our citizens and its government.

If you can rightly say that this petition impacts that relationship, then maybe it's possible that you will vote in favor of this. But if you can honestly look at this question and say, setting aside its merits, it does not rise to the level of intrusion into our charter, then you will support those lights that defeat this proposition. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orono, Representative Tipping-Spitz.

Representative **TIPPING-SPITZ**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I grew up in the Second Congressional District and I think it's important to

maintain that part of Maine that is more rural. I think that it's important when you talk about the referendum process that you remember, when we take a vote it's the entire state taking a vote.

I don't think we should be tinkering with the Constitution because of one referendum, and that's the only reason I've heard that has been brought forward. I think it's important that we're not afraid of ideas and we're not afraid of one part of the state bringing an idea to the rest of the state. When we take a vote, we are one Maine. When we take a vote, we all get to vote and we decide whether that particular idea is good or bad. So, I don't think we should be tinkering with the Constitution.

The past couple weeks I think we've had a good number of days, six or seven out of the last 10, where we've considered constitutional amendments and I think that's a little dangerous. I think when we're trying to change things for the better, we should take a longer approach, and we shouldn't be making decisions based on one vote or one issue where we actually go and change the Constitution because of it. So, thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Newcastle, Representative Devin.

Representative **DEVIN**: Thank you very much, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I think that good Representative from Orono has nailed it on the head. This bill is a knee-jerk reaction to one referendum that was recently held here in the state.

I, personally, do not ever want to see a referendum come on board in which the signatures are skewed 80/20 with one congressional district, as opposed to the other. However, I am very concerned about having to have at least 10 percent from each district. If you could amend this bill so it was at nine percent from each district, under the numbers that we have today and the number of people that voted in the Second District as opposed to the First District, you would ensure that at least 42 percent of the vote, or 42 percent of the signatures would come from Second District.

There are issues in this state which are more important to one of the congressional districts over the other district, yet they are of concern statewide. I can give you an example. In the good Representative from Pittston, in his district exists Maine Yankee and there is nuclear power waste sitting in his district. If, for some reason, the DEP working with the feds came up with a great idea to move that nuclear waste from Wiscasset to the good Representative from Sherman, Representative Long's district, I can imagine that the people of the Second District would be very concerned about that and we might have a voter's referendum result. And I can almost guarantee that there'll be a lot more signatures coming out of the second district than there were the first district.

I think that we may have an issue here with the skewed signatures being collected, particularly when people are getting paid up to three dollars a signature to collect them. However, I don't think this is the solution and I hope that we can put forth another bill that will allow us to have some flexibility in the system. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, many of us are rightly distressed by the involvement of out-of-state interests in our citizen initiative process, especially out-of-state interests with lots of money. Unfortunately, the matter before us cannot fix that problem. Indeed, it seems to me, that making this proposed change to our Constitution would make it easier for out-of-state interests and more difficult for in-state citizens. So, I will be opposed to the pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of LD 742. My reasons for supporting LD 742 are based on the conversations that I had with hundreds of my constituents while out campaigning, knocking on doors, attending forums, visiting fairgrounds. Question 1 usually became the topic of the day. I found it interesting that regardless of where people came down on Question 1, the majority of them were united in their opinion regarding the extent of the role that the people residing in District 1 played in bringing this issue to referendum. They thought the process to be unfair.

Now, I have no problem with citizens' initiatives or referendums. But I do believe that the signatures on the petition should be representative of both the First and Second Districts of the state. This is not the case currently as petition initiatives can be manipulated in ways that benefit certain areas of the state, while hurting other areas of the state. For instance, if the bear referendum had passed, nearly no one living in the area that the vast majority of the signatures came from would've been affected by the loss of the Maine bear guiding jobs or by the large increase in the number of bear nuisance problems.

The passage of LD 742 will prevent petition circulators from collecting the vast majority of signature from areas of the state that have historically been either conservative or liberal, or areas where residents most likely agree with the language of the proposed initiative. The geographic requirements that are contained in LD 742 will force the initiative proponents to demonstrate that their proposals have support statewide and not just among the state's most populous regions, as are currently the case.

The passage of LD 742 will not impede debate. It will not suppress voters. It will, however, insure that the ballot initiative signature represents a diverse and more accurate geographical sample of Maine voters.

In conclusion, Mr. Speaker, the average fiscal note attached to a referendum ballot's \$155 thousand. And to that you can add the total cost to the towns, which is calculated at approximately a million dollars. Where the cost of such referendums are being paid by the citizens of both District 1 and the Second District, it seems only fair to me that those same citizens play an equal role in the process of a citizen's initiative.

I also believe that Question 1, during the last election, played a significant role statewide in who was elected and who was not re-elected. I believe that the voters of Maine will view the outcome of this vote today on LD 742 as either an acceptance or rejection of their wishes in November on Question 1. And, Mr. Speaker, if a roll call hasn't been requested, I request a roll call. Thank you.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-129) as Amended by House Amendment "A" (H-417)** thereto.

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 Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I submit that there is a cure for any defects in the referendum process, either by lack of distribution or the use of outside signature collectors. And that solution is the vote. No referendum becomes law unless it passes a statewide vote.

So, I submit to you there really is no problem. Even the referendum that's been cited as an example of why we need this distribution requirement, if you look at the numbers, there were far more than the required number of signatures coming from the Second CD. Remember, we're not talking about 10 percent of voters, and even that standard was met, but 10 percent of the people who, in the last election voted for the Chief Executive. That's 10 percent of about 60 percent. That's not many signatures and there's never been, as far as I know, any referendum that has gone to the people where the distribution has been so skewed that that amount has been not met. In any event, as I say, the final tally in the statewide vote is the measure of whether or not the people of the Second Congressional District's interests have been met. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Mr. Speaker, you know, my own family spent a couple centuries, actually, on Penobscot Bay. I grew up in South Portland. My adult life has been in Greenville and Kennebunk. And, I have appreciation for all parts of this state.

But, I think that regardless if signatures were gathered in Kennebunk or in Rumford or in Caribou or in Machias, that one person, one signature, one vote should be respected and that we shouldn't put a geographic restriction on this. I don't think residency makes a difference. We should respect the will of all Mainers as Mainers. And if the people of Washington County can support something with the other residents, Maine residents, as it comes through there and it all comes out of there, then we should vote on whatever they've brought before us if they satisfy those qualifications. And so I ask that we not make this change. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, Men and Women of the House, after listening to this debate it appears that there's a consensus on this issue: that there is an issue. We've identified and had before us a solution and I find it bewildering that we are unwilling to act and give all Mainers an equal voice in this process. Thank you.

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

Representative **CHIPMAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I just wanted to make one quick point in one part about this bill I find particularly problematic. And that is, this hard and fast requirement that, essentially, half the signatures come from each congressional district. I think that most people would agree there should be some geographical support and maybe even something that requires 40 percent of the signatures to come from each district might be more reasonable. But requiring 50 percent is unreasonable because, you know, you could have a statewide organization collect 55 percent of their signatures from one district and 45 percent from the other. In my mind, that demonstrates statewide support, but under this bill they would not make the ballot. I don't think that's reasonable and I hope you'll join me in voting no. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-129) as Amended by House Amendment "A" (H-417) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 250

YEA - Alley, Austin, Battle, Beck, Black, Buckland, Campbell J, Campbell R, Chace, Corey, Crafts, Dillingham, Doore, Duchesne, Dunphy L, Dunphy M, Edgecomb, Espling,

Evangelos, Farrin, Foley, Fowle, Fredette, Gerrish, Gillway, Ginzler, Golden, Greenwood, Guerin, Hanington, Hanley, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hubbell, Kinney J, Kinney M, Kumiega, Lajoie, Lockman, Long, Luchini, Lyford, Maker, Malaby, Martin J, Martin R, McCabe, McClellan, McElwee, Monaghan, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Saucier, Sawicki, Seavey, Shaw, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Theriault, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, Warren, Welsh, White, Winsor, Wood.

NAY - Babbidge, Bates, Beavers, Beebe-Center, Bickford, Blume, Brooks, Bryant, Burstein, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Farnsworth, Frey, Gattine, Gideon, Gilbert, Goode, Grant, Grohman, Hamann, Harlow, Hogan, Hymanson, Jorgensen, Kornfield, Kruger, Longstaff, Mastraccio, McCreight, McLean, Melaragno, Moonen, Morrison, Nadeau, Noon, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanborn, Schneck, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker.

ABSENT - Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 93; No, 54; Absent, 4; Excused, 0.

93 having voted in the affirmative and 54 voted in the negative, with 4 being absent, and accordingly the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-129) as Amended by House Amendment "A" (H-417)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

SENATE PAPERS

Resolve, Reauthorizing the Balance of the 2009 Bond Issue for an Offshore Wind Energy Demonstration Project (EMERGENCY)

(S.P. 546) (L.D. 1445)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Friday, June 12, 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 Establish a Commission To Study Transportation Funding Reform (EMERGENCY)

(H.P. 482) (L.D. 706)

(C. "A" H-223)

TABLED - June 12, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FINAL PASSAGE**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 13 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Resolve, Establishing a Task Force To Ensure Integrity in the Use of Service Animals (EMERGENCY)

(H.P. 591) (L.D. 872)

(C. "A" H-370)

TABLED - June 12, 2015 (Till Later Today) by Representative GIDEON of Freeport.

PENDING - **FINAL PASSAGE**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

ENACTORS

Emergency Measure

An Act To Amend the Laws Regarding the Department of Corrections and Correctional Services

(S.P. 542) (L.D. 1440)

(C. "A" S-251)

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. 133 voted in favor of the same and 0 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 Expand Access to Workforce Development at Brunswick Landing

(S.P. 532) (L.D. 1423)

(C. "A" S-225)

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

On motion of Representative CAMPBELL of Newfield, 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 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. 251

YEA - Alley, Babbidge, Bates, Beavers, Beck, Beebe-Center, Bickford, Black, Blume, Brooks, Bryant, Burstein, Chipman, Cooper, Crafts, Daughtry, Davitt, Devin, Dion, Doore, Duchesne, Dunphy M, Evangelos, Fowle, Frey, Gattine, Gideon, Golden, Goode, Grant, Grohman, Hamann, Harlow, Hawke, Herbig, Hickman, Hobart, Hobbins, Hogan, Jorgensen, Kornfield, Kruger, Kumiega, Lajoie, Long, Longstaff, Luchini, Martin J, Martin R, McCabe, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Nadeau, Parry, Peterson, Powers, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Shaw, Short, Stuckey, Tepler, Theriault, Timberlake, Tipping-Spitz, Tucker, Verow, Ward, Warren, Welsh.

NAY - Austin, Battle, Buckland, Campbell J, Campbell R, Chace, Chapman, Chenette, Corey, Dillingham, Dunphy L, Edgecomb, Espling, Farnsworth, Farrin, Foley, Gerrish, Gilbert, Gillway, Ginzler, Greenwood, Guerin, Hanington, Hanley, Head, Herrick, Higgins, Hilliard, Hubbell, Hymanson, Kinney J,

Kinney M, Lockman, Lyford, Maker, Malaby, Mastraccio, McClellan, McElwee, Noon, Nutting, O'Connor, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sherman, Sirocki, Stanley, Stearns, Stetkis, Sukeforth, Timmons, Tuell, Turner, Vachon, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - DeChant, Fecteau, Fredette, Marean, Skolfield, Mr. Speaker.

Yes, 78; No, 67; Absent, 6; Excused, 0.

78 having voted in the affirmative and 67 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Focus Energy Laws on Energy Cost" (S.P. 521) (L.D. 1400)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY READ** and **ACCEPTED** in the House on June 12, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-217)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act Regarding Campaign Finance Reform" (S.P. 419) (L.D. 1192)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ** and **ACCEPTED** in the House on June 12, 2015.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **VETERANS AND LEGAL AFFAIRS** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-154)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Establish the Commission To Study the Reduction of Unfunded and Outdated Municipal Mandates (S.P. 507) (L.D. 1377)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 12, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY**

COMMITTEE AMENDMENT "A" (S-212) in NON-CONCURRENCE.

The House voted to **INSIST**.

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Friday, June 12, 2015, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-407)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, Authorizing Certain Land Transactions by the Department of Agriculture, Conservation and Forestry, Bureau of Parks and Lands

(H.P. 970) (L.D. 1424)

TABLED - June 12, 2015 (Till Later Today) by Representative HICKMAN of Winthrop.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, the Unanimous Committee Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-407)** was **READ** by the Clerk.

Representative HICKMAN of Winthrop **PRESENTED House Amendment "A" (H-422) to Committee Amendment "A" (H-407)**, which was **READ** by the Clerk.

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

Representative HICKMAN: Thank you, Mr. Speaker, our committee, at the request of the Chief Executive's Policy Director added an emergency preamble to this bill in order to expedite these land transactions from our great analyst, Doctor Mike O'Brien. He writes in an email:

"While conducting a final review of this bill, it was brought to my attention that Article IV, Part Third, Section 16 of the Maine Constitution reads, in part, as follows: 'An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years five acres of real estate,'" which is what this bill includes. And so, in order to make the bill constitutional, we need to strip the emergency preamble and that is what this amendment does. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-422) to Committee Amendment "A" (H-407)** was **ADOPTED**.

Committee Amendment "A" (H-407) as Amended by House Amendment "A" (H-422) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-407) as Amended by House Amendment "A" (H-422)** thereto and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Allow the Sale of Unregulated Farm-produced Dairy Products at the Site of Production" (H.P. 206) (L.D. 312)

Signed:

Senators:

EDGECOMB of Aroostook
SAVIELLO of Franklin

Representatives:

BLACK of Wilton
EDGECOMB of Fort Fairfield
KINNEY of Knox
MAREAN of Hollis
McELWEE of Caribou

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-408)** on same Bill.

Signed:

Senator:

DILL of Penobscot

Representatives:

HICKMAN of Winthrop
CHAPMAN of Brooksville
DUNPHY of Old Town
NOON of Sanford
SAUCIER of Presque Isle

READ.

Representative HICKMAN of Winthrop moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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 Sanford, Representative Noon.

Representative **NOON**: Mr. Speaker, Ladies and Gentlemen of the House, this bill is to help the little producers—the ones with two goats or one cow. The producers cannot advertise. The producers must label the milk "Not Pasteurized" and state the name and address of the farm. A "no" vote would be a vote for what I've just given you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Mr. Speaker, Ladies and Gentlemen of the House, seems that this bill comes back every year. We get to look at it over and over again. The concept of this bill sounds good until you look at what it really does. The process for raw milk producers in Maine, there's nothing wrong with raw milk as long as it's tested and properly tested.

This bill just says you have to spend \$25 to get a license with the State of Maine and for your \$25 you get two water tests and a milk test. This bill needs to pass for those of you don't so we protect all of the farmers the State of Maine who are abiding by the law and having their milk tested so that something bad doesn't happen to somebody out there. So please support the **Ought Not to Pass** motion. Thank you.

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

Representative **GROHMAN**: Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, I rise in opposition to the pending motion. You're listening to the guy who put the Keeping a Family Cow book on your desk. I just want to make a couple of points.

Our milk at the farm, raw milk—I think we should really call it "real milk"—keeps more than two weeks in the fridge. Let me say that again. So this real milk, straight from the cow, keeps more than two weeks in the fridge, Mr. Speaker. And why is that? Well, real milk is a clean, natural product. Pasteurization is about distribution. Pasteurization is for the truck. And this bill would allow members of the public to work directly with their farmer to buy real milk, raw milk, straight from the farm and there's no truck needed. It lets you walk onto the farm and buy that real raw milk directly and that's something I very strongly support so I oppose the pending motion. Thank you.

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, this is an unnecessary bill because it's already legal to sell raw milk in the great State of Maine. Milk is the most regulated food product in our food system. Arguments on the other side will say we have not had food borne illnesses from milk in a very long time. They are correct. That's right, I agree that our milk supply is safe. The reason for this is the rules and regulations in place keeping us that way.

Although I am a "freshman" in the 127th Legislature, this is not my first time with this issue. I was present for the public hearing on LD 1282 in the 126th on this same issue because a maple issue was heard, which I was testifying on, after the raw milk issue. Licensed producers are concerned about losing their credibility and ability to sell raw milk, or real milk, products if just one person gets sick from unregulated raw milk sales.

This bill wants to allow small unlicensed producers who currently only produce for their own family to be able to sell excess milk at a premium price. Licensed raw milk producers are getting about eight dollars a gallon for their licensed product, without any oversight. Without any testing. Without proper equipment.

Milk comes out of the cow at 101 degrees Fahrenheit and currently needs to be cooled to 38 degrees within one to two hours of extraction. One of the reasons for this is bacteria growth. Licensed farms have equipment that will rapidly cool milk to this temperature in that hour. Without proper cooling ability bacteria will grow at a rapid rate. A household refrigerator cannot cool this quickly; this is the equipment these very small producers want to use.

As testimony was presented we had a licensed dairy farmer tell us his personal story about consuming raw milk as a child. One of his family's cows developed tuberculosis. The cow showed no symptoms but this bacteria was passed to her milk which my constituent and his sister, also my constituent, consumed. They both developed serious symptoms of tuberculosis and became very ill. Not until they were better did the cow show any symptoms. Had the milk been tested, as licensed farmers do daily, it would have been discovered and the milk would not have been consumed. Because of testing of milk, Maine has been tuberculosis and brucellosis free for many years.

My husband grew up drinking raw milk from his family's licensed/inspected dairy farm. He used to get two gallons of milk every day, one for his consumption and one for the rest of the

family and hired workers who ate meals on the farm. He is healthy. He explained that they had a system in place that precooled the milk on its way to the cooler in order to get the milk cooled as quickly as possible. The milk he was drinking was tested and safe.

I recently received my farm liability insurance renewal policy. I happened to find one page in the exclusions to be of particular interest. I have a maple and hay production farm. We have no dairy animals on our farm at this time either for my husband and I nor for my in-laws who also live on our farm. The exclusion is for "raw milk" and "raw milk" products.

"This insurance does not apply to production, handling, processing, packaging or bottling, distribution, exchange, sale, intent or offer for sale, or transported delivery of raw milk, organic raw milk, certified raw milk, for direct consumption as raw milk or foods made from raw milk when left in an unpasteurized state. However, this exclusion does not apply to hard cheese made from raw milk aged over 60 days, or if it's consumed on your premises and not sold, offered for sale, or provided as a product sample. The insurance does not apply to or will not respond to any claim or suit which involves any of the following: cow, goat, sheep shear programs; cow, goat or sheep co-ops; raw milk co-ops; cow, goat or sheep leasing; cow, goat or sheep boarding; or similar operations. And raw milks means unpasteurized milk from hoofed mammals such as cows, sheep or goats."

I found it interesting that as long as the milk is consumed on the premises and not sold it is covered by the policy. Again I have no milk producing animals—cows, sheep or goats—on my farm, yet this is in my policy. Just for your information, my farm does, however, produce maple syrup which is regulated and must be licensed in order to be sold in Maine. We heat our syrup to a temperature seven degrees above the boiling point of water—on average 219 degrees. And maple syrup is about the opposite of milk as far as a food product. It is one of the safest food farm products due to its process, whereas milk is one of the most dangerous.

This bill will allow people who claim they cannot afford the license, which is only \$25 for a small producer, or the proper equipment to sell a product currently being sold by licensed farmers throughout our great State of Maine. If LD 312 were to pass we would be hurting the many licensed raw milk producers already selling raw milk in Maine. I cannot support this carve out for people who just don't want to follow food safety rules and so I support the current motion. 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 rise in opposition to the pending motion. I am in support of the amended Minority Report, which provides that there must be labeling requirements for the small farmers. We're not talking about the large-scale dairies. That they have to follow certain exemptions that make it clear that this is a product that hasn't gone through all the processes that the good Representative who spoke before me just described. So, it makes it clear to the consumer that they are taking on this risk on their own terms.

But I also just wanted to point out, whenever we debate raw milk, we think about it as a dangerous product. And I just wanted to highlight some other foods that we consume on a regular basis without thinking twice that often have far more food-borne illnesses and far more risk than raw milk such as: spinach, bean sprouts, cantaloupe, canned goods if something goes wrong in the canning process, oysters, clams, even our beloved lobster. There's many foods out there that carry a risk and all this bill does is make it clear in the labeling that if this product is to be

purchased that the consumer knows what they're getting into. I urge you to follow my light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise in support of raw milk. I grew up on it. My kids grew up on it. And we still use raw milk, but we use raw milk now that is from a licensed dealer. Raw milk is available about anywhere you want in this state.

This bill would hurt the small farmers who have already gone through the licensing process and have tried to do things that are right on their facilities. Milk is a great food product, but it is very, very dangerous. A lot of the products that have been mentioned today that are dangerous, those products all have to be cooked. Raw milk is drank in a raw product and not cooked. Milk is a product that needs to be handled properly from the time it leaves the animal to the time it's consumed. I would ask you to protect the farmers who have already done the right thing and have licensed their farms and support this pending motion. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brooksville, Representative Chapman.

Representative **CHAPMAN**: Thank you, Mr. Speaker, Friends and Colleagues of the House, my district happens to be one in which the local foods movement is very active. The first three towns in the state that passed local food ordinances are in my district. Those passed by either unanimous votes or greater than 98 percent votes at the annual town meetings, and I bring this up to point out that these issues are not partisan issues. There are now 14 towns in Maine that have passed such local food ordinances.

And only two other points: One is that our public policy does not need to conform to a specific insurance company's product. And the second point that I want to make has to do with some information that we gained at the public hearing in the committee which has to do with what happens to the industry when there is a problem with a food-borne illness causing illness or death. And we were speaking with the milk industry and the question that was asked was whether or not they had seen any change in their sales due to some deaths in New England from drinking milk. And they reported that, in fact, they had not seen any change in their sales and if there were it was probably an increase in sales. Because the deaths that were caused were caused by contamination in a pasteurization plant and that plant had to be shut down which forced the wholesalers to find other areas for their supply so that other sales went up.

There's no indication that raw milk represents a higher risk than many of the other foods, as you've already heard. And there's no indication that there's any economic consequence to the industry for a problem within this specific product. So, for these reasons, I'm voting against the pending motion. Thank you, Mr. Speaker.

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, in a nutshell, the Maine Grocer's Association is against this. There's your answer.

The SPEAKER PRO TEM: 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 opposition to the pending motion and I simply want to say that the Department of Agriculture, Conservation, and Forestry testified in favor of this bill and they testified in favor of this bill because we put language in the exemptions that would allow them to be okay with it.

We currently do not have enough inspectors to inspect every single farmer who produces and sells raw milk at the site of production. This is only about an on-farm sale. This is not about farmers markets. It's not about retail outlets. It's about a farmer being able, perhaps, to let his neighbors know by word of mouth only, without advertising, that he or she has raw milk or a raw milk product available for their purchase.

One of the things we have seen with bills similar to this in other states is that this is almost an entry-level way of getting a farmer to, perhaps, branch out and scale up and at some point be fully licensed and distribute their product to places where you need a license to sell at, such as farmers markets and retail outlets. You cannot sell raw milk across state lines; it's against federal law. This is a bill that is about feeding our local communities the food that they want to eat. Some people would call this a "food freedom" bill. It has support from Republicans and Democrats and Libertarians alike and I believe that if the Chief Executive's concerns about chain of custody have been addressed, and they have, that if the bill gets to his desk, there's a chance that it will become law. And so, I urge the body to vote against the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair will remind all members that it is not allowable to invoke the Chief Executive to influence debate.

The Chair reminded members it is not proper to invoke the Chief Executive to influence debate.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: Thank you, Mr. Speaker, and everybody that knows me knows that I don't rise, usually twice, but this bill is near and dear to my heart and what happened, I'm going to give you a short story of what happened to the cider industry.

About 15 to 20 years ago when Nokomis High School decided to have a fundraiser and press cider on a weekend and take the apples off a farm that weren't washed properly and handled properly. And about 20 kids got botulism, ended up in the hospital very sick. Well, I feel really bad for them, but the cider industry in the State of Maine and New Hampshire and Vermont took a bigger beating.

Because of that, the press read in the paper the following morning, "Cider Puts 22 Kids in the Hospital." The cider industry in the State of Maine dropped by more than half that year in sales. The following year was down to about three quarter. It took us about 15 years to get cider sales back up again because it didn't say in the paper, "Nokomis High School students got sick from drinking raw cider because they drank it from cider produced from apples taken out of a field that weren't washed; that had animal's feces on it." That's not what it read. It read they got sick from drinking cider.

Folks, that's what happens when it doesn't follow the process. One person gets sick when it reads in the paper the following morning. It's going to read, "Person gets sick from drinking raw milk," or "Baby dies from drinking raw milk." It's not going to say it came from a non-tested facility and all of the raw milk producers in the State of Maine are going to pay the penalty because it didn't go through the proper process. Please support the Ought Not to Pass. It's very important to the farmers in this state that are trying to do the right thing. Thank you.

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, I rise in opposition to the pending motion. This bill is aimed at people who have two or three goats, or a couple of cows. Yes, a license for selling raw

milk is only \$25. You're looking at probably a \$10 to \$15 thousand investment in facilities. You can never pay for that with the income from two cows or three goats or a small amount of animals.

This is something that happens daily in the State of Maine. There are dozens, if not hundreds of small producers that sell raw milk to friends and neighbors. I buy milk from a non-licensed producer all the time. I seem pretty healthy. The purpose of this is to bring those small operations into the light of day, let them get their water tested, and let them get on a path to growth and to growing to become a licensed facility, or not—to stay small and stay producing for their friends and neighbors, but do it in the light of day and not under the table. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Short.

Representative **SHORT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, like the Representative from Wilton, Representative Black, I, frankly, have no problem with raw milk. But in my district, I have a large number of dairy farms. I think I have as many cows in my district as I do people.

I also have a farm in the family. My in-laws ran the dairy farm for almost 100 years and talking to those farmers in my district on those huge dairy farms and my in-laws in regards to selling raw milk, they believe it's a public safety issue—every one of them—and they would be opposed to such a bill and therefore, I will be voting in favor of the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Black.

Representative **BLACK**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I apologize for rising twice but this is an important bill to the Ag community. Not only, it's been said that this would cost \$10 to \$15 thousand to do. I have farmers, small farmers, with several goats in my neighborhood in my own town who had just done this and it cost them less than \$1,500. And they're trying to do it the proper way and sell it.

I also have many regular sized dairy farmers who have been in business for years who are really concerned about this because, as it's been stated here already, sometimes the word "raw" doesn't always get in the press and we could hurt milk sales in general. So, if you talk to the farmers in your area, you'll find that most dairy farmers do not support this measure. They don't mind people selling raw milk, but they want to make sure that it's protected, it's properly taken care of, and it's handled properly.

And, there's also, in my district, there's a certain farmer who can't meet the inspections requirement, or doesn't want to meet those requirements, and he probably shouldn't be selling milk. And those are the type of people that are going to continue to go under the radar and sell milk and someday we are going to have an instance which is going to affect people in our state and we're going to have a situation. So, I would urge you to continue to support the pending motion. Thank you.

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. 252

YEA - Austin, Bates, Battle, Beck, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, Martin J, McCabe, McClellan, McElwee, Nadeau, Nutting, Parry, Peterson, Pickett, Pierce J, Pouliot,

Prescott, Reed, Sanborn, Sawicki, Seavey, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Sukeforth, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood.

NAY - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin R, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, O'Connor, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Stuckey, Tepler, Theriault, Tipping-Spitz, Tucker, Verow, Wallace, Ward, Warren, Welsh.

ABSENT - Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 69; No, 78; Absent, 4; Excused, 0.

69 having voted in the affirmative and 78 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, Representative McCABE of Skowhegan moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Minority **Ought to Pass as Amended** Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 253

YEA - Alley, Babbidge, Beavers, Beebe-Center, Blume, Brooks, Bryant, Burstein, Campbell J, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, DeChant, Devin, Dion, Doore, Duchesne, Dunphy L, Dunphy M, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Golden, Goode, Grant, Grohman, Hamann, Hanley, Harlow, Hawke, Hickman, Hobbins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Malaby, Martin J, Martin R, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, Morrison, Noon, O'Connor, Picchiotti, Pierce T, Powers, Rotundo, Russell, Rykerson, Sanderson, Saucier, Schneck, Shaw, Stuckey, Sukeforth, Tepler, Theriault, Tipping-Spitz, Tucker, Verow, Wallace, Ward, Warren, Welsh.

NAY - Austin, Bates, Battle, Beck, Bickford, Black, Buckland, Campbell R, Chace, Corey, Crafts, Dillingham, Edgecomb, Espling, Evangelos, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Greenwood, Guerin, Hanington, Head, Herbig, Herrick, Higgins, Hilliard, Hobart, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Maker, McCabe, McClellan, McElwee, Nadeau, Nutting, Parry, Peterson, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanborn, Sawicki, Seavey, Sherman, Short, Sirocki, Stanley, Stearns, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Wadsworth, White, Winsor, Wood.

ABSENT - Fecteau, Marean, Skolfield, Mr. Speaker.

Yes, 80; No, 67; Absent, 4; Excused, 0.

80 having voted in the affirmative and 67 voted in the negative, with 4 being absent, and accordingly the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-408)** 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-408)** and sent for concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act Regarding Patient-directed Care at the End of Life"

(S.P. 452) (L.D. 1270)

Signed:

Senators:

BRAKEY of Androscoggin
McCORMICK of Kennebec

Representatives:

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

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

Signed:

Senator:

HASKELL of Cumberland

Representatives:

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

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

READ.

Representative GATTINE of Westbrook moved that the House **ACCEPT** the Minority **Ought to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **Ought 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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in opposition of LD 1270, An Act Regarding Patient-directed Care at the End of Life. This is a very personal bill, one we all must make our own decisions on for sure, but it's one that I feel fairly strongly about, regarding my own personal history and my own personal experience with when my mother passed.

As lawmakers, we must always consider that and future ramifications of every bill we pass. We must imagine the ways in which every piece of legislation could affect Mainers and try to foresee every possible consequence. As we all know, this is not

always easy. Sometimes a proposal is new or untested or deals with an issue that has evolved only recently. Fortunately, with physician-assisted suicide this is not the case.

Because states like Oregon and countries like Belgium and Switzerland have legalized physician-assisted suicide for years, we know the consequences of this kind of bill. We do not need to imagine any future effects because of the experiences of the past. Indeed, because of these experiences and the ways in which legalized physician-assisted suicide has caused a slippery slope to other things, I am strongly opposed to this bill.

Please allow me to share a few of the consequences resulting from the legalization of physician-assisted suicide, both in the United States and abroad. What follows is a much abbreviated list of repercussions taken from Wesley J. Smith, an award winning author and a senior fellow at the Discovery Institute Center on Human Exceptionalism.

First, in the Netherlands, where physician-assisted suicide and euthanasia legal, not only are terminally ill people who ask to be killed euthanized, but so are the chronically ill, the elderly, tired of life, and those with mental illness. In 2014, Belgium legalized assisted suicide for children with no lower age limit. In Switzerland, which has permitted assisted suicide since 1942, enterprising believers in assisted suicide have established suicide clinics to which people could travel from around the world—a phenomenon known as suicide tourism. The death clinics are becoming increasingly popular. A report published in 2013 revealed that 1,701 people have died at one clinic alone since 1998, with 2,005 killing themselves within the facility in 2013 alone.

The people who die in these clinics are not limited to the terminally ill, and indeed sometimes include healthy people. For example, in recent months, an elderly Italian woman died at a suicide clinic because she was upset about losing her looks. In Oregon, Barbara Wagner and Randy Stroup both had recurrent terminal cancer while on Oregon's version of Medicaid, a program in which there is explicit rationing, bearing coverage for some life extending as opposed to curative chemotherapy. Their doctors prescribed chemotherapy to extend their lives, but state bureaucrats refused to cover their treatments because of the medical literature indicated that neither could be expected to survive for more than five years with the prescribed drugs. Instead, they offered Wagner and Stroup funding for their assisted suicides.

As I stated earlier, these are just a few of the consequences of legalizing physicians assisted suicide and I can't imagine that we, as lawmakers who are tasked with doing right by Maine citizens, would want to go down this path. I can't imagine that we would ever want to allow suicide assistance to children, have our citizens set up clinics, become known as the state for suicide tourism, or create an opportunity for an imperfect healthcare system to reject medical treatment in favor of legal drugs to patients. But these things happen when death becomes an acceptable solution to the suffering.

While I know the bill before us has safeguards to doctors, time limits, is this just a door we're starting to open? Where do we go from here? How much further will we take this? I think it's rather frightening to think about, especially when, in this day and age, we have so much else to offer. We have comfort measures. We have palliative care. We have hospice. We have ways of caring for our ill who are nearing the end of life. We don't need to help them along with this kind of medication. Imagine the possibilities if they took this medication and they were wrong. Thank you.

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

Representative **HYMANSON**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I've had 30 years of hospital and office space neurology practice and I was 10 years the Chair of the Medical Ethics Committee. I have seen people die in many different ways in many different places: emergency departments, ICU's, the hospital, nursing homes, and homes.

Through this experience, it is clear to me that a small minority of people are more at peace with their impending death if they have pills tucked away that can end their suffering. They don't even have to use them in the end. But knowing they are there gives them control and peace. Is the enemy death or is the enemy suffering? For some, the enemy is suffering.

At our public hearing, a nurse of 35 years and an avid hospice supporter said, "There are certain situations that can be intolerable and inhumane for people to endure and people need the peace of mind knowing they have an option should this occur. This bill would allow people to enjoy the remaining time they have left without the anxiety of worrying about their death."

So I wanted to take you through the bill very briefly because it's really in the details that you might agree to this if you hadn't before. This is a patient-directed care at the end of life. It starts with definitions and a right for information. It holds harmless to the physician giving the information. It requires a face-to-face request by the patient, then two weeks have to pass with another face-to-face interview by the same physician who has a doctor-patient relationship with them defined in the bill. There must be an opportunity to rescind request. Then 24 hours later, the patient must write a written request and two witnesses must sign it. Those witnesses must affirm that there is no duress, that the patient understands and there is no undue influence. These people must be adults and not be interested persons. These are defined in the bill.

There's a written consent given from the physician to the pharmacist that talks about it. The physician must document every part of this and must document that hospice, clinical work, palliative care, pain management, comfort care, and all ranges of options including treatments and prognosis were acknowledged and that the prognosis acknowledges uncertainty. These must all be documented. There must be a second physician opinion about the diagnosis and prognosis. There cannot be any impairment or poor judgement as determined by the physician. If the person has a primary care physician, that person must also be consulted.

There are protections to the witnesses to the death, to the healthcare facility that can write policy to prohibit if they so choose. And there's rulemaking for disposal of medications. This is comprehensive. I agree with it. I support it. This is what Vermont has. This is their language. We all have experiences with end-of-life care for our loved ones. There are a certain set that have emailed me repeatedly and asked that we think of them while we're deciding this. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greene, Representative Wood.

Representative **WOOD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I want to be very clear. This is Maine. This isn't Europe. We would not allow a child to be put to death and that's just totally wrong. And, you have to have two weeks between the time you ask a physician and then you go back in two weeks and you have to ask again in writing. Not all doctors have to agree to this. You're going to have to doctor shop.

The mentally ill cannot do this. People with Alzheimer's can't do this. Dementia, or anything like that. If you're upset and want

to commit suicide, you can't do this, you can't use this bill. I'm one of the sponsors on this bill if you haven't already determined that and I think we should pass this bill. Thank you, Ladies and Gentlemen.

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

Representative **PICKETT**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise this afternoon to oppose the pending motion on the floor. I understand that many on the other side of this issue believe that this bill is a compassionate option for those diagnosed with terminal illness. And I don't doubt that their hearts are in the right place.

But there are many ways in which this bill would be harmful for the sick, elderly, disabled, and terminally ill. In fact, authorizing physician-assisted suicide endangers the weak and marginalized in our society and will logically lead to euthanasia. How does it do this? In the words of Ryan T. Anderson, Ph.D., a William E. Simon Fellow at The Heritage Foundation: "The arguments for physician-assisted suicide are equally arguments for euthanasia. The logic of assisted suicide leads to euthanasia because of its 'compassion' demands that some patients be helped to kill themselves. It makes little sense to claim that only those who are capable of self-administering these deadly drugs be given this option. Should not those who are too disabled to kill themselves have their suffering ended by a lethal injection? And what of those who are too disabled to request that their suffering be ended, such as infants or demented? Why should they be denied the 'benefit' of a hastened death? Does not 'compassion' provide an even more compelling reason for a doctor to provide this release from suffering and indignity?"

Thus, legalizing physician-assisted suicide—especially in the name of compassion—will logically lead to euthanasia, which will put the most weak and marginalized at risk. It will open the door for physicians to judge the quality of a patient's life and to give those with a poor quality of life the most compassionate option, which is death.

My fellow legislators: this is not a theoretical or an outrageous prediction. It is where this lethal logic has already led. For example, in the Netherlands, several official government-sponsored surveys have disclosed both that in thousands of cases, doctors have intentionally administered lethal injections to patients without a request and in thousands of cases, they have failed to report cases to the authorities. I don't believe that we want any weak, marginalized, elderly or disabled to be at risk here in Maine. Please vote against LD 1270. Follow my light.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Raymond, Representative McClellan.

Representative **McCLELLAN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I also rise in opposition to the LD 1270. And I guess I'll say, off the cuff, the statement that, "This is Maine," doesn't give me a lot of comfort because I'm old enough to remember a lot of things that have changed in my home state of New York and in Maine as well. So, this is called incrementalism.

But I do want to say, Mr. Speaker, this past winter Maggie Karner, a Connecticut woman who was living with the same medical condition that Britney Maynard, who we probably heard about, the woman from San Francisco, penned an article that was published in the Hartford Courant entitled, "Suicide Option Would Undermine My Cancer Battle." In the article, Karner confronts the push by assisted suicide advocates in her home state to adopt physician-assisted suicide. And among things, these are some of the things that she said: "I have been diagnosed with a terminal brain cancer—a glioblastoma.

Because of my diagnosis, I would likely be eligible for the state's help to commit suicide under a bill before the General Assembly—and that is terrifying. Like many Connecticut residents, I have wondered whether I would want my doctor to offer suicide as a treatment for deadly cancer. The out-of-state proponents of the bill regarding physician-assisted suicide suggesting having the ability to end your life is comforting. But I can tell you from personal experience that it's nearly as troubling as the cancer itself. You see, I get strength and comfort from the knowledge that nobody is going to give up on me—medically, psychologically or holistically. Right now, I have the firm support of the state and my fellow citizens in my desire to live—no matter the cost or the burden. If that were to change, the tiny knowledge that I might be straining my family, my friends, my doctors or my community resources unnecessarily would become a heavy burden. The constant 'option' for suicide would wear at my resolve and I fear, become an unspoken 'duty' for me and others."

Mr. Speaker, Ladies and Gentlemen, we don't live in pure isolation. One person's decision to end their life and one Legislature's decision to sanction it would surely impact all of us. One person's decision to end their life and one Legislature's decision to sanction it would send a message that some people are less valuable, less worthy.

And, Mr. Speaker, I'm going to close with two quick items. One is, I'm the Executive Director of the Maine Statewide Independent Living Council and I am very aware in that role how laws like this have the potential to affect people with special needs who are seeking independent living; affect them more so than some people. And finally, in my own life, my mother died when I was 14. And for a variety of reasons, my dad and I just fell apart, did not have a strong relationship. We weren't estranged, but we just never had a relationship. And I can say, Mr. Speaker, in the final four days of his life, I went to him and major healing occurred. And for him, certainly, and selfishly for me too. And, I'll tell you, Mr. Speaker, my dad held on and died on the same day as my mother, only 34 years later. So, Mr. Speaker, and all in the room here, I ask you to join me in voting against the current motion on LD 1270. Thank you, Mr. Speaker.

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

Representative **REED**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I rise today in opposition to the pending motion, LD 1270, An Act Regarding Patient-directed Care at the End of Life. It really sounds very flowery and good, but no matter how you dress it up, it is still legalizing physician-assisted suicide in the State of Maine. In times past, we referred to those who would carry out such deeds as "Doctor Death" and had them arrested. My, how the worm has turned.

In lieu of my remarks, I would like to read an excerpt from an editorial written by Victoria Reggie Kennedy, an attorney, health care advocate, and widow of the late Senator Edward M. Kennedy. In 2012, Mrs. Kennedy authored this editorial in the *Cape Cod Times* in opposition to Question 2, the 2012 attempt to legalize physician-assisted suicide in Massachusetts. Thankfully, it was defeated. It is my hope that we will be as successful today in this chamber.

This is what Mrs. Kennedy had to say: "My late husband, Senator Edward Kennedy called quality, affordable healthcare for all the cause of his life. Question 2 turns his vision of healthcare for all on its head by asking us to endorse patient suicide—not patient care—as our public policy for dealing with pain and the financial burdens of care at the end of life. We're better than that. We should expand palliative care, pain management, nursing care and hospice, not trade the dignity and life of a human being

for the bottom line. Most of us wish for a good and happy death, with as little pain as possible, surrounded by loved ones, perhaps with a doctor and a clergyman at our bedside. But under Question 2, what you get instead is a prescription for up to 100 capsules, dispensed by a pharmacist, taken without medical supervision, followed by death, perhaps alone. That seems harsh and extreme. Question 2 is supposed to apply to those with a life expectancy of six months or less. But even doctors admit that's unknowable. When my husband was first diagnosed with cancer, he was told that he had only two to four months to live, that he'd never get back to the US Senate, that he should get his affairs in order, kiss his wife, love his family, and get ready to die.

"But that prognosis was wrong. Teddy lived 15 more productive months. During that time, he cast a key vote in the Senate that protected payments to doctors under Medicare; made a speech at the Democratic Convention; saw the candidate he supported elected President of the United States and even attended his inauguration; received an honorary degree; chaired confirmation hearings in the Senate; worked on the reform of healthcare; threw out the first pitch on opening day for the Red Sox; introduced the President when he signed the bipartisan Edward M. Kennedy Serve America Act; sailed his boat and finished his memoir True Compass, while also getting his affairs in order, kissing his wife, loving his family, and preparing for the end of life.

"Because that first dire prediction of life expectancy was wrong, I had 15 months of cherished memories—memories of family dinners and songfests with our children and grandchildren; memories of laughter, and, yes, tears; memories of life that neither I nor my husband would have ever traded for anything in the world. When the end finally did come—natural death with dignity—my husband was home, attended by his doctor, surrounded by his family and his priest. I know we were blessed. I am fully aware that not everyone will have the same experiences we did. But if Question 2 passes, I can't help but feel we're sending the message that they're not even entitled to a chance—a chance to have more time with their loved ones, a chance to have more dinners and sing more songs, a chance for more kisses and more love, a chance to be surrounded by family or clergy or a doctor when the end comes. That seems cruel to me. And lonely. And sad."

You know, I'm sure that in terms of our politics, Mrs. Kennedy and I wouldn't agree on very much. However, on this subject, a more dignified end of life, we are in total agreement. Please join us today in rejecting physician-assisted suicide here in the State of Maine. The people of Maine deserve better. Thank you, Mr. Speaker, and thank you Ladies and Gentlemen of the House.

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

Representative **JORGENSEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise today with the deepest respect for those people in the room who disagree with me on this issue. I recognize that it's an intensely personal matter. But this isn't about euthanasia, it's not about suicide tourism or lethal injections or any of these other issues that we've been hearing about. This is about personal determination.

A few years ago I had the sad experience of watching a life-long friend's mother cope with the effects of advancing and irreversible dementia. She was petrified with the knowledge that her ability to think and communicate and be autonomous would soon be stolen by this illness. She was determined for this not to happen and one day she told her family that she was going to end her life while she still had enough capacity to make informed decisions.

Sometime later, she did just that, on her own schedule, without any help. Fortunately, she was successful: she died painlessly with family nearby and didn't end up injured or in a coma or in some other condition. But the experience was particularly difficult for the family, who, while they supported her, found themselves in a murky place with little guidance. This was their mother's firm wish, her own decision, and her own action. But this difficult decision was made more painful and frightening by worries about what could go wrong, about having to go through this in the shadows, without medical advice.

While this family's experience was one that touched me very personally, the issue of death with dignity is one that has generated letters and comments from many of my constituents who have urged me to pursue this legislation, of which I'm a cosponsor. We spend a lot of time in these halls extolling the importance of individual liberty. But what could be a more personal choice than this? What could be a greater libertarian act? Experience elsewhere has shown that these laws are not abused, that there's no "slippery slope" and that they enjoy the support of a large majority of Americans.

One of the people who wrote to me from Portland last fall expressed it beautifully. She said, "Aid in dying isn't a choice of death over life. It's an option for those who are dying that spares them unbearable suffering and offers a controlled and peaceful ending. All dying people deserve that option, and the tremendous peace of mind that comes with it." I realize this is a very difficult issue, but I thank you all for considering this important bill. Thank you, Mr. Speaker.

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

Representative **HARLOW**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, when I was thinking about what I wanted to say today, it reminded me of a friend who, when we were talking about this bill told me that when he looks at the obituaries, he has certain ages that at a certain age he looks and says that person lived a good life. And then 10 years younger, he says, "Well, that was still a long life," but, you know getting a little bit closer to being too young. And so that's kind of the gauge that he looks at the obituaries.

The reason I share that is because I don't think that we ever think that we're going to be facing our mortality when we do. I think that we all hope that we're going to die in our sleep, peacefully. And I supported this bill two years ago; long before I had my own experience with facing my own possible mortality at a much younger age than I would've expected.

I was talking with someone about the pain and suffering that you think about when you think about death. And, I was saying that the thought of dying isn't what is scary when you start thinking about your own mortality and you start seeing other people around you who might be experiencing some of that. It's the idea of suffering. And this person told me that, you know, because of their religion, they thought that suffering was good. And it made me think a lot about that. And my family is Catholic as well and I started thinking about because that was the reason that the suffering was not a bad thing. And my family is Catholic. I was Catholic schooled. My dad taught at a Catholic school. And I was thinking about my mom and I was thinking that when I was in the hospital last year and in a lot of pain, I don't think that she, as a good Catholic mother, looked at me and said, "Boy, I'm glad that my daughter is suffering." And I knew that my pain would end.

If you have moral or ethical reasons to be opposed to this, I can totally respect that and no one is forcing you to do this. But I'm asking you to please give me the peace of mind that if I do

find myself in the situation that I need this earlier than I would like and that I do have that choice. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Sawicki.

Representative **SAWICKI**: Thank you, Mr. Speaker. Good afternoon, Ladies and Gentlemen of the House, I rise in opposition to 1270. According to the Hippocratic Oath, the opening line states doctors should, "first do no harm." Fails on that test.

In this country, we're seeing an increase in suicide among our young people, teens, and troubling statistics concerning our veterans. Suicide rates are on the increase in this country. This bill sends the wrong message. Personally, morally, I find this offensive and I want to make sure I'm on the public record stating so. The men and women of Auburn and Minot did not elect me to this office to play God.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker Pro Tem, Ladies and Gentlemen of the House, I rise in opposition to this motion. On a personal note, it was just over five years ago, Fran and I lost our daughter to brain cancer down in Virginia Beach. It was a very painful period of months that we were with her during some surgeries, some hospice, and I have to say that the care that she was given at the end of her life was the best from the hospice people. And I can't really get my arms around the idea that, and I know that she would fight for her last breath, she did not want to leave her family, her daughter, her husband, the rest of the family.

And I'm reminded of a book that I like written by Studs Terkel called Hope Dies Last. And I think that's what we're talking about here is giving up hope and if we go down this road to adopt this into our statute, I think we are going down the road to giving up hope. And with having said that, I would hope that this House would roundly defeat this motion and vote for hope. Thank you, Mr. Speaker.

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

Representative **CRAFTS**: Mr. Speaker and Ladies and Gentlemen of the House, I want to express my opposition to LD 1270. There are many people who say that physician-assisted suicide is a personal choice, that no one would have to choose this option if they do not want. But this, I fear, will not be the case. The adoption of physician-assisted suicide rests on the beliefs that those with poor quality of life would be better off to choose death. And it wouldn't be long before people with a variety of afflictions, not just terminal illnesses, will feel the pressure to take their own life. This is, in fact, why groups such as the Disability Rights Center oppose physician-assisted suicide. Thank you.

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

Representative **GRANT**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm glad to see that the good Representative from Chelsea, Representative Sanderson, is sitting down because I'm about to say that I rise to agree with everything she said. It's a very, very powerful and difficult issue. Death is surrounded by taboo in our society. We don't like to talk about our own deaths, we have a hard time talking about the deaths of our loved ones, and we have a hard time with other people's grief as well.

I think it's important that we're having this conversation. I think it's important that we talk about these issues so that we can talk about things like access to hospice care, which not enough people in our state have. I think it's important to talk about

access to adequate healthcare and opportunities to have a relationship with our family doctors. But I found it very telling when I looked at the testimony before the committee that those organizations that represent the disabled were opposed to this bill and I read their reasons and I have deep concern about passing a bill like this without adequate public conversation and without adequate preparation for our citizens that we're going to take a bold step like this.

And so, therefore, I hope the dialogue continues, but I express my concern at doing this at this time and I have grave concerns about ever doing it at all. But I'm very aware of what people go through at the end of their lives because I had the privilege of being with close friends and loved ones at the ends of their lives. And I've seen what that looks like and I don't take it lightly nor do I discount the concerns of people who want to do the right thing and what they believe to be the compassionate thing. But, I oppose this bill and I encourage all of you, if you're on the fence about this and you don't know what you're going to do, opt on the side of "no." Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I'd like to have us look at this issue honestly. The process of dying, in many cases, really stinks. People, many times, have to take time off from work, spend lots of money on their dying relatives. The person who is dying may be in a very sad condition and in many cases may feel a sense of guilt for inconveniencing their family. I know my mother would feel like that. She's 90 and very independent, lives by herself and drives her own car, and many times says to me, "I can take care of myself. You live a very busy life."

So, I think, I certainly will take care of my mother when that time comes. But I think many older people might feel a sense of guilt for inconveniencing their families and if this bill passed they might feel obligated to ask their doctor because of the inconvenience in modern society of looking after our elders and our sickly. It's a pretty sad situation.

I oppose this bill for that reason and for a personal reason, too. And please bear with me if I have to stop because it's pretty recent event in my life. I grew up next door to my Aunt Helen and she passed away last month at the age of 94. I have really good genetics and very smart elders in my family. At Christmas time she was still playing the piano and singing when our family went to visit on Christmas Eve. But shortly after Christmas, she had a fall, so she was in quite a bit of pain from the fall and the dementia that had been circling for several years seemed to descend upon her full sway. And it seemed like when I visited her, I had totally lost my Aunt Helen. So, her weight dropped to about 85 pounds and Helen really wasn't there to talk to and she was in pain. Wouldn't that be the perfect candidate for assisted suicide?

But the lovely thing was, she was able to die with true dignity. Not the dignity of somebody with dementia in pain, but the dignity of that beautiful moments and time of peace that God often brings to people at the end of life when they, like my Aunt Helen, came back to her faculties, sang with me within the last two weeks before her death. We talked about the wildflowers we used to pick and the walks we used to take and she would take my hand and put it up against her cheek and it was a lovely comfort to me and to her. And I think that was truly dying in dignity.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, in the 125th Legislature I

had the great pleasure of serving with the Honorable Margaret Craven. I sat next to her in that committee and it is out of respect for her and her family that I stand to read this letter from her regarding this issue.

"I'm honored and humbled to offer my opinion regarding a bill upon which you will soon vote, LD 1270, An Act Regarding Patient-directed Care at the End of Life. As a former member of the Maine State Senate, I know the incredible amount of pressure and the tremendous amount of information you receive when considering a bill of such importance. I can only imagine how your inboxes and voicemails are flooded with directives on how to vote for this piece of legislation. But I would be remiss if I did not offer my own belief regarding this bill and its attempt to authorize physician-assisted suicide in our state.

"This bill is of particular concern to me as I am intimately acquainted with end-of-life issues and hospice care. As many of you may know, in addition to be a hospice volunteer, I also take care of my husband, who suffers from Parkinson's disease. I can tell you that, even as the primary caregiver for my husband, and even as I watch him fight the effects of disease, I remain firmly against physician-assisted suicide. I see the way I and others care for my husband and I know the love and support we give him is a true demonstration of compassion. In fact, I believe that is why many hospitals, including those in my hometown of Lewiston, the Maine Medical Association, the American Medical Association, the Disability Rights Center, Alpha One, the American Nurses Association of Maine, the Maine Hospice Council, the American Cancer Society Cancer Action Network, and the Maine Osteopathic Association are firmly against physician-assisted suicide. They understand that we, as medical professionals and as a society, should always strive to provide care that alleviates suffering, not offer to kill the sufferer. Indeed, I shudder to think of the kind of world we would live in when death is an acceptable solution to suffering, particularly when suffering of all kinds will always exist.

"Furthermore, as we all know, doctors can be wrong. And even those diagnosed with terminal illnesses—no matter how long or short they may live after a diagnosis—still have something to offer. As Gordon Smith, the Executive Vice President of Maine Medical Association remarked in his testimony opposing this bill, 'What a loss it would have been to our learned society if Stephen Hawking had taken advantage of this type of law, had it been available in England when he was found to be terminally ill with ALS while still in college. He lives on today in his early 70's enjoying his children, grandchildren, and still engaged in his research and writing.'

"Honored Senators and former colleagues, physician-assisted suicide is not a partisan issue. It is a human issue. An issue which reflects the core beliefs we hold about life and death, suffering, compassion, dignity, and value. When we reject physician-assisted suicide, we tell every person, no matter their diagnosis, they have inherent worth and value, and that we, as a society, will offer the greatest care we can at the time they need it most. I respectfully urge this legislative body to vote against 1270. Thank you. Sincerely, Margaret Craven."

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to the pending motion. Right before the Health and Human Services Committee worked on this bill, we heard LD 782, An Act To Improve Quality of Life of Persons with Serious Illness. This bill, in contrast, is a bill to improve palliative care.

Life is a precious journey which will someday end. Death is a part of life. Living it to the fullest, even to the end, is sacred. We

are reminded that good things come to those who wait. Assisted suicide is about rushing death. Improving palliative care, in contrast, helps patients and their families prepare to die a natural death with dignity. We need to focus on palliative care, not assisted suicide. Please follow my light and vote "no" for assisted suicide. Thank you.

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

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'm speaking today because there's been a lot of things said. There's been some exaggerations as well as thoughts put in your head that I don't think are really true. And the exaggerations being that we're going to have children dying, exaggerations about death clinics.

This bill had many people coming for it in favor of it. We've had a lot of clergy. We've had nurses. We've had patients. And we had a lot of people coming against it as one of the good Representatives said. But I feel, I really do feel that they used this bill as a bit of a soap box. We don't want people to die. This is a very, very hard decision to make, but the soap box being that we need more palliative care, we need more hospice, and yes, we do. We need all of these things. But, we also need to give people the ultimate liberty that they have in their lives. And somebody spoke about liberty today. Well, think about this one: This is the ultimate that you can make a choice for yourself. Nobody else has to make that choice.

There's been a lot of discussion about the abuse. Well, in the states that have had this bill, there has been no abuse noted. People would sometimes get the medication and then not even use it, but they felt better by just having it.

The safety issues here, this bill is so well-crafted that there are step-by-step-by-step safety issues that people cannot be coerced to do this. Or that an elderly person will just decide to, "Well I should kill myself because my family doesn't want me around." This is not going to happen with this bill. There's too many safety checks.

And the other thing I wanted to say, I'm just going to read because I know there's been a lot of testimony, but this is a man came in front of us and he read this. This is his son's words:

"I've received some feedback on my thoughts about Death with Dignity Act. As I said, I have not decided whether to use this option, but I feel strongly that it should be legally available to mentally competent and terminally ill people such as myself. As I also said, I do not view it as suicide, although that's a convenient term, because I would not really be choosing between living and dying. I would be choosing between different ways of dying. If someone wishes to deny me that choice, it sounds to me like they are saying," and now please listen to this, "'I'm willing to risk that your death will be slow and painful.' Well, thanks a lot. That's very brave of you." Thank you, Mr. Speaker.

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

Representative **HANINGTON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I stand in opposition to this legislation. I try to be a man of few words, but it is very troubling to see where we've come from in the last 35-40 years. Since *Roe v. Wade*, there have been many a murders. I'm just afraid if we pass this legislation today, nothing that I say is going to sway one thought or another in how you vote on this legislation.

But, I'm afraid that if we pass this legislation today, we're going to open up Pandora's Box and maybe 30-40 years down the road, when we become the oldest state in the nation, that we're going to say once you hit 68 years old then we have to snuff you out. So, I'm just afraid that we're going to be doing an injustice to the State of Maine and to everyone in it.

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

Representative **SANBORN**: Thank you, Mr. Speaker and Ladies and Gentlemen of the House, I was asked to read a bit of testimony that was given in front of the Health and Human Services Committee. And I'm going to read it as a mother, not as a physician.

"Five years ago, on May 19, 2010, my 27 year old son, Andrew Nicholas Marshall, died from an aggressive form of malignant brain cancer called glioblastoma multiforme. We knew the day of his diagnosis that his odds of survival were slim. As we navigated through surgery, chemo, and whole-brain radiation, we made quality of life a high priority.

"Seventeen months after the diagnosis, when there were no more treatment options, Andy and I flew across the country on one last big love tour. And then he came back to Maine to die. He was terrified of the end. Terrified. I promised I would be there and that we'd do everything we could for comfort. I am a planner by nature and I planned the caregiving and the hospice arrangements and the logistics of his end to the very best of my mothering ability.

"The one thing I could not provide in Maine was something that Andy wanted: the option to check out when the end was near. So we went to the very end. He did receive amazing care at the Gosnell Hospice in Scarborough. And at the end, when the cancer was taking over his brain and the crushing pain was uncontrollable even with all of the meds at their disposal, I asked the doctor to please give him a little more. He looked me in the eyes and said very clearly one word at a time, 'I cannot cross the line. Do you understand?'

"So a while later that day, Andy died. Age 27. This will happen. It's no one's fault and I don't even wonder why it happens. We're humans. We're just here for a while and some get shorter lives than others. We're just passing through. There will be accidents and there will be disease. But, I know that he would've chosen a less painful end if he could have. If you have been through this with someone you love—someone you love the way I loved Andy—my heart goes out to you. It makes no sense. We have to die, but we don't have to die like that. Today, I have two dear ones in my life who are facing terminal illness. Someday, I, and each of us, will be there too. Life is terminal right?

"I have read the language of the proposed legislation and I think it is what we need. I was glad to see that the bill includes safety measures against misuse or hasty decisions. It will provide peace and peace of mind and choice, and it will compel no one, neither patient or doctor, to act in any way other than his conscience would guide him. In the name of my son, Andy, I offer my heartfelt support for LD 1270 and thank you for your deepest consideration of its merits."

And I would add on a personal note, in regards to my oath as a physician, to do no harm: the harm done to this son and his mother was not to relieve his agony when it was possible to do so. The final outcome would've been no different, except that both son and mother would've been at peace. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Portland, Representative Stuckey.

Representative **STUCKEY**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, this bill, by design, is not for everyone. But if what you're looking for is real control over your life, and your death, this bill gives you a legitimate path to follow. It's about choices. It does not force anyone to do anything, not patients, not physicians.

It puts the patient at the center of patient-centered care and it strengthens the patient-doctor relationship. The bill sets

numerous and sufficiently high hurdles for patients to overcome that force them to challenge and validate their choices, and protects them from exploitation. Mr. Speaker, the best and strongest part of this bill is its insistence on the relationship between the doctor and the patient.

Two-thirds of patients who get the prescription in states where this is legal wind up not using it. And I think that speaks mountains to what this bill requires of someone. I think the journey—having watched several members of my family go through it—the journey, there's a transformation at some point in the journey when the patient takes over control. But, to start the journey, I think sometimes they need to start with a doctor and that conversation and this bill allows that to happen. But it also leaves the door at the other end open for people to walk through without the prescription. It's not a new idea. My mother told me a long time ago that when she was a girl, she first heard about the Hemlock Society and was a lifelong member. My grandparents were the same.

I think some of the things that have been suggested that are possible pitfalls of the bill, when you look at the experiences in Washington or Oregon don't bear out. It's been suggested that the bill is a recipe for elder abuse, but in all 15 years of the law's existence in Oregon, there's never been a case of coercion or undue influence related to the Death with Dignity Act—not one.

It's been suggested that it attacks the dignity and threatens the lives of people with disabilities. This myth simply glosses over the fact that death with dignity laws offer protections for all people living with or without disabilities. The multiple safeguards ensure the decision to shorten one's suffering when enduring a terminal—a terminal—illness rests solely in the hands of the person who's dying and on one else.

It's been suggested that death with dignity acts are a slippery slope and will lead to euthanasia. Oregon's law has been in effect for 15 years, Washington's for three, Vermont's I think for two, and in order to change the scope of these laws, or this one we're considering today, it would take an act of the State Legislature or approval of a ballot initiative by voters. At no point in the long history of Oregon or Washington has there been any effort to expand or extend the death with dignity legislation to allow euthanasia. There's been no slippery slope. It's a mentally competent, terminally ill individual's personal end-of-life decision and no one else's.

And finally, it's been suggested, Mr. Speaker, that it's suicide. None of the moral, existential, or religious connotations of suicide apply when a patient's primary objective is not to end an otherwise open-ended span of life, but to find dignity in an already impending exit from this world. Individuals who use the law are likely to be offended by accusations of assisted suicide because they're participating in an act to shorten the agony of their final hours, not killing themselves. A personal decision, Mr. Speaker, and one that's very clear to me, but I hope we don't wind up judging each other too harshly on how we follow our own lights on this one, Mr. Speaker. Thank you.

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

Representative **GILBERT**: Mr. Speaker, Men and Women of the House, I stand in opposition to this motion. Most of you know my position on suicide and all of you who were here in the 126th Legislature voted to join me in support of LD 609 to address youth suicide.

American teens kills themselves at the rate of about one every two hours. About 19 percent of our teens tell researchers that they have experienced depression, and half of those have had suicidal thoughts. Our kids take three times the number of prescription drugs for depression, anxiety, and other mental

health conditions than do European teens. The teen suicide rate increased since suicide was legalized in Washington and Oregon.

By giving the green light to assisted suicide laws, we are telling our teenagers that suicide is okay and necessary sometimes. Do you really think that's a good idea? What kind of a message would such a law, assisted or not, send to our youth who are at the risk of completing suicide? Join me in defeating this bill and vote with your red light.

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 stand in support of this motion. I was thrilled to see that four of us legislators—two Democrats and two Republicans—had submitted the same title. I have an undergraduate degree in chemistry, an MBA and also a Master's in Counseling. So, I understand this topic may be a moral and/or ethical dilemma for many. I respect those with such convictions.

Please keep in mind this bill is not a mandate. It merely offers an option, a personal right. Although I'm not even sure I could partake of the choice myself, I will fight for those few citizens of Maine that wish to have this choice as part of their end-of-life decision making.

This 2015 bill fixes many of the objections stated in testimony in 2013, including more explicit definitions, multiple escape clauses to change one's mind, assurances of the patient being of sound mind, required notification of all caring and feasible end-of-life services such as palliative care, comfort care, hospice care and pain control, and allowing doctors, healthcare facilities, and pharmacists to opt out.

In addition to protecting the patient's life insurance and the healthcare provider's medical professional liability insurance, the bill, quote, "specifically states that nothing in the provisions of the bill may be construed to authorize a physician or other person to end a patient's life by lethal injection, mercy killing, or active euthanasia. Further, the bill may not be construed to conflict with the federal Patient Protection and Affordable Care Act as amended by the federal Health Care and Education Reconciliation Act of 2010."

The Oregon Death with Dignity Act was enacted in 1994 through a ballot measure, but the law was not enacted until the fall of 1997 due to legal challenges, which they overcame. That is over 17 years ago. The Death with Dignity Act of Washington State, my home state, was enacted following a ballot measure in 2008 and took effect March 5, 2009. Vermont's Patient Choice and Control at End of Life Act was passed by their Legislature in 2013 and signed by their Governor two years ago this month. Montana passed theirs in 2009 and New Mexico in 2014.

In 2012—and there are more recent statistics but I haven't had a chance to get them—Oregon physicians issued 115 Death with Dignity Act prescriptions, of which 77 patients, or two-thirds of those who requested the prescription are known to have died, but we don't know that they actually used their prescription. As was said earlier, it gave them peace of mind. Oregon has three times the population of Maine, so you could reasonably estimate that about 30 Mainers a year might actually take advantage of this law should it be enacted. Although a small number of people have moved to Oregon because of this bill, there has been no run on the bank so to speak.

I am a mother of three, a grandmother of three, been married to the same man for nearly half a century, and have attended church nearly every Sunday all year-round for the last 70 years, since I was three so you can figure out how old I am. I was certified Lay Eucharistic Minister when I lived in New Jersey and

delivered communion to shut-in people. I have watched one of my grandmothers, both parents, a brother-in-law, and a six-year-old nephew die from cancer, not in a pleasant or humane way, but all of whom were covered by good medical insurance so none of us were left financially devastated, though emotionally and spiritually drained.

Both palliative and hospice care were greatly appreciated by my sister for her husband. My father scribbled out, "Get me out of here," when he was put on a respirator. It took two horrible weeks for his body to give out. After that horrible experience, my husband and I went to our lawyer and got medical proxies stating our wishes not to be kept alive on machines and feeding tubes. Now, we'd like to be able to have this new end-of-life option legally to give us peace of mind that we may never use.

Please remember that for some, this choice is a healing choice and would provide peace of mind. For some, do no harm means letting a person go a little sooner. Please do not deny them this option any longer. Your support of LD 1270 will be greatly appreciated. It is the compassionate and right thing to do for some of us. Thank you.

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

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

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

Representative **HICKMAN**: Thank you, Mr. Speaker, I'm torn and so I have a question. If there is anyone in the chamber who supports death by lethal injection and capital punishment who does not support this, can they please explain why, because I'm really conflicted. Thank you.

The SPEAKER PRO TEM: The Representative from Winthrop, Representative Hickman, has posed a question through the Chair to anyone who may care to respond.

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

ROLL CALL NO. 254

YEA - Babbidge, Bates, Battle, Beavers, Beebe-Center, Blume, Brooks, Bryant, Buckland, Burstein, Campbell R, Chapman, Chenette, Chipman, Cooper, Daughtry, Davitt, Devin, Dillingham, Dion, Doore, Duchesne, Dunphy M, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Grohman, Hamann, Harlow, Hawke, Herrick, Hubbell, Hymanson, Jorgensen, Kornfield, Kruger, Kumiega, Longstaff, Luchini, Maker, Martin R, Mastraccio, McCabe, McCreight, McLean, Monaghan, Moonen, Morrison, Noon, Pierce J, Pierce T, Powers, Prescott, Rotundo, Russell, Rykerson, Sanborn, Saucier, Schneck, Seavey, Shaw, Short, Stearns, Stuckey, Sukeforth, Tepler, Tipping-Spitz, Tucker, Wadsworth, Warren, Welsh, Wood, Mr. Speaker.

NAY - Alley, Austin, Beck, Bickford, Black, Campbell R, Chace, Corey, Crafts, Dunphy L, Edgecomb, Espling, Farrin, Foley, Fredette, Gerrish, Gilbert, Gillway, Ginzler, Golden, Goode, Grant, Greenwood, Guerin, Hanington, Hanley, Head, Herbig, Hickman, Higgins, Hilliard, Hobart, Hobbins, Hogan, Kinney J, Kinney M, Lajoie, Lockman, Long, Lyford, Malaby, Martin J, McClellan, McElwee, Melaragno, Nadeau, Nutting, O'Connor, Parry, Peterson, Picchiotti, Pickett, Pouliot, Reed, Sanderson, Sawicki, Sherman, Sirocki, Stanley, Stetkis, Timberlake, Timmons, Tuell, Turner, Vachon, Verow, Wallace, Ward, White, Winsor.

ABSENT - DeChant, Fecteau, Marean, Skolfield, Theriault.
Yes, 76; No, 70; Absent, 5; Excused, 0.

76 having voted in the affirmative and 70 voted in the negative, with 5 being absent, and accordingly the Minority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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** in **NON-CONCURRENCE** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 460) (L.D. 679) Bill "An Act To Prohibit the Unauthorized Distribution of Certain Private Images" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-430)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide for a Lieutenant Governor and Change the Line of Succession for Governor

(H.P. 965) (L.D. 1418)

Signed:

Senator:

LIBBY of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-427)** on same RESOLUTION.

Signed:

Senators:

WHITTEMORE of Somerset
 WILLETTE of Aroostook

Representatives:

PICKETT of Dixfield
 TURNER of Burlington

READ.

On motion of Representative MARTIN of Sinclair, the Majority **Ought Not to Pass** Report was **ACCEPTED** 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. 315) (L.D. 870) Bill "An Act To Amend the Maine Spruce Budworm Management Laws" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-252)**

(S.P. 358) (L.D. 1017) Bill "An Act To Update Maine's Family Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-254)**

(H.P. 927) (L.D. 1365) Bill "An Act Regarding Licensed Children's Programs" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

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 Paper was **PASSED TO BE ENGROSSED** and sent for concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 529)

ORDERED, the House concurring, that the Work Group To Plan the Transition to Funding 55 Percent of Education Costs and 100 Percent of Special Education Costs is established as follows.

1. Work Group To Plan the Transition to Funding 55 Percent of Education Costs and 100 Percent of Special Education Costs established. The Work Group To Plan the Transition to Funding 55 Percent of Education Costs and 100 Percent of Special Education Costs, referred to in this order as "the work group," is established.

2. Membership. The work group consists of the following members:

A. The President of the Senate shall appoint 3 members of the Senate, including members from each of the 2 parties holding the largest number of seats in the Legislature, who are members of the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Taxation or the Joint Standing Committee on Education and Cultural Affairs; and

B. The Speaker of the House of Representatives shall appoint 4 members of the House of Representatives, including members from each of the 2 parties holding the largest number of seats in the Legislature, who are members of the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Taxation or the Joint Standing Committee on Education and Cultural Affairs.

3. Chairs. The first-named Senate member is the Senate chair and the first-named House of Representatives member is the House chair of the work group.

4. Appointments; convening of work group. All appointments must be made no later than 30 days following the passage of this order. The appointing authorities shall notify the

Executive Director of the Legislative Council once all appointments have been completed. After appointment of all members, the chairs shall call and convene the first meeting of the work group. If 30 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the work group to meet and conduct its business.

5. Duties. The work group shall plan the transition over a 4-year period to state funding of 55% of education costs and 100% of special education costs as required by the Maine Revised Statutes, Title 20-A, sections 15752 and 15753 and mandated by the voters at referendum.

6. Staff assistance. The Legislative Council shall provide necessary staffing services to the work group.

7. Report. No later than December 2, 2015, the work group shall submit a report that includes its findings and recommendations, including suggested legislation, to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Taxation and the Joint Standing Committee on Education and Cultural Affairs.

Came from the Senate, **READ** and **PASSED AS AMENDED BY SENATE AMENDMENT "A" (S-208) AS AMENDED BY SENATE AMENDMENT "B" (S-246)** thereto.

READ.

Senate Amendment "A" (S-208) as Amended by Senate Amendment "B" (S-246) thereto was **READ** by the Clerk.

On motion of Representative KORNFIELD of Bangor, **Senate Amendment "A" (S-208) as Amended by Senate Amendment "B" (S-246)** thereto was **INDEFINITELY POSTPONED**.

On motion of Representative ESPLING of New Gloucester, **TABLED** pending **PASSAGE** 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:

(H.P. 247) (L.D. 360) Bill "An Act To Clarify That the Information Gathered during Investigations of Attorneys by the Maine Commission on Indigent Legal Services Is Confidential" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 700) (L.D. 1005) Bill "An Act To Amend the Law Regarding Medical Examiners" Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 215) (L.D. 321) Bill "An Act To Protect Consumers against Residential Real Estate Title Defects" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-425)**

(H.P. 982) (L.D. 1438) Bill "An Act To Include Bows and Crossbows as Dangerous Weapons for Purposes of Protection from Abuse Orders" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-424)**

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

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass** on Bill "An Act To Allow Grocery Stores under 10,000 Square Feet To Be Open on Sundays" (H.P. 589) (L.D. 855)

Signed:

Senators:

VOLK of Cumberland
CUSHING of Penobscot

Representatives:

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

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

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Newfield, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this is a bill that it's for the little guy, the little business man. If you read the summary of the bill, this bill exempts grocery stores that have no more than 10,000 square feet of interior customer selling space, excluding back room storage, office, and processing space from the law prohibiting a place of businesses from being open on Sundays.

Market Basket just opened a humungous place up here and they're open seven days a week. But we want to turn around and tell the guy that owns the little grocery store on the corner he can't be there; he can't be there for Christmas or Thanksgiving or that, even if he has his family working for him.

I hear that story that, and I kind of got sucked in on it at first, about the poor little guy that might want to be home with his family for Christmas or Thanksgiving. Well, how about our policemen, our firemen, and the people that work at Market Basket or Hannaford or any of them. Anybody that has to work has got a job like that.

What this is, is nothing but a little family market and all they're asking is they can stay open on holidays and we're saying they can't. We talk about creating jobs and promoting business up here and then we turn around and vote against the little guy once again. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, to look at the Committee Report, you may think this was some kind of a partisan bill. I assure you it's not. I had a difficult time convincing some of my colleagues on this side of the aisle to support it.

I was asked to submit this legislation by a local store owner, Dale Tozier. I couldn't tell you what party he identifies himself as, because we've actually never spoke of it. Dale and his family took a small derelict store on Main Street in Searsport and revitalized it. His success and the community's demands led him to need to expand. Because of the condition of his building, he decided to build a new one on the same site. Only after the construction was done did he discover the prohibitions placed on him by this law. Though he did not open on Christmas, he did open on Easter and Thanksgiving and these were very busy times for them. The fine for being open is as much as five thousand dollars. Some stores risk this and they do open.

We basically live in an on-demand society today. Our parents and grandparents could go to the supermarket and buy a shop cart full of groceries, probably spending about 40 bucks. Today, we just don't do that. Those two full carts of groceries probably would cost about 200 bucks. I can take you to the local market on Main Street every day and you'll see the same people day after day, on demand, picking up their supper, not for a month or even a week, but for a day or two.

I think part of the reason is the availability of small- to medium-sized markets in our mobile society today. Another part of the economy is the fear of spoiled food. I hate to throw away moldy bread or even a package of hamburger that's gone bad. I prefer, like many of my neighbors, to stop at the local market and pick up tonight's supper. This guarantees freshness and it eliminates spoilage and waste. By shopping like this I have been caught on these three days mentioned in the bill lacking ingredients. Never the turkey or a big item, but usually aluminum foil, butter, and so on. But when this happens, the drive is on and I'm searching for one of those stores that are open illegally.

Food security is important today. Good quality fruits and vegetables are rarely found at the convenience stores in Maine. I would much rather have everyone able to buy quality food as often as possible. Those people needing to stretch their limited budgets further always get a better deal at the grocery stores that this bill aims to help. I really want everyone to realize that we already have 33 exemptions in Maine to this law. If I want to shop on any of these three days for merchandise, all I have to do is pick up my computer. This really hurts our brick and mortar stores in Maine.

And I also want everyone to realize that the stores that this bill is trying to help are owned by real, middle class people. By not allowing them to open, we are forcing our neighbors into the convenience stores like Irving's, 7-11, and The Big Apple. Try to find the owners of those stores on premises. You're not going to find it. I would much rather support a small business owner than the corporate organizations that this bill is supporting. I urge you to vote down the Ought Not to Pass and let's get on to helping our local small businesses. Thank you.

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

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

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

Representative **KUMIEGA**: The title and the summary of the bill refer to stores being open on Sundays. I'm not familiar with

anything that keeps stores of this size from being closed on Sundays, so I'm just a little confused.

The **SPEAKER PRO TEM**: The Representative from Deer Isle, Representative Kumiega, has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I think the title is a little confusing. Currently, stores of this size are allowed to be open on Sundays. This is just a change in the law. This is the "Blue Laws" that we often hear about. This would make a change of stores that have between currently, okay, it would just affect holidays: Christmas, Easter, and Thanksgiving. Those are the only three days we're talking about regarding this bill. So, just to clarify that.

I will also rise in opposition to LD 855 for many reasons, but primarily because I do not want to be responsible for someone missing a meaningful event so someone else can shop. The current law excludes businesses 5,000 square feet to be open. You're talking about really, really small mom-and-pop stores. These happen to be three of their busiest days of the year. In my district, I have three very small local convenience stores that choose to stay open on those days and it's a great business day for them.

The current law is in favor of the little guy. If we were to change this law, larger stores would be allowed to be open on these three days and the only winners would be these larger stores. Our mom-and-pop's businesses would lose. LD 855 only redistributes a small amount of business on a few meaningful days: again, Thanksgiving dinner, Easter service, Christmas morning. This redistribution of a small amount of business has nothing to do with growing our economy or creating jobs. Let's respect the workers and their families who will bear the burden of this law. Thank you.

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

ROLL CALL NO. 255

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

NAY - Austin, Bickford, Black, Buckland, Campbell J, Campbell R, Chace, Cooper, Corey, Davitt, Dunphy L, Edgecomb, Espling, Evangelos, Farrin, Foley, Gerrish, Gillway, Ginzler, Greenwood, Grohman, Hanington, Hanley, Hawke, Head, Herrick, Higgins, Hilliard, Hobart, Hogan, Kinney J, Kinney M, Lockman, Long, Lyford, Maker, Malaby, McClellan, McElwee, O'Connor, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sanderson, Sawicki, Seavey, Sirocki, Stearns, Stetkis, Sukeforth, Timmons, Turner, Vachon, Verow, Wadsworth, Wallace, Ward, White, Wood.

ABSENT - Fecteau, Marean, Shaw, Skolfield, Theriault.
Yes, 83; No, 63; Absent, 5; Excused, 0.

83 having voted in the affirmative and 63 voted in the negative, with 5 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Require the Use of Preapproved Subcontractors for Publicly Funded Construction Projects"

(H.P. 176) (L.D. 244)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-395)** in the House on June 12, 2015.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-428)** on Bill "An Act To Protect Children and the Public from Electronic Cigarette Vapor"

(H.P. 769) (L.D. 1108)

Signed:

Senator:

HASKELL of Cumberland

Representatives:

GATTINE of Westbrook

BURSTEIN of Lincolnville

HAMANN of South Portland

HYMANSON of York

PETERSON of Rumford

STUCKEY of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-429)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin

McCORMICK of Kennebec

Representatives:

HEAD of Bethel

MALABY of Hancock

SANDERSON of Chelsea

VACHON of Scarborough

READ.

Representative GATTINE of Westbrook 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 Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I'd like to speak to you about LD 1108, An Act To Protect Children and the Public from Electronic Cigarette Vapor. This bill restricts electronic smoking devices from use in public places. Using E-cigarettes, which is what they're commonly called, it's called vaping, and as the name implies, vaping gives off vapors. This is a matter of public health. Vaping, at present, has not been placed under our public smoke-free status. This bill will bring clarity to an uncertainty—and let me underline "uncertainty"—about what products may or may not be used in public and private work settings.

Evidence shows that E-cigarettes are healthier than regular cigarettes, yes, but that in no way means that they're healthy themselves. There's absolutely no evidence that use and breathing of E-cigarette vapor is at all safe. For example, an article published in the *New England Journal of Medicine* on January 22, 2015, was entitled, "Hidden Formaldehyde in E-Cigarettes." According to this article, electronic cigarettes may contain a high concentration of formaldehyde, a known carcinogen. Studies have found that E-cigarette vapors contain—in addition to formaldehyde—benzene, tobacco-specific nitrosamines, propylene glycol, and airborne nicotine.

Portland has banned E-cigarettes in public places. That makes Portland the 275th city or county in the US to take action. This is a clear and concise way to deal with a problem that is growing exponentially. Opponents of this bill said, "Towns and cities can do this on their own," but according to the American Lung Association, this path has been tried when it came to E-cigarettes' big and very ugly big brother: regular cigarettes. As we all know, that approach failed miserably and led to countless deaths.

If this bill doesn't pass, I can see situations like this happening all over our state. Now, we heard about a lot of people's mothers and fathers today. Imagine a woman like my mom who's 83, who's very kind, soft-spoken, still is a nurse for over 50 years, going to a table where someone is vaping, saying, "Would you please stop?" She wouldn't do it. Would a mother with her children having lunch next to a table of men, would she feel comfortable saying something like that to them? Maybe, but chances are probably not. What about sitting on the bleachers at your son's soccer game and someone next to you is vaping, vapors trailing all over you and your family. Do we know that the vapors are safe? Absolutely not. Do we know that the vapor contains any harmful chemicals? Yes, we do.

In addition, our youths are being targeted. Children are watching adults use these products and mimicking our actions. They see an adult or a teen using an electronic cigarette and they want to do it as well. The increased use in teens stresses the need for this bill. Teens are being seduced by the lure of a sexy, techie item. Use of E-cigarettes among high school students has tripled from 2011 to 2013.

More than a quarter of a million kids who have never smoked a cigarette before used an E-cigarette. What's worse, studies have found that youth who have never smoked conventional cigarettes, but used E-cigarettes, were twice as likely to smoke conventional cigarettes than those who never used an E-cigarette. Do you know what that means? It means lung cancer, COPD, emphysema. It means health costs skyrocketing for those individuals and it means long and horrible deaths.

Please, Mr. Speaker, Ladies and Gentlemen, we cannot afford to take a step back down the road of glamorizing the art of smoking. We must do our best to protect the safety of the public. Sorry, it just seems a little noisy in here, Mr. Speaker.

The SPEAKER PRO TEM: The Member will defer. The House is in Order. The Member may proceed.

Representative **BURSTEIN**: Thank you, Mr. Speaker. We need Maine to follow well-accepted principles in policy making when it comes to health issues. That is, when no final argument exists about the cause and effect relationship of a substance, but where there is a demonstrated real possibility that this substance can't damage people, reasonable steps should be taken to minimize and reduce that risk in advance. That means, Ladies and Gentlemen, that we protect the public when evidence is there and growing before we cause harm, long-term harm.

Let me finish today and let you know just few of those who are in favor of the bill: The Maine Public Health Association, the Cancer Society, American Academy of Pediatrics, Maine Nurse Practitioners Association. And that's just to name a few. Do you know who is against the bill? JR Reynolds Tobacco Company. Please don't let big tobacco companies determine the health of you and your children. I want to thank you for listening, Mr. Speaker. Thank you, Ladies and Gentlemen of the House.

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, it never ceases to amaze me that we endorse products that have harmful effects on individuals, such as vaccines, and we ignore them and then we come to the point where we have something that has no studies showing that it's harmful to anybody and we want to regulate it to death.

This would make this vapor cigarettes, E-cigs, subject to smoking laws and they would be disallowed anywhere where it's disallowed to smoke. This is not smoking. This is not smoking at all. I urge you to vote this down and then we can pass the Minority Report, which does take some small measures to stop it in hospitals, schools, and daycares. Let's not pass a broad law before we know we have to. Thank you.

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, you know to vote on this bill here and when I hear in the same House, we're going to okay the smoking of marijuana, I couldn't because I'd be a hypocrite. Thank you.

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

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

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

Representative **DAUGHTRY**: Can anyone answer what's contained within an E-cigarette or while vaping and what chemicals are within that cigarette?

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 Lincolnville, Representative Burstein.

Representative **BURSTEIN**: Thank you, Mr. Speaker, what I've got from the *New England Journal of Medicine* in 2015, was that according to this article electronic cigarettes contain a high concentration of formaldehyde, a known carcinogen. Studies have found that E-cigarette vapors contain—in addition to formaldehyde—benzene, tobacco-specific nitrosamines, propylene glycol, and airborne nicotine. So, that's just what I got from that article. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair will remind all Members that using props during debate is not appropriate.

The Chair reminded members that no props were allowed during the floor debate.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Vachon.

Representative **VACHON**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House, I must confess, until I came here I had no idea what vaping is and I will tell you that I came 180 degrees on this topic. I thought it was another smoking product. We heard testimony from both sides, but the most compelling testimony were the three people that had come and had never testified before.

The three people came. One from Biddeford was a man who said, "I have tried to quit smoking for years and nothing worked. When I discovered vaping, I was able to quit smoking and I decided I wanted to help other people so I opened up a vape shop." And he has 100 regular customers that came in that are thrilled that they quit smoking. Another man was from Ellsworth who came with tears in his eyes saying, "Please, please, do not put this in the same category as smoking. I don't want to be considered a smoker anymore. I am so thrilled that I was able to quit thanks to vaping." And the third one was a man who opened up a vape shop in Portland. Being close to my district, I decided to go in and pay them a visit and what I learned is that there are all different degrees of vaping available. And you can vape with absolutely no nicotine.

People are thrilled that they're able to stop smoking. Please don't put this in a smoking category. The studies have not been done to show that it carries the same risks as smoking and I just thought I would share that experience with you. Thank you, Mr. Speaker.

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

Representative **SANDERSON**: I defer.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Gattine.

Representative **GATTINE**: Thank you, Mr. Speaker, again, I want to clarify. Again, there's nothing in this bill that would impact the ability to go to or operate vape shops. Mr. Speaker, very briefly, we have a multi-billion dollar public healthcare crisis in this country right now because we failed to get ahead of the curve when it came to cigarettes. Let's not make that same mistake twice. This is a good bill and I would encourage people to vote for the motion on the floor. Thank you.

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

Representative **HYMANSON**: Thank you. Thank you, Mr. Speaker Pro Tem, Men and Women of the House, I went to a vape store because in Health and Human Services we did get a lot of testimony from people who had stopped cigarette smoking and were so happy about that. And I think that's a great thing. I think that's terrific.

So I went to a vape store and I tried them. I think we should all do this because it's legal and you should see what it's like. It's a whole culture. You can blow smoke rings with the vapor. You can get strawberry colored stuff to put in your vaporizer. You can get varying amounts of nicotine. And so, I think it's a wonderful thing to have as a substitute for cigarettes because cigarettes are so poisonous. This does have poisons of its own, but they may be less than cigarettes. So that's a wonderful thing.

However, I am very much in support of the Ought to Pass motion because I think it should be treated like a cigarette. And the reason I say that is because it has all of the actions and it mimics the actions of smoking and it reintroduces a smoking

culture. So, you have to light it up. You hold it in your hand. People who have a smoking addiction talk about the hundred different addictions that smoking has and this mimics all of them. You put it in your mouth. You draw it in. You blow out smoke. And for kids, that's a whole reintroduction of a culture that we have struggled so hard to get rid of.

This would put back "No Vaping" signs, vapor filled rooms, and young people seeing smoking-like behavior. I think it's a step backwards for me. So, while I approve of the idea of vaping for the reasons I said, I would like them to be treated in the same way that cigarettes are. Thank you.

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. 256

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

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

ABSENT - Fecteau, Herrick, Marean, Skolfield, Theriault.

Yes, 90; No, 56; Absent, 5; Excused, 0.

90 having voted in the affirmative and 56 voted in the negative, with 5 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-428) 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-428)** and sent for concurrence.

ENACTORS

Acts

An Act To Prohibit a Person Convicted of a Crime of Domestic Violence from Possessing a Firearm for a Period of 5 Years and To Better Align Maine Law with Federal Law Regarding Persons Prohibited from Possessing Firearms

(H.P. 413) (L.D. 600)

(C. "A" H-389)

An Act To Manage Risks Associated with the Installation of Natural Gas Pipelines

(H.P. 775) (L.D. 1124)

(C. "A" H-406)

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 Develop a Pilot Program for Medication-assisted Recovery in a Rural Community at least 30 Miles from Bangor

(S.P. 193) (L.D. 524)

(C. "A" S-203)

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.

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

HOUSE DIVIDED REPORT - Majority (12) **Ought to Pass as Amended by Committee Amendment "A" (H-414)** - Minority (1) **Ought Not to Pass** - Committee on **JUDICIARY** on RESOLUTION, Proposing an Amendment to Article X of the Constitution of Maine Regarding the Publication of Maine Indian Treaty Obligations

(H.P. 612) (L.D. 893)

Which was **TABLED** by Representative BEAR of the Houlton Band of Maliseet Indians pending **ACCEPTANCE** of either Report.

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

The Resolution was **READ ONCE. Committee Amendment "A" (H-414) was READ** by the Clerk and **ADOPTED.**

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

Representative BEAR of the Houlton Band of Maliseet Indians **PRESENTED House Amendment "A" (H-434)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: 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 in support of this amendment. As part of its agreement to separate and become a distinct political entity from the Commonwealth of Massachusetts, the negotiators for Maine statehood agreed to assume all of the duties and obligations held by the Bay State towards the Indians in the former District of Massachusetts. The acceptance of these duties and obligations became part of the original Maine Constitution of 1820. No Maine duty or obligation could receive higher legal recognition.

In 1875, however, a Resolve concerning an amendment of the Constitution of Maine directed, in part, that Article X, Section 5 no longer be printed in future editions of the Maine Constitution. The Resolve also states that Article X, Section 5 should remain fully in effect. The Maine Indian Tribal State Commission has not found, and neither have I, the reasons for this 1875 amendment prohibiting the printing of that part of the Maine Constitution that deals with Indians and Indian treaties. But we do know that in 2015, this action unnecessarily renders invisible to the readers of the Maine Constitution, the state's legal duties and obligations to

Indians as they then existed with Maine, and which were formally agreed to by the Commonwealth of Massachusetts.

Maine law, today, requires that teachers teach Maine history, including Maine Indian history. LD 291, in 2001, was passed, which directs this. This session, this bill has been proposed and now amended and it would bring prominence to a previously hidden part of the Maine Constitution dealing with Indians and Indian treaties. This amendment, although not a Constitutional Amendment, will have the same effect in my view. We have, in the committee, received a 12:1 vote in favor of the original bill. The sentiment that has been expressed by several members of this body has been well-received and is an indication that the State of Maine, its leaders, is recognizing that in 2015 this part of Maine history could be more prominent and that the Constitution, having been amended in 1875, to not publish that part has inhibited the teaching of Indian history in Maine, as now required since 2001 at least.

So, what I've done is I have had conversations with the Attorney General, who with her and others, we've come up with this amendment, which is a good amendment, and it defers to the Attorney General's opinion that a Constitutional Amendment itself is probably not necessary when this body, should you support it, will send the same message to the people of Maine, to the tribes, that our story is important, that it ought to be made prominent—more prominent than it currently is in the Maine Constitution. And what this amendment does is directs the Secretary of State, the library system, and upgrades communications and access to this part of the Maine Constitution that hasn't been published but that, with this amendment, it would direct the public should they inquire. It would also help teachers access better the historical information that I've referred to, which is an important part of our continuing story.

More importantly, however, I think this is symbolic. It's a message to Mainers and to the Tribes that this body recognizes the need in the present circumstances where communications have been difficult. This may help resolve communications difficulties. It may help provide a context for future relations, for understanding the Settlement Act that hasn't previously been emphasized or made public. This amendment, this bill, I believe, would contribute to a healing. It would contribute to reconciliation, hopefully, and unity.

And so, I urge this House to pass this amendment, to pass this bill so that the young students of our history will be able to freely access these passages in the Constitution, which in the past were controlled by the printing process, but because of internet and modern communications and access to HTTP sites and government websites, we will be complying still with Maine law, the Constitution, in that we will be able to use modern technology to focus on previously unprinted portions of the Maine Constitution by notifying, through the Secretary of State's efforts, the public of websites that will allow the public to gain access to these important sections of Maine history and Maine law. Thank you very much.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker and Men and Women of the House, wanted to congratulate Representative Bear for bringing this forward. I had quite a statement to make, but I'm going to reduce it. The hours are getting long today.

I just wanted everyone to know that the 1870's was a low point in the United States between the Native American nations and the United States Government. It started, really, after a peaceful period before the Civil War with the Homestead Act, which opened up lands in the west which had been ceded by

treaty to our Native American tribes. It was followed by General Grant appointing Philip Sheridan, the general, to direct a war campaign against our tribes. Not only was the campaign directed against all of our tribes west of the Mississippi, but a campaign was undertaken to exterminate the buffalo. The buffalo in this country numbered 60 million in 1800. It numbered 500, one herd left, in the year 1880.

I also want to point out that the Native American population, in 1600, numbered 10 million. And in 1900, there were 250,000 left. In 1600, there were 20,000 members of the Wabanaki Nation, of which Representative Bear is a member with the Maliseets. In 1900, there were 900 tribal members left. Keep in mind, in 1875, there were many Indian wars, there were many Indian massacres. And our newspapers were full of reports referring to our Native Americans as savages.

And it was in this context of that historical period that this recognition of our existence of our tribes in Maine was removed from our Constitution without explanation, even though the Constitution pointed out that the full effects of the law were still in effect. I have a lot more I could say on this, but I'm just going to stop there and I urge everyone to support this recognition of a true injustice. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-434)** was **ADOPTED**.

Under further suspension of the rules, the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-414)** and **House Amendment "A" (H-434)** and sent for concurrence.

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act Regarding Maximum Allowable Cost Pricing Lists Used by Pharmacy Benefit Managers"

(H.P. 788) (L.D. 1150)

Majority (12) **OUGHT TO PASS AS AMENDED** Report of the Committee on **INSURANCE AND FINANCIAL SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183)** in the House on May 27, 2015.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **INSURANCE AND FINANCIAL SERVICES** in **NON-CONCURRENCE**.

The House voted to **RECEDE AND CONCUR**.

**CONSENT CALENDAR
First Day**

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

(S.P. 305) (L.D. 861) Bill "An Act To Protect Victims of Domestic Violence, Sexual Assault or Stalking" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 180) (L.D. 451) Bill "An Act To Improve Disclosure Procedures" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-259)**

(S.P. 354) (L.D. 1014) Bill "An Act To Ensure Confidentiality of Personally Identifying Information for Private Investigators, Investigative Assistants and Dependents of Deployed Members of the Military" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-261)**

(S.P. 430) (L.D. 1203) Bill "An Act To Address the Detrimental Effects of Abandoned Property" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-260)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought Not to Pass** on Bill "An Act Regarding Advanced Practice Registered Nurse Requirements"

(S.P. 342) (L.D. 970)

Signed:

Senators:

VOLK of Cumberland
PATRICK of Oxford

Representatives:

HERBIG of Belfast
AUSTIN of Gray
BATES of Westbrook
CAMPBELL of Newfield
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" (S-176)** on same Bill.

Signed:

Senator:

CUSHING of Penobscot

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **FAILING OF PASSAGE TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-176) AS AMENDED BY SENATE AMENDMENT "A" (S-211)** thereto.

READ.

On motion of Representative HERBIG of Belfast, the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Invest in Maine Companies"

(S.P. 401) (L.D. 1132)

Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on June 15, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-210)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Expand Opportunities for Economic Development in Maine"

(S.P. 497) (L.D. 1364)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** in the House on June 15, 2015.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-198) AND SENATE AMENDMENT "A" (S-234)** in **NON-CONCURRENCE.**

The House voted to **INSIST.**

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

On motion of Representative BEAVERS of South Berwick, the House adjourned at 5:47 p.m., until 9:00 a.m., Tuesday, June 16, 2015.