

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
38th Legislative Day
Thursday, May 11, 2017

Representative HERBIG of Belfast assumed the Chair.

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

Prayer by Pastor Scott Townsend, Calvary Baptist Church, Warren.

National Anthem by The Maine Girls' Academy High School Chorus, Portland.

Pledge of Allegiance.

The Journal of Tuesday, May 9, 2017 was read and approved.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Improve Requirements for Reporting to the Commission on Governmental Ethics and Election Practices"

(H.P. 507) (L.D. 716)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** in the House on April 18, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS** Report of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "B" (S-57) in NON-CONCURRENCE.**

Representative ESPLING of New Gloucester moved that the House **RECEDE AND CONCUR.**

Representative GOLDEN of Lewiston **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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 Arundel, Representative Parry.

Representative **PARRY:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. This was my bill. We had a real good floor debate last time on this and there were a few issues that my good friends on the other side of the aisle had, basically the 14-day requirement, which I understand was an issue. If I had been able to be in committee that day, I would have had that taken out in committee. Also, there was another small issue brought up during that debate about how individual mailings would go out. If you sent one postcard, would that require you to send that one postcard confirmation to Ethics? And that wasn't my original intent on the bill. It was just for the big bulk mailings. So, the Senate Amendment on this fixes the 14-day issue and also fixes the individual mailing problem that one or two of the good Representatives on the other side of the aisle brought up. So, hopefully you can follow my light and do the Recede and Concur motion. Thank you.

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

Representative **FREDETTE:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. It certainly seems to me that in a time and an age when we have clean election spending for, particularly House and Senate races, and we are using taxpayer dollars, that it certainly, and I think most of us know that, in any general election, even primary, probably we're spending anywhere from 40 to 50 percent of taxpayer dollars on mailings to reach voters, that there ought to be some sort of degree of accountability with that. Now the good

Representative from Arundel has indicated, and everyone can take a look at it, that there were concerns raised in this and the prior vote, that the Senate amended and did address those concerns. And I think we have a responsibility and what I mean by that is, if we are going to take, and undertake, seriously a clean election funding program, where we're going to use taxpayer dollars, then there ought to be some degree of accountability to that. To me, it seems almost a little bit laughable that we're really debating whether or not we're going to send, you know, one out of, you know, 5,000 postcards is going to go out in a House District, we're going to take time to send one postcard to the Ethics Commission, and that's a problem? I don't get that. We're using taxpayer dollars, there are degrees of accountability. I think Representative Parry has indicated that we've addressed some of the concerns on the other side, and if we're going to be truly faithful about this, and look at this with some sort of straight-faced test, we can either take a postage stamp and put one of those postcards in the mail and send it to the Ethics Commission. It's not a big deal here folks. Well let's do something right and move on.

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

Representative **LUCHINI:** Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in opposition to the pending motion and just very briefly as we've debated this issue before. The majority's opposition was based on numerous factors; the 14-day being removed was a big one. But, in general, we feel this bill is unnecessary because it places a restriction on simply those people who use a mail house and says that those people need to have their mail tracked. However, if you create your own mail and you send your own mail, that doesn't have to be tracked. This tries to fix a problem for which there has been zero official complaints ever made to Ethics. And I think if you've served on the Veteran's and Legal Affairs Committee, we get dozens of bills that try to make little tweaks based on what happened in the previous elections and if we turned each one of those into a law, the law books would be about 5 times the size that they are now. This one, if you feel that your mail isn't being sent, you can simply ask the Ethics Commission for an investigation. They can look into it and they can check with the postal service. It's something that really hasn't happened, or there haven't been complaints about this. So, it's an unnecessary reporting requirement that would make the Ethics Commission file and count tens of thousands, probably, of documents every session. So, we voted on Ought Not to Pass and I would encourage the voting against the Recede and Concur motion. Thank you, Madam Speaker.

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

Representative **PARRY:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. Sorry for rising a second time. In my talks with the Executive Director of the Maine Ethics Commission, he stated to me that there is no way to track if a mailer actually goes out. If a mailer actually goes out in the district it was supposed to go out in. They know when the expenditure is made but they have no way to track after that. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is to Recede and Concur. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 81

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Devin, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Grohman.

Yes, 74; No, 75; Absent, 1; Excused, 1.

74 having voted in the affirmative and 75 voted in the negative, with 1 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker Pro Tem HERBIG of Belfast moved that the House **INSIST**.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **INSIST**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, it stuns me that we have a vote on something which I perceive as being quite simple, which ends up being essentially a party line vote. With the simple issue being of I'm going to do a mailing in my district, folks, and I need to make sure one of my little postcards gets to the Maine Ethics Commission. I'm using taxpayer dollars and I've got to make sure that card gets there. You probably do what; one, two, maybe three mailings and we seem to be saying for the people of the State of Maine that we can't take the time to send a postcard to the Maine Ethics Commission? I mean really? I mean, what is the issue here that I'm missing? There's no hocus pocus here. We are simply asking people to say, if you're going to do a mailing, you take one postcard and you tell the mailer, the mail house, or you yourself, you mail it to the Maine Ethics Commission. This is not an undue burden folks. I don't get this. The only thing that I can take away from it is, is that there is a concern that we don't really want to be doing this because we're not really sure we're doing this right. So, you know what, I mean, let's be responsible here, let's be accountable to the taxpayers and the people of the State of Maine. This is not complicated folks.

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is to Insist. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 82

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grohman.

Yes, 77; No, 72; Absent, 1; Excused, 1.

77 having voted in the affirmative and 72 voted in the negative, with 1 being absent and 1 excused, and accordingly the House voted to **INSIST**.

Doctor of the day, A. Jan Berlin, M.D., Portland.

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

COMMUNICATIONS

The Following Communication: (H.C. 159)

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

May 9, 2017

The 128th Legislature of the State of Maine
State House
Augusta, Maine

Dear Honorable Members of the 128th 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 534, "An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner."

My main objection to this bill is the provision that removes the requirement that deaths due to the consequences of long-term alcohol use be reported to the Office of the Chief Medical Examiner. I firmly believe that long-term alcohol deaths need to be reported. How else can we as a society deal with the unknowns that surround death?

While removing this requirement would save the Office of the Chief Medical Examiner some effort, causes of death are something that we as a society should be taking very seriously.

This is why we have our current law, and it is also why the law should not be amended.

For this reason, I return LD 534 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Amend the Laws Governing the Circumstances of Death That Must Be Reported to the Office of Chief Medical Examiner

(H.P. 378) (L.D. 534)

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

Representative **FREDETTE**: Thank you, Madam Speaker. I question whether or not there is a quorum in the House. I request a roll call.

The same Representative inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative **FREDETTE**: Thank you, Madam Speaker. I had an opportunity to read through the Chief Executive's veto letter today, and I found it to be very compelling and convincing. And, I'm asking my colleagues to join me in sustaining the Chief Executive's veto. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. I wanted to briefly address this bill because it was a unanimous Committee Report out of the Judiciary Committee and explain why we voted for this, and I certainly agree that the Chief Executive's letter is compelling, but there is a little bit of information that everyone should know. So, under current practice, our healthcare providers, hospitals, etc., are required to report deaths to the Office of the Chief Medical Examiner in the first 24 hours after the admission to the hospital, even when the cause of death is painfully obvious. And the Chief Executive's letter talks about deaths from long-term alcohol use, and I absolutely agree with him that this is a very serious public health concern and that we should be taking this seriously, but I just want everyone to understand current practice in the Office of the Chief Medical Examiner. When a death is reported due to long-term alcohol use, those deaths, under current law, are classified as natural causes of death and the Office of the Chief Medical Examiner dismisses them without performing an autopsy. One other important piece of context for the Office of the Chief Medical Examiner, they've been coming both to our committee, and the Appropriations Committee, and asking for more and more money and that is because of the dramatic rise in the opiate crisis, and the fact that they have to do more and more autopsies to figure out what substances were in people's systems when they died due to the opiate crisis. So, this was actually a bill requested by the Office of the Chief Medical Examiner because it reduces their workload as well as the workload of the providers. Under current practice, the providers have to go through all the burden of reporting this to the Chief Medical Examiner's Office, the Medical Examiner's Office has the burden of processing all of these reports and at the end of the day, they just dismiss them because they're natural causes of death and they don't

do an autopsy. So, all this bill does is remove that intermediate step and say that the providers don't have to report this if they know that it's long-term alcohol use and the Medical Examiner's Office doesn't have to go through the process of processing these when they know they're just going to dismiss them as a natural cause of death. As far as the Chief Executive's comment that we do need to be tracking these deaths, he is absolutely correct and that will still happen because all of these deaths are reported to the Bureau of Vital Records, who keeps track of all death certificates. So, we would still have access to that very important information and we'd know why and how many people are dying from alcohol use in our state but this would just eliminate the intermediate step of the Medical Examiner dismissing these when they know that they're not going to be doing an autopsy anyways. I hope that's clearer and I'm happy to answer any questions and I ask you to override this 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. 83V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Guerin, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Warren, Zeigler.

NAY - Austin S, Bickford, Black, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grohman, Madam Speaker.

Yes, 85; No, 63; Absent, 2; Excused, 1.

85 having voted in the affirmative and 63 voted in the negative, with 2 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 155)

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002**

May 11, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

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

On May 9, 2017

Michael R. Currie of Falmouth for appointment to the Board of Trustees, Maine Public Employees Retirement System.

Pursuant to Title 5, MRSA §17102, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Alvin K. Ahlers of North Yarmouth and

Honorable James W. Parker of Veazie for reappointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA §341-C, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (H.C. 156)

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

May 11, 2017

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Education and Cultural Affairs has approved the request by the sponsor, Senator Millett of Cumberland, to report the following "Leave to Withdraw":

L.D. 380 An Act To Implement the Federal Every Student Succeeds Act in Maine

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 158)

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

May 11, 2017

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

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

Criminal Justice and Public Safety

L.D. 1092

An Act To Exempt United States Military Recruiters from Paying Fees for Criminal History Record Checks

L.D. 1333

An Act To Enact the Drug Trafficking Offender Registration and Notification Act

L.D. 1526

An Act To Provide Funds for Access to Federal Training Facilities for First Responders (EMERGENCY)

Taxation

L.D. 16

An Act To Exempt Certain Individuals Who Are 70 Years of Age or Older from Maine Income Tax

L.D. 311

An Act To Eliminate Corporate Welfare and Provide Tax Relief

L.D. 621

An Act To Retain Professionals and Attract Professionals to Maine by Amending Maine's Income Tax Code

L.D. 664

An Act To Exempt Gold and Silver Coins and Bullion from Sales Tax

L.D. 783

An Act Regarding Business Income Tax

L.D. 1076

An Act To Replace Municipal Property Tax Revenue Lost Due to Land Acquisitions under the Land for Maine's Future Fund

L.D. 1227

An Act To Restore to Five Percent the State-Municipal Revenue Sharing Distribution and Create a Matching Fund for Local Road and Bridge Construction, Maintenance and Reconstruction

L.D. 1246

An Act To Provide Landowners a Property Tax Exemption for Certain Trails

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 388)

**MAINE SENATE
128TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 9, 2017

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 the Bill "An Act Regarding Advertisements by Maine Clean Election Act Candidates" (H.P. 571) (L.D. 791) was Passed to be Engrossed as Amended by Committee Amendment "A" (H-30) in non-concurrence.

Best Regards,

S/Heather J.R. Priest

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Animal Welfare Laws To Add Provisions Relating to the Surrender of Animals"

(H.P. 1097) (L.D. 1593)

Sponsored by Representative SKOLFIELD of Weld. (GOVERNOR'S BILL)

Bill "An Act To Allow the Commercial Growth and Sale of Water Spinach in the State"

(H.P. 1101) (L.D. 1598)

Sponsored by Representative LAWRENCE of South Berwick.

Cosponsored by Senator HILL of York.

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

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Bill "An Act Regarding the Dispensing of Naloxone Hydrochloride by Pharmacists"

(H.P. 1098) (L.D. 1594)

Sponsored by Representative VACHON of Scarborough.

Cosponsored by Senator MASON of Androscoggin and Representatives: CHACE of Durham, Speaker GIDEON of Freeport, HEAD of Bethel, HERBIG of Belfast, HYMANSON of York, SYLVESTER of Portland, Senators: DILL of Penobscot, WOODSOME of York.

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

Committee on **HEALTH AND HUMAN SERVICES** suggested.

The Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**, ordered printed and sent for concurrence.

Bill "An Act To Improve the Maine Tree Growth Tax Law"

(H.P. 1102) (L.D. 1599)

Sponsored by Representative STANLEY of Medway. (GOVERNOR'S BILL)

Bill "An Act To Establish an Opioid Addiction Prevention and Rehabilitation Treatment Program Funded by a Tax Imposed upon the Sale of Opioids"

(H.P. 1103) (L.D. 1600)

Sponsored by Representative O'NEIL of Saco.

Cosponsored by Senator BELLOWS of Kennebec and Representatives: GATTINE of Westbrook, GROHMAN of Biddeford, McCREIGHT of Harpswell, POULIOT of Augusta, STANLEY of Medway, TIPPING of Orono, WARREN of Hallowell, Senator: DIAMOND of Cumberland.

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

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

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

Sent for concurrence.

Bill "An Act Regarding Inspection Requirements for Public Safety and Municipal Vehicles Owned by Island Communities"

(H.P. 1099) (L.D. 1595)

Sponsored by Representative COOPER of Yarmouth.

Cosponsored by Senator BREEN of Cumberland and Representatives: DEVIN of Newcastle, KUMIEGA of Deer Isle, SYLVESTER of Portland, Senator: DOW of Lincoln.

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

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

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

Sent for concurrence.

Bill "An Act To Establish the Cannabis Advisory Commission"

(H.P. 1100) (L.D. 1596)

Sponsored by Representative JORGENSEN of Portland.

Cosponsored by Senator DESCHAMBAULT of York.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested and ordered printed.

REFERRED to the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** and ordered printed.

Sent for concurrence.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 34)

ORDERED, that Representative Mark E. Bryant of Windham be excused May 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradlee Thomas Farrin of Norridgewock be excused April 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Aaron M. Frey of Bangor be excused May 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Frances M. Head of Bethel be excused May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Erin D. Herbig of Belfast be excused May 2 and 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Chris A. Johansen of Monticello be excused May 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas H. Skolfield of Weld be excused May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charlotte Warren of Hallowell be excused April 19 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the DaPonte String Quartet, of Damariscotta, which is celebrating its 25th Anniversary. Not long after forming in Philadelphia, the quartet relocated to mid-coast Maine and has since put down roots in the State, performing in all 16 counties, as well as throughout the United States and the world. We extend to the DaPonte String Quartet our congratulations and best wishes;

(HLS 357)

Presented by Representative DEVIN of Newcastle.

Cosponsored by Senator DOW of Lincoln.

On **OBJECTION** of Representative GOLDEN of Lewiston, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

REPORTS OF COMMITTEE

Change of Committee

Report of the Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enact the Uniform Emergency Volunteer Health Practitioners Act"

(S.P. 314) (L.D. 958)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.**

Comes from the Senate with the Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT.**

Report was **READ** and **ACCEPTED** and the Bill and accompanying papers were **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Divided Reports

Majority Report of the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act Regarding State Investments and the Dakota Access Pipeline"

(S.P. 320) (L.D. 981)

Signed:

Senators:

HAMPER of Oxford

KATZ of Kennebec

Representatives:

FREY of Bangor

JORGENSEN of Portland

MARTIN of Eagle Lake

SEAVEY of Kennebunkport

SIROCKI of Scarborough

TIMBERLAKE of Turner

WINSOR of Norway

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-68)** on same Bill.

Signed:

Senator:

BREEN of Cumberland

Representatives:

GATTINE of Westbrook

HUBBELL of Bar Harbor

TEPLER of Topsham

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 as Amended Report.**

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

Representative **SYLVESTER:** Thank you, Madam Speaker. I rise in support of LD 981 and I will not stand here today and make exorbitant exertations recounting the long tragic history between the native peoples of this land and those who came to settle, some might say take it. We all know the history or if we don't, we should. One group of people feeling empowered by their superiority in numbers and technology encroached upon the land of a sovereign peoples. And I say peoples because they were not one nation, but rather a series of autonomous tribes, each self-governed and self-sustaining. What is happening today is nothing short of a continuation of that shameful legacy out with the Dakota pipeline. Now the basic premise of LD 981 is that money is speech. This bill makes a basic moral argument that we spend our money on and in what institutions we keep it in, is a statement of our beliefs. If we had been around during the settlement period, would we have spoken up on behalf of native peoples? Would we have been silent? There's no way for us to know. Even today, there's injustice all over the world, some choose to speak out against it, some choose to turn a blind eye, some choose to remain ignorant to the facts of the matter, but what LD 981 asks us to do is to choose. Speak up if we find the Dakota pipeline project to be immoral or choose not to speak. And what Senator Chipman's bill demands however, is that we not make this choice ignorantly. To my mind, this isn't a bill about pipelines or bank investments in them per se, banks do what they like, but the Maine people can choose to do business with them based on our opinion of their actions or we can put our money elsewhere, in institutions we like better, like our own local banks. So, the question is, what do we think of the DAPL project? I'm not going to belabor it but, here are a few illustrative facts you might not know that were not in the news. What most people don't know is that the largest portion of the pipeline runs through Iowa, across thousands of miles of what was small farmland. And Iowa landowners who did not agree to sell their land had it taken from them by eminent domain. They even took the property that the project traveled onto by mistake. In October of 2016, farmer Cyndy Coppola found workers trespassing on her land. They had built the pipeline over too far, somebody had misread the map. When she went out to protest, she was arrested on her own land. That land was then, as I understand it, taken by eminent domain because it would be too costly to correct the mistake. Now some may feel that the land grab of the small farmer's family land was reasonable or feel the needs of the folks building this pipeline to make profits supersede those of private property but, I am not one of those people. The argument could be made that if the company moved forward in a responsible and aboveboard way, then it's legal, not moral

maybe, but legal. If they got all the correct permits and made sure the project was environmentally sound, that would be fine. So, let's look at that.

The companies running DAPL claim to have received all the necessary permits. Yet the permitting process is complicated for such a pipeline. The review process is one of those regulatory nightmares, Madam Speaker, we hear of all the time. It's cumbersome and it's the kind of thing we hear about in the LCRED Committee all the time. For a pipeline this long, you have to have a permit for every body of water and habitat along the way. It's almost unfeasible because of the inherent danger of piping fuel by people's homes and drinking water. Yet if you permit a ten-foot pipe there's almost no regulations or oversight. So, what the DAPL project did, according to a report on MSNBC, was to permit hundreds of thousands of ten-foot pipes instead of one long one. So in my opinion, they gamed the system. So, that's two very brief examples, land was taken by force, the system was perhaps rigged. So, what about Dakota? Are they on native lands? Are they a danger to the water supply of the Dakota Tribes? Again, trying to be brief, the DAPL project was supposed to run south of Bismarck. Then the people of Bismarck complained that they didn't want it that close to them. So, they ran it ten miles south near the current reservation land. So, the project isn't on, technically on, tribal land except that this land was taken from the Tribes by the state and it's still in dispute whether the state had the right to do that based on the Fort Laramie Treaty. Now, I could go on and on but thankfully for all of us, I will not. I've tried to make the moral argument. Clearly this project has a lot of questions as to its moral underpinnings. The strategy used in LD 981 is the same strategy that was used in the 1980s divestments that helped solve apartheid and we must ask ourselves whether we want to be associated with banks funding these land grabs and system rigging, or if we want to put that money in our own local banks. We speak with our money. By having our money in the banks that support this project, we tacitly approve of it. So, will we speak or will we be silent, Madam Speaker?

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

Representative FREDETTE: Thank you, Madam Speaker. The point of order, are we actually debating the Majority Report or are we actually debating the Minority Report?

The SPEAKER PRO TEM: We're debating the Minority Report.

Representative FREDETTE: So, the Majority Report was not moved?

The SPEAKER PRO TEM: That is correct.

Representative FREDETTE: Thank you, Madam Speaker. I would ask that the Clerk read the Committee Report.

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

The Clerk READ the Committee Report in its entirety.

Representative MARTIN of Eagle Lake 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: The Chair recognizes the Representative from Rockport, Representative Casás.

Representative CASÁS: Thank you, Madam Speaker. I will be very brief. This bill would require us as a state to financially divest from organizations that financially support construction on the Dakota Access Pipeline. I would ask us that we all just conceptually replace the word divest with the

word reinvest. This is an opportunity to restructure our investments into organizations that hold environmental stewardship to a higher standard. If managed properly, this restructuring of state assets could result in a higher return on investment while simultaneously sending a message about our state's priorities and commitments to a healthy planet. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Winsor.

Representative WINSOR: Thank you, Madam Speaker, Men and Women of the House. This is kind of an interesting issue I think. So, I'm going to ask you to vote against the pending motion so that we can go on and support the Majority Ought Not to Pass Report. There are several reasons why this bill is really harmful public policy. First, let me look at the State Treasurer's testimony. She says that she takes no position on policy issues but then she describes this bill as being harmful or most impactful on the state's cash pool, which if this bill was enacted, "would hurt an investment in any National Bank or banking institution, trust company, state or federal savings and loan association or mutual savings bank that is providing funds, extending credit or otherwise engaged in the financing of the construction of the Dakota Access Pipeline." First off, we're understanding how difficult it might be to identify those people or those individual institutions. But, the second is, it's disruptive to current operations. TD Bank North, TD Bank, is one of the 17 banks that is participating in the first \$2.5 billion loan to the pipeline. TD Bank is one of the state's primary banking partners with branch offices throughout the state, with hundreds and hundreds of employees, of our neighbors, who work there. In addition to the operational disruption to the treasury, so this would have a very negative impact on a large employer in our state. Within the cash pool, there are millions of dollars' worth of investments that are invested short time in any number of financial institutions. If we divested all these holdings, we could reduce our investment income significantly. In addition to the 17 banks, watch groups have identified other firms that are extending credit to the Dakota Pipeline. This includes Bank of America, Morgan Chase, US Banks, Citizens Bank, organizations that are involved in extending credit to finance the pipeline. These are some of our partners in our bonding operations and it would make it very difficult. The second part of this bill would require the MainePERS, our retirement system, to divest itself similarly to anybody. And, I'd say to you that first of all, I think why we, just as a state, really can't involve ourselves with the investment strategy of the retirement system. That money is held in trust, it's not state money, it's money that is held in trust for the benefit of our retired and current employees when they retire. So, any attempt to go in and control that type of investment would be in violation of really the fiduciary relationship that this institution has to their membership, then some 40 thousand individual members. In fact, it's considered by many to be in violation of the Constitution which this institution of the Maine Retirement System really has a long-term investment strategy to maximize and safely protect the assets of its members. For those reasons, I would urge you to vote against the pending motion and to go on and accept the Majority Ought to Pass Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative RYKERSON: Thank you, Madam Speaker, Madam Speaker, Men and Women of the House, fellow descendants of immigrants, hasn't our government done enough to oppress the indigenous peoples? Isn't it time to stop? We have seen that divestment has had the effect that

it's had on brutal practices in South Africa and it worked. Maybe this bill makes it more difficult to do the books, but sometimes our moral obligations are not that easy. I urge you all to follow your souls. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I'd like to pose a question through the Speaker if I may?

The SPEAKER PRO TEM: The member may proceed.

Representative **PICKETT**: Thank you, Madam Speaker. By moving the Minority Report we're saying we want to take and no longer divest investments into these companies that have anything to do with the Dakota Pipeline. So, the question I have is, in the amendment to the Minority Report, it says that it removes the provision in the bill that requires the Maine Public Employees Retirement System to divest holdings in any corporation or company that is constructing or funding construction of the so called, Dakota Access Pipeline. If we shouldn't be investing, then why are we worried about the Maine State Retirement System? It doesn't seem to jive. Could someone answer that question for me, please?

The SPEAKER PRO TEM: I believe the member is referring to House Amendment "A" which is currently not before the chamber. The Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you, Madam Speaker. You know, I don't believe that the government should take anybody's property or anything but there's a lot of misconceptions, I think, with that and I don't know why we're even arguing this in this House. But I just want to remind everybody that during that protest when everybody left, there was over 300 dump truck loads of garbage removed and they had to remove that because there was problems that were going to happen with the groundwater supply because of the protesters leaving all their garbage all over there. I'd also like to remind everybody that a nice little town called Lac-Mégantic up in Quebec was devastated about 5 years ago when some trains loaded with crude oil somehow made their way down into the little town there and burnt up and killed over 100 people. So, you've got to question the methods. We all burn oil, we all came here in the vehicle and also our portfolios in some way are invested into oil and pipelines and drilling all over the country into Canada. So, I just find it kind of hypocritical in some places about this bill. Thank you.

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

Representative **COLLINGS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I briefly wanted to weigh in on this issue. First of all, I would like to say that I'm not sure if we are going to be investing in this project through our state funds, I'm not sure it's a wise investment. I foresee a lot of uncertainty in the future profitability of this pipeline project and instability in general in this industry. Also, there is a lot of debate about if these pipeline projects create permanent jobs and it's been recorded in the states where they've done this, there has been a lot of issues with drugs and prostitution during that temporary construction phase and often times we're serving foreign interest in investments and we're not keeping all of our American resources in our country and it's going to foreign markets. Already, this project in other places has had many spills and violations, so there's a safety concern. Something that concerns me is that people further up the river didn't want this in their town and pushed it down toward where the tribal land was. And then, the last thing I would like to say

is that on their own Sioux Treaty Land that over the years has been consistently illegally taken away from them, we saw every day, or many days, women and elders being attacked with dogs, sprayed with water hoses in the very cold Dakota winter while peacefully protesting on their own land. It was a brutal assault on our tribal brothers and sisters and the last thing I'll say is as far as how this will affect our state's ability to have investments, I think if we have the will to do what's right, I think surely, we will have the ability to make the technical change to invest this money elsewhere. Thank you, Madam Speaker.

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. 84

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Devin, Dunphy, Farnsworth, Fay, Fecteau, Fuller, Gattine, Golden, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Reckitt, Rykerson, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Corey, Craig, Denno, Dillingham, Duchesne, Espling, Farrin, Foley, Fredette, Frey, Gerrish, Gillway, Ginzler, Grant, Grignon, Guerin, Haggan, Harrington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, McCrea, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grohman, Madam Speaker.

Yes, 60; No, 88; Absent, 2; Excused, 1.

60 having voted in the affirmative and 88 voted in the negative, with 2 being absent and 1 excused, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

Subsequently, on motion of Representative GATTINE of Westbrook, the Majority **Ought Not to Pass Report was ACCEPTED** in concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Establish a Working Group To Review the Function and Mission of Probation Officers and Establish a Licensing Procedure

(S.P. 204) (L.D. 589)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

COREY of Windham

GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

Signed:
Senators:
LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:
KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Signed:
Representatives:
WARREN of Hallowell
TALBOT ROSS of Portland

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

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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

Signed:
Representatives:
GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Strengthen Protections against Civil Asset Forfeiture"

(S.P. 288) (L.D. 888)

Signed:
Senators:
ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:
COREY of Windham
GERRISH of Lebanon
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-53)** on same Bill.

Signed:
Representatives:
WARREN of Hallowell
GROHMAN of Biddeford

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

On motion of Representative WARREN of Hallowell, the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Refer to the Committee on State and Local Government** on Bill "An Act To Provide Stability and Continuity in the Department of Education"

(S.P. 120) (L.D. 379)

Came from the Senate with the Majority **REFER TO COMMITTEE** Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**.

READ.
On motion of Representative GOLDEN of Lewiston, the Majority **Refer to the Committee on State and Local Government** Report was **ACCEPTED**.

Subsequently, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, in concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-58)** on Bill "An Act To Establish a Mattress Stewardship Program"

(S.P. 115) (L.D. 349)

Signed:
Senators:
SAVIELLO of Franklin
GRATWICK of Penobscot
VOLK of Cumberland

Representatives:
TUCKER of Brunswick
CAMPBELL of Orrington
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
PIERCE of Dresden
ZEIGLER of Montville

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

Signed:
Representatives:
KINNEY of Limington
STROM of Pittsfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-58).

READ.

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

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

ROLL CALL NO. 85

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce J, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grohman, Turner.

Yes, 82; No, 66; Absent, 2; Excused, 1.

82 having voted in the affirmative and 66 voted in the negative, with 2 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-58)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-58)** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Prohibit the Use of Elephants in Traveling Animal Acts"

(H.P. 287) (L.D. 396)

Signed:
Senators:

DAVIS of Piscataquis

SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town
BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
McELWEE of Caribou
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-122)** on same Bill.

Signed:
Senator:

DILL of Penobscot

Representatives:

ACKLEY of Monmouth
CHAPMAN of Brooksville
MARTIN of Sinclair
O'NEIL of Saco

READ.

On motion of Representative DUNPHY of Old Town, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass** on Bill "An Act To Promote Small Diversified Farms and Small Food Producers"

(H.P. 584) (L.D. 835)

Signed:
Senators:

DILL of Penobscot
SAVIELLO of Franklin

Representatives:

DUNPHY of Old Town
ACKLEY of Monmouth
CHAPMAN of Brooksville
MARTIN of Sinclair
O'NEIL of Saco

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

Signed:
Senator:

DAVIS of Piscataquis

Representatives:

BLACK of Wilton
HIGGINS of Dover-Foxcroft
KINNEY of Knox
McELWEE of Caribou
SKOLFIELD of Weld

READ.

On motion of Representative DUNPHY of Old Town, the Majority **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** and sent for concurrence.

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Resolve, To Study the Development of a Behavioral Health Unit at the Cumberland County Jail

(H.P. 467) (L.D. 676)

Signed:
Senators:

ROSEN of Hancock
CYRWAY of Kennebec
DIAMOND of Cumberland

Representatives:

WARREN of Hallowell
COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
LONGSTAFF of Waterville
MAREAN of Hollis
NADEAU of Winslow
RECKITT of South Portland

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

Signed:
Representative:

TALBOT ROSS of Portland

READ.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-128)** on Bill "An Act To Provide for a Later Starting Time for High Schools"

(H.P. 331) (L.D. 468)

Signed:
Senator:

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Signed:
Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
TURNER of Burlington

READ.

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

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

Representative KORNFIELD: I hope you will indulge me, I was not here when we did the work session on this bill. So, I would like to have my say on it. I move the Majority Report however I'm going to be voting against it. This is the kind of legislation I do not like. I don't think, I think it's a complete overreach from Augusta. Mostly because there's nothing in the law right now that would keep a school from starting whenever they wanted to start. The late start is completely legal and every school, as you well know, has a school board that's elected, just like we are, and that is their job. They have public hearings, people can bring before the school board the idea of a late start. It can be debated within the town. And there's nothing to say, as some of you know, some of the schools in southern Maine have moved to a late start. And anyone who has taught high school, as some of you in here have, you know that there's no vacuum in a school day. If the school starts later than the time early in the morning fills up with clubs, activities, and even sports. I think only the town truly understands what the bus situation is, what the bus routes are, how long kids are on the bus, they understand the availability of child care because with a late start younger children will be coming home first. I just think this is not our business. Schools can do this without a law. Thank you very much.

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

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

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

Representative DAUGHTRY: Thank you, Madam Speaker Pro Tem. I rise in support of the pending motion and just wanted to give you a brief overview of what this amendment does. I do agree with the good Representative from Bangor that this is a decision that is best left up to our local school boards, and that's why this bill, that's before you, is not a mandate. In its original form, it would have said a very specific time for our high schools to start. Instead, what it does is it puts into our statute a suggested starting time and leaves it up to school districts to be able to decide what works for them. There is no mandate in this. It solely recognizes that this is something that we should be doing to moving our high schools to a healthy start time. Just to give you an idea of why this is so important for our high school students, it's been proven that when students get through puberty your circadian rhythm, that's in your head, switches to a different clock and what happens is that waking up at 5 or 6 a.m. for an early start to high school is akin to shaking one of us awake for session at 2 or 3 in the morning. Sleepy driving teenagers is a real health threat. They've also shown that sleep-deprived teenagers, when they are getting on the roads to drive to high school it's equivalent to an adult having three beverages and getting on the highway. This is such a big deal that the American Medical Association has made it one of their major policy points to try to move and urge school districts nationwide to move to a healthier start time. And one of the reasons I'm also so passionate about this is that I've heard from many students who've had their own personal experiences with this and have been trying to work with their school boards to be able to push

late starts back. And one of the things they've heard is we'd like some signal from the state that this is something we can do to band together. So, this is the way to do that without making a mandate and telling local districts what to do. It just says that we as a state recognize that this is a healthier start time for teens to protect their health and to make them better in school without causing a mandate. I urge you to follow my light.

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. 86

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Bryant, Chapman, Collings, Daughtry, Devin, Dunphy, Farnsworth, Fuller, Golden, Hamann, Handy, Harlow, Hubbell, Hymanson, Kumiega, Lawrence, Martin R, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Pierce T, Pouliot, Reckitt, Rykerson, Sheats, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Brooks, Campbell, Cardone, Casas, Cebra, Chace, Cooper, Corey, Craig, DeChant, Denno, Dillingham, Duchesne, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gattine, Gerrish, Gillway, Ginzler, Grant, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Mason, Mastraccio, McElwee, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Terry, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grohman, Hanley.

Yes, 47; No, 101; Absent, 2; Excused, 1.

47 having voted in the affirmative and 101 voted in the negative, with 2 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **NOT ACCEPTED**.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-113)** on Bill "An Act To Establish the Summer Success Program Fund"

(H.P. 647) (L.D. 919)

Signed:

Senator:

MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
McCREA of Fort Fairfield
PIERCE of Falmouth

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

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington

Representatives:

GINZLER of Bridgton
SAMPSON of Alfred
STEWART of Presque Isle
TURNER of Burlington

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-113)** 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-113)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought Not to Pass** on Bill "An Act To Amend the Municipal Subdivision Laws"

(H.P. 444) (L.D. 628)

Signed:

Senator:

GRATWICK of Penobscot

Representatives:

TUCKER of Brunswick
DUCHESNE of Hudson
FAY of Raymond
HARLOW of Portland
MARTIN of Eagle Lake
ZEIGLER of Montville

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

Signed:

Senators:

SAVIELLO of Franklin
VOLK of Cumberland

Representatives:

CAMPBELL of Orrington
KINNEY of Limington
PIERCE of Dresden
STROM of Pittsfield

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance"

(H.P. 11) (L.D. 10)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-129)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

READ.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Allow a Law Enforcement Agency That Treats a Person with Naloxone Hydrochloride To Bill That Person for That Treatment"

(H.P. 76) (L.D. 108)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
MADIGAN of Waterville
PARKER of South Berwick
PERRY of Calais

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-131)** on same Bill.

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
MALABY of Hancock
SANDERSON of Chelsea

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise in opposition to the pending motion. I rise because the proper response to a gift, even a gift of charity, is gratitude. People who feel gratitude also wish to express it. The easiest way to give is to give in one's turn. By giving, you pass on and amplify the good will that you've received. Thus, it is in America where the tradition of giving is very much alive, and the state has not yet extinguished the desire or the need for it. People give to their old school, to their university, to the hospital that cured them, to the police that rescued them, and to the veterans who fought for them. They give without seeking or expecting recognitions but simply because gratitude is expressed through giving. However, the state is taking over many of the functions that were previously performed by charities. Not the least of which is education, health care, and the relief of poverty. And the state deals on an impersonal basis and equal terms with its citizens. It has no favorites and it is governed by the rules, anything else is received by the citizens is an injustice. Hence, charities replaced by justice is the ruling principle of how and which social benefits are distributed. But while charity deals in gifts, justice deals in rights and when you receive what is yours by right, you don't feel grateful. Hence, people who receive their education in health care from the state are less inclined to give to their schools and hospitals. The spirit of gratitude retreats from the social experience in countries like France and Germany, where civil society's penetrated at every level by the state, people give little or nothing to charity in regards gifts with suspicion, as attempts to privatize what should be a matter of public and impartial concern. When gifts are replaced with by rights, so too is gratitude replaced by claims and claims breed resentment. Since you are queueing on equal terms with the competition, you will begin to think of the special conditions that entitle you to a greater or speedier or more effective share. You will always be one step from the official complaint, the court action, the press interview, and that snarling reproach against them, the ones who owed you this right and also withheld it. This is the way that European society is going and I fear too that it is happening in America. And, so I rise in opposition to the pending motion and I thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise today because this is my bill that I put forth to the Health and Human Services Committee. I just wanted to speak on it briefly. I've been a firefighter since the day I turned 18, up in Presque Isle. Been doing that job for a little over five years now. Part of the assumption made I think here is that by somehow charging, you're going to be delaying any sort of treatment that would

otherwise be given to an individual who is suffering from an overdose, which is not true and I have proof of that. We don't check your ability to pay before we treat you or before we respond to your car accident or your burning house, we do our job and then we go home. But the reality is that a lot of these towns in rural Maine don't have the capacity to pay for expensive things like Narcan, particularly when it doesn't take just one dose to bring somebody back. On average it takes three, four, five, I've heard of even six for one individual. As we look at ways that we want to combat the opioid epidemic in Maine and it's becoming worse and worse by the day, unfortunately, we need to be looking at creative ways to figure out how to not break the backs of these municipal budgets who are already overburdened and are already paying more municipal taxes than they are for any other part of their tax burden. I think this is one way that we can both expand access to treatment by allowing these localities to have a mechanism in place to fund this much needed service while, at the same time, making sure that, you know, the rights of the taxpayer are also considered here. I think this is a fair compromise and I hope that you all will follow my light on this. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker. I also rise in opposition to the pending motion and just like to build on a little bit of what the good Representative Stewart just said. Right now, in current statute, municipalities may have this available. There's no mandate that they have it available. And what my fear is and why we think this is a reasonable consideration to allow these municipalities and these departments to bill the recipients is; I fear that if it gets too expensive they will just stop. What do we have then if we have communities with more and more overdoses happening as we're seeing across the state. By allowing a municipality to bill for Naloxone, it's not mandatory, it's whether they decide to do so or not. We're not compelling anybody to bill. It may help, as the good Representative said, defray some of the costs and make sure these municipalities can afford to keep this onboard. As you also heard, many individuals have to have more than one dose. This dose only lasts for about 20 minutes and if you have somebody who is in a severe overdose situation, once that 20 minutes is up they're going to need another dose and it often happens that there are several doses happening. This can be very expensive. One of the fellow members on the Health and Human Services Committee, who is a pharmacist, he knows well the cost of these and as he said this morning in our caucus, it costs them about \$120 per kit. Now, I know the AG's Office is able to acquire this at a lower cost, however that's still around \$65. If you have multiple overdoses and if you are using multiple kits throughout your municipality as you can see, this can get quite costly. So, I believe it's very important to be able to somehow allow them to maybe, perhaps, recoup some of the costs of this and so I hope that you will vote down the pending motion and go and pass the Minority Report. Thank you very much.

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

Representative **HYMANSON**: Thank you, Madam Speaker. This bill is unnecessary because town managers and towns can now write this the same way that they do if you have an alarm that goes off too often in your house. This language is permissive. The bill provides that they may seek to receive reimbursement. So, it is unnecessary, that's number one. I'm going to read to you the unanimous report from the

Maine Chiefs of Police. They unanimously oppose the bill. "It is our position that we should not be billing anyone for any service we provide when rendering aid." I will stop this and say that the AG's Office has these free to every community. They cost \$35 if they're not free. They are not expensive. "In looking at the opioid crisis, most people we deal with do not have the means to pay for our expenses let alone the cost of ambulance, medical treatment and/or addiction services." Lastly, and I can't speak for the fire departments, but law enforcement has not had to pay for Naloxone since we started the program to administer the drug. "The AG's Office has provided Naloxone free of charge to departments. I believe that we are doing very well with the AG's help and with caution it may cost more time and energy to collect such charges than it would be worth if such a bill was passed." Myself, having run a small business for 30 years and running a back office, I know that trying to figure out a way to get this bill to somebody who may not have survived, who may not be reachable and how many attempts do you give and what kind of penalty do you ponder if you haven't received the reimbursement would be very difficult. I will also ask the body to consider if you fall and you have a heart attack and there's a defibrillator close by to you and the defibrillator is used by somebody to revive you there's no judgment made about who you are, the defibrillator is used. No one asks how well has this person controlled their diabetes, have they had sweets today, have they taken their blood pressure medications. You're just revived and that's done by any bystander. I will also mention that if someone has CPR knowledge, that person does not charge the person who they revived with their knowledge of CPR. Thank you, Madam Speaker Pro Tem. I ask you to follow my vote.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Madam Speaker Pro Tem. I pose a question. What would happen if the Attorney General's Office were to suddenly decide that they no longer want to supply Narcan and/or another Attorney General came into the office and had a different philosophy?

The **SPEAKER PRO TEM**: The Representative has posed a question through the Chair. Would anyone in the chamber care to answer? The Chair recognizes the Representative from York, Representative Hymanson.

Representative **HYMANSON**: What I would say is that the municipality now has the ability to write any rule that it wants to. So, there's no need for this legislation.

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. 87

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley,

Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Winsor, Wood.

ABSENT - Grohman, Hanley.

Yes, 81; No, 67; Absent, 2; Excused, 1.

81 having voted in the affirmative and 67 voted in the negative, with 2 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-130)** on Bill "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing To Instead Wear Red"

(H.P. 306) (L.D. 426)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

DUCHESNE of Hudson

ALLEY of Beals

HARLOW of Portland

LYFORD of Eddington

MASON of Lisbon

REED of Carmel

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

Signed:

Senators:

CYRWAY of Kennebec

WOODSOME of York

Representatives:

STEARNS of Guilford

THERIAULT of China

WOOD of Greene

READ.

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

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

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Farmington, Representative Harvell.

Representative **HARVELL**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. Is there any group in our society, nationally, or in the State of Maine, who asks less from the government than the Amish? They provide their own health care, their own retirements, they take care of their communities, they organically farm, and their horses are not emitting a lot CO₂. They've held together as a religious faith for 500 years, surviving the wars of religion in Europe, and

they've come here and they've asked for a simple request, to be able to update their wardrobes but not quite the orange from the 50 shades of gray that they now wear. To those who will argue that this is a safety issue, it might be noted that prior to wearing orange, it wasn't a case of the state having red versus orange, it was the case of they didn't have to wear any orange. They could have worn brown, they could have worn black and green which was quite a common color. There was no hunter safety required and there was deer driving allowed. So, those that argue that hunter orange alone is the rationale for why we have our current safety standards and it's stepping back one shade of red will return us to the free-for-alls of the 50s, need to at least compare apples to apples. To those who are worrying about someone faking being Amish, let me say that what you would have to give up would be slightly more than just electricity, it might be your car, your clothing and let's be honest, every day in church two or three times a week. So, I don't believe there's a lot of members that are using this as a way to get around orange to barely step back to red. This is a religious community that faces being stared at and the rest of us looking around sometimes in awe of them and they're asking for a simple favor. They would like to hunt in Maine but they don't want to wear orange. They haven't asked for much else, can we at least give them that?

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Madam Speaker Pro Tem and Men and Women of the House. I rise to speak in support of my bill LD 426, "An Act To Allow Hunters Whose Religion Prohibits Wearing Hunter Orange Clothing Instead To Wear Red." This bill is of great importance to the Amish community in my home town of Fort Fairfield as well as Easton, both communities are in my district 148 as well as an Amish community in the southern Aroostook town of Sherman and yet another group in Whitefield, a town just 10 to 12 miles southeast of Augusta. Amish families moved to my District in 2007 and immediately became very productive citizens of our towns. They have set up many businesses within the region including organic milk production, metal roofing sales and installation, building storage sheds, bakeries, general home repairs, leather working, especially as it pertains to the horse industry, clock repair, furniture manufacture, and many others. I know this group to be very hard working. They have bought several farms that were underutilized in our region for various reasons, built several large family dwellings, barns and multitude of outbuildings. They contribute a great deal to the tax base of our communities. As you may well know, Amish communities live a simple life by our non-Amish standards, a lifestyle more akin to that of the early 1900s. They do not own motor vehicles, nor do their homes have electricity. It has been my experience that although this community interacts with the general community in a friendly cooperative manner, their nature is that of a people that wishes not to draw attention to individual members. By way of illustration, I know that they wish not to be photographed in a manner such that the individual can be recognized. As you would expect, members of the Amish community do in fact hunt. It is certainly my understanding that under no circumstances will this rather fundamentalist group of Amish wear hunter orange. In fact, should a member of this group of Amish choose to wear hunter orange, they will be forced to leave their religious community and furthermore, should a member receive a summons from a State of Maine Game Warden, for not wearing hunter orange while hunting, they are forbidden to pay the fine. I see this religiously-based belief and our State of Maine statutes

requiring the wearing of hunter orange on a collision course. I firmly believe that the Religious Freedom Restoration Act passed by the 1st Session of the 103rd United States Congress in 1993 will ensure that the State of Maine would not prevail in such a court case. I have in my possession a copy of the 2013 Minnesota Hunting and Trapping Regulations handbook which has in statute the very same provisions as LD 426. I feel that failure to enact LD 426 will almost certainly lead to a legal confrontation between the State of Maine and this Amish group, a battle that is absolutely unnecessary and one that will almost certainly uphold the religious rights of this most devout community. These Amish hunters agree however, to wear another highly visible color, red, on both hats and vests while hunting. The Maine Department of Inland Fisheries and Wildlife has testified in support of this LD 426. I would also like to point out that the Christian Civic League of Maine is fully in support of this bill. How many times have we heard that it was a fact that many early European settlers of this great land came here so that they could escape religious persecution and practice their faith as they so desire? In a small way, and with this bill, if it's passed, we as legislators have an opportunity to stand a little bit taller and cast our vote in support of religious freedom. I thank you for this opportunity to present LD 426 and I ask that you follow my light. Thank you.

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

Representative **DEVIN**: Thank you very much, Madam Speaker Pro Tem. As myself and a few other Representatives, such as the good Representative from Arundel, South Portland, Beals Island, and Limington, those of us who have spent time working at sea, can tell you, at night when we see a vessel off in the distance, what type of vessel that is, what they may be engaged in and if they're underway we can tell you the general direction they're traveling. We can tell you that because we see the color of the lights. The color of the lights are instrumental and without the light colors we can't tell you what that vessel is doing or if they are underway and if they are underway what direction they're traveling. Now, for the rest of my esteemed colleagues here that are landlubbers, I'll put this in a way that you could understand a little bit easier, and that is that we are honed in to traffic lights that are red, yellow and green and if for one month we said we're going to change all the red lights in Maine to pink, to make cancer awareness. We're going to make a really big point, we'll turn those red lights to pink. So, someone's driving down the road and they see a yellow light and then it changes to pink what are we going to do? There's going to be a lot of confusion and there's going to be a lot of accidents. And thus, we are tuned in at this stage to bright orange and safety and in fact since this law has gone into place, so hunters must wear bright orange, fatalities from hunting accidents have dropped, precipitously. Thank you.

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

Representative **KINNEY**: Thank you, Madam Speaker. May I pose a question through the Chair?

The SPEAKER PRO TEM: The member may proceed.

Representative **KINNEY**: Thank you. It's my understanding that there is a brightness factor involved with the hunter orange and I'm curious as to whether or not that is also going to be in effect for the brightness of hunter red.

The SPEAKER PRO TEM: The Representative from Knox, Representative Kinney, has posed a question through the Chair to anyone in the chamber that wishes to answer. The

Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **MCCREA**: Thank you very much. In answer, when we had the work session, it was posed to the Department of Inland Fisheries and Wildlife as to what shade of red, what frequency and what have you. They came back a couple of weeks later and said that as far as they were concerned they were, you know, of course wanting it bright red but that red would be sufficient.

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

Representative **REED**: Thank you, Madam Speaker Pro Tem. Ladies and Gentlemen of the House, I rise in support of the pending motion. This bill, in my mind, is a First Amendment Freedom of Religion issue. The Amish, who are opposed to wearing bright colors because of religious conviction, have asked to be allowed to wear bright red rather than the fluorescent orange while hunting. The department supports this as a reasonable accommodation. Some here in the House will see this bill as a public safety issue, believing that fluorescent orange is the reason for the decrease in hunting accidents since the state adopted it as a color to be worn during hunting. I personally believe that safety in hunting is more attributed to the requirement of a hunter safety course in order to purchase a license and the emphasis on the identification of the target before shooting as the primary factors when it comes to hunter safety. Some will declare that hunting is not a right but a privilege, therefore, it isn't a First Amendment issue. To that, I would remind all of us that in the Book of Genesis that God gave man dominion over all the animals of the field and fowl of the air. Now that sounds like a right to hunt to me. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. Like my colleague Representative Reed, I'm going to talk a little bit about the Constitution and religious freedom but not the Federal Constitution, the State Constitution, Section 3 and I won't burden you with the language but it certainly asserts that, you know, no person can have the liberty and the freedom to practice their religion encumbered in any way. But here's a key line, shall be equally, these are talking about citizens, shall be equally under the protection of the laws and no subordination nor preference of anyone's sect or denomination to another shall ever be established by law. And for me and the committee, that was an important piece. There is absolutely no doubt about it that this is a great group of people, great hunters, great citizens. People can argue the safety aspect all day long, as a state we're doing a fabulous job with hunter orange. That's not the only factor that's keeping us safe. But to me, that line in the Constitution of carving out a law for one sect and not others could be the beginning of a slope that I wish not to slide down.

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. 88

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Chapman, Collings, Cooper, Craig, Daughtry, DeChant, Denno, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Golden, Grant,

Grignon, Guerin, Haggan, Hamann, Handy, Hanington, Harlow, Harrington, Harvell, Head, Herbig, Hickman, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Parry, Perry, Picchiotti, Pickett, Pierce T, Pouliot, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Sheats, Sherman, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wallace, Ward, Warren, Zeigler, Madam Speaker.

NAY - Bickford, Blume, Cebra, Corey, Devin, Dillingham, Gillway, Ginzler, Hawke, Herrick, Higgins, Johansen, Ordway, Perkins, Pierce J, Prescott, Seavey, Simmons, Spear, Stearns, Strom, Sutton, Theriault, Wadsworth, White, Winsor, Wood.

ABSENT - Grohman, Hanley, Malaby.
Yes, 120; No, 27; Absent, 3; Excused, 1.

120 having voted in the affirmative and 27 voted in the negative, with 3 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-130)** 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-130)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought Not to Pass** on Bill "An Act To Require an Operator of an All-terrain Vehicle Driven on Certain Roads To Have a Driver's License and Liability Insurance"

(H.P. 447) (L.D. 631)

Signed:
Senators:

CYRWAY of Kennebec
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
HARLOW of Portland
LYFORD of Eddington
MASON of Lisbon
REED of Carmel
THERIAULT of China
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-120)** on same Bill.

Signed:

Representatives:

NADEAU of Winslow
STEARNS of Guilford

READ.

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

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Reinstitute the Maine Health Exchange Advisory Committee"

(H.P. 509) (L.D. 718)

Signed:

Senators:

WHITTEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

COLLINGS of Portland
CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-127)** on same Bill.

Signed:

Representatives:

LAWRENCE of South Berwick
BROOKS of Lewiston
MELARAGNO of Auburn

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-133)** on RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Protect against Sex Discrimination

(H.P. 153) (L.D. 197)

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BAILEY of Saco
CARDONE of Bangor
McCREIGHT of Harpswell
RECKITT of South Portland

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

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
GUERIN of Glenburn
JOHANSEN of Monticello

SHERMAN of Hodgdon

READ.

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

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

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

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

Representative **CARDONE**: Thank you, Madam Speaker. Today, this legislative body votes on the question of whether to allow Maine citizens the choice of amending our State Constitution to prohibit discrimination based on sex. This is a choice kept from the Maine citizens for far too many years, with far too many negative consequences for Maine women. Madam Speaker, the people of Maine deserve the right to consider this important question for themselves. Our vote here should not be based on whether we personally would like to see this amendment in our Constitution. It should be based on whether we believe that each of our constituents has the right to make this fundamental decision individually and in the voting booth. I urge my colleagues to answer this question in the affirmative and to vote in support of this resolve. Now, there are those who believe that the need for an equal rights amendment no longer exists. They believe that equality under the law, if it hasn't already been achieved, can be achieved by invoking the Equal Protection Clause of the 14th Amendment of the United States Constitution. Unfortunately, this belief is in error. The Equal Protection Clause falls short of guaranteeing women equality under the law for four reasons. First, the United States Supreme Court has interpreted the 14th Amendment to prohibit discriminatory governmental action, not purely private discrimination by individuals, organizations, employers, or businesses. This requirement of state action substantially limits the scope of protection against sex discrimination that's afforded by the 14th Amendment. Second, the Equal Protection Clause does not apply to sex discrimination in the same way that it applies to racial discrimination. In the case of racial discrimination, the Supreme Court requires a governmental entity to justify racial classifications by proving that they are necessary to advance a compelling governmental interest. This is a standard known as strict scrutiny. In contrast, the Supreme Court applies a less rigorous justification for discrimination based on sex. Sex-based classifications need only be shown to serve important governmental objectives, a standard known as intermediate scrutiny. It only needs to meet this standard to be exempt from 14th Amendment protections. Third, the Supreme Court has said that the Equal Protection Clause is a direction that all persons similarly situated should be treated alike. Only laws that discriminate against women in situations in which they are similarly situated to men are subject to scrutiny under the 14th Amendment. Women are not protected from different treatment when the treatment corresponds to differences in biology or differences created by legal status. And fourth, the analytical framework in which the Supreme Court has cast gender-based discrimination makes it impossible to invoke 14th Amendment protections for sex-neutral classifications that have a disproportionate negative impact on women even though the classification does not deal directly with gender. For instance, a policy that prefers veterans to fill civil service jobs may be gender neutral on its face, but if the male

population of veterans greatly out numbers the female population of veterans, women will be disparately impacted by this policy and the 14th Amendment offers women no grounds for relief in court. An Equal Rights Amendment will provide our courts with an important tool to address issues of sex discrimination that arise from the actions of private actors and from facially neutral policies that have disparate impact on women. It will remove the intermediate scrutiny standard and subject gender based discrimination to strict scrutiny in our courts. I ask my colleagues, Madam Speaker, to support this opportunity for our constituents and let them vote on this important question. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. My distinguished colleagues, Men and Women of the House, *Cormier v. Smith*, it may sound like a prize fight but this contest was a historic election between two contenders for a seat in the United States Senate. Democratic candidate Lucia Cormier, Maine State Representative challenged the popular Republican incumbent, Margaret Chase Smith. For the first time in American history, both major party candidates for the United States were women. In an era when female candidates were still unusual, the high-profile contest gained a good deal of chauvinistic press attention. Reporters predicted scenes of hair pulling, and eye scratching. Smith won the so-called "petticoat race." I took these words not from some provocative tabloid but from the official website of the United States Senate. Both of these women were experienced political leaders, dedicated public servants who ran serious campaigns culminating in one of the first televised debates on November 6, 1960. But, they were often reduced in stature and denied proper respect by the national press. Why? Solely because they were female. A long time ago you say, but surely, Ladies and Gentlemen of the House, we can each observe incidences when credibility and respect is given, subtly yes, but given differentially influenced by gender. But we men have a responsibility to ensure that professionalism isn't eroded to permit discriminatory treatment that puts women at a disadvantage. In the late 18th Century, Mary Wollstonecraft complained the upbringing that society gave women treated them "as though any rigorous exercise, mental or physical, would be fatal." In the 20th Century, 2 million women worked the defense factories as Rosie the Riveter. Yet, 20 years later, girls in Maine who dared play sports were still playing half-court basketball. But, because of a hard-fought revolution of thought, just 20 years after that, the powerful old men on the International Olympic Committee allowed the first women's marathon, won dramatically by Maine's own Joan Benoit. Progress.

Today, I want to mention two females important to me, Alice and Cadence. Alice Sans Babbidge was my grandmother. When she was born, citizens and voters were defined in the U.S. Constitution as male. In the decade Alice was born, the United States Supreme Court, in *Bradwell v. Illinois*, ruled that it was legal for State governments to ban women from practicing in any profession consistent with the law of the creator. In the decade Alice was born, Congress passed the Comstock Law labeling information about contraception as "obscene material." When Alice was born, every person of authority in society, President, Vice President, the Cabinet, U.S. Senators, U.S. Representatives, all state legislatures, all judges, all people who would write the rules controlling the public and private aspects of her life, all were men. Even when I was a young teenager, it made an

impression on me that this woman, with whom I spoke each day, wasn't permitted to vote until she was 42 years old. While Alice was two generations before me, Cadence is two generations after. My granddaughter Cadence was born 130 years after Alice. Cadence's world is better for women than it was for Alice but that was because the work and some very hardworking courageous women whose achievements were made at great personal cost. A century of struggle witnessed the horrific efforts of thousands of annoyingly troublesome, exasperatingly persistent, courageous reformers who forced Americans, largely against their will, to be introspective and make a statement as to what values we stand for and because Americans, when it comes down to it, are proud of liberty and justice for all, we have made progress. Yet equality may still be elusive for Cadence as well. My granddaughter's world is one where women are under-represented in the halls of power and over-represented in the statistics of poverty and disadvantage. The University of Maine has 1,800 engineering students at Orono, but too few are women. Seventy-nine percent of the people in Maine on minimum wage are women. Only 6 percent of women have degrees in STEM fields. Cadence's world is one where educational discrimination, pay in equality, and domestic violence are not uncommon. According to the Maine Human Rights Commission, sex discrimination is a very real problem here in Maine. Greater legal protection from unfair treatment based on gender, by elevating protection from sex discrimination to a fundamental right, would be achieved by passing LD 197. Representative Cardone has addressed why current provisions in the U.S. and Maine Constitutions are not sufficient. Discrimination based on sex is held to a lesser standard in court compared to religious or racial discrimination because religion and race are stated protections and sex is not. But hold on here, women's rights aren't even mentioned in this bill. The question before us is protection of rights regardless of sex. The very fact we interpret this question as being solely about women demonstrates an acknowledgement of the history and practice of unequal treatment toward women. Whether you are a waiter or a waitress, or a female doctor, or a male nurse, fair treatment should not depend on gender. It is time, let us take a stand against anyone being defined and limited in life's journey merely because of their gender. For both our daughters and sons, our granddaughters and grandsons, let's show that the State of Maine stands proudly for protection for all human beings regardless of their sex. I had the privilege of being in the classroom looking into the faces of young people, male and female. Thanks to the sponsor of this measure, a persistent reformer in her own right, Representative Reckitt, I now have the privilege of being in the position to vote to ensure equal opportunity for all those students. We can't help the Alices of day's past, but we can help the Cadences of our future. Madam Speaker, this is one of those moments we can stand together and be proud of what we do. We are all part of our state and its people, but our deeds must follow our words. Maine people deserve this affirmation, that protection from sexual discrimination is a fundamental right. Let the world know that in this state, we proudly assert in our Constitution that gender is not permitted to be a barrier to opportunity, success, and fulfillment. The conservative, Edmund Burke said that all that is necessary for the triumph of evil, is that good men do nothing. Today, two and a half centuries later, let's not do nothing. Progress, think of the young faces you know. Equality of rights under the law may not be denied or abridged based on the sex of an individual. Give the people a

choice. Please vote in favor of the motion before us. Thank you, Madam Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker. May I ask a question through the Chair? Would anybody point out specifically where in the Maine Constitution it discriminates against anybody for any reason? Thank you.

The SPEAKER PRO TEM: The Representative has posed a question through the Chair, does anyone wish to answer? The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: If I understood the Representative's question correctly, the discrimination would not be in the Constitution, the protection would be in the Constitution. And so, we rely on statute as much as possible and a stronger protection would be a protection that is listed in the rights section of the Maine Constitution.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Thank you, Madam Speaker Pro Tem, Men and Women of the House. As a father of a daughter, and as the father of two sons, as a husband and partner of their mother for 49 years, equality and fairness in all their lives are important to me. In health rights, women's rights, and human rights, these are essential to ensure stability of families and encourage economic growth in Maine. Thank you.

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

Representative **RECKITT**: Thank you, Madam Speaker Pro Tem. In 1972, at the ripe old age of 27, I first advocated for ratification of the Federal Equal Rights Amendment by this body. Today, I'm 72 and the Federal Amendment is still not the law of the land I love. And today, the current pay gap between men and women continues, a \$10,093-a-year gap to be exact. That's the current pay disparity between women and men in Maine. That's why I am now calling the Equal Rights Amendment, or the ERA, at least in my mind, the Economic Rights Amendment. Because hopefully, you will see as I have long done, discrimination against women is endemic in our society and will never be eliminated until Constitutional equality becomes reality, both in Maine and every other part of the United States. There is, today, a twofold resurgence of the Equal Rights Amendment, both at the state and federal level. In Colorado, two years ago, a state ERA was passed and made Colorado the 23rd state to do so. Nevada, this year, became the 36th state to ratify the Federal ERA. Originally, 38 states were required. I have been an advocate for the Equal Rights Amendment, first on the federal level and now the state, since 1972. As you've heard, I am nothing if not relentlessly persistent. In the words of a noted professor from Rutgers, "the choice of the citizens of individual states to add explicit protection against sex discrimination to their Constitution, affirms fundamental principles of human dignity, equality, and liberty at the core of the American Democracy." Yesterday would have been my mother's 94th birthday. My efforts to ensure equality for women made her proud. She lived long enough to see that her beloved Red Sox win the World Series. I wish she were alive today to see me speak to you. To those of you who joined me to both honor our mothers and grandmothers and our daughters and our grandchildren, I thank you. To those who choose not to, rest assured I will continue to work to my dying breath to choose equality and fight for your generations as well as mine to come, as well as

for every woman and every young girl, and every boy in the State of Maine. Thank you very much, Madam Speaker.

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

Representative **WALLACE**: Thank you, Madam Chair. I would like to present a question to the Chair if I may?

The SPEAKER PRO TEM: The member may proceed.

Representative **WALLACE**: Will this vote take a two-thirds vote for approval?

The SPEAKER PRO TEM: The Chair would answer in the negative. The Chair recognizes the Representative from Glenburn, Representative Guerin.

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, as a woman I stand in opposition to the pending motion and joyfully celebrate the laws that are already in place to protect my rights. The 14th Amendment to the U.S. Constitution guarantees equal protection for everyone under the law. This amendment has successfully been used to win cases discrimination to protect the rights of women and will continue to do so. The ERA is not needed to do this. The question of the Equal Rights Amendment was decided in the 1980s and '90s. Five states who originally thought it was a good idea, have since rescinded their support of this unnecessary legislation. Please join me in voting Ought Not to Pass.

The SPEAKER PRO TEM: The Chair recognizes the Representative from New Gloucester, Representative Espling.

Representative **ESPLING**: Thank you, Madam Speaker. Just to clarify for members when there was something mentioned about the level of a vote for a Constitutional proposal. I believe that would maybe be on enactment that a two-thirds would be needed.

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

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. 89

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bickford, Campbell, Fredette, Grohman, Hanley, Herrick, Malaby.

Yes, 78; No, 65; Absent, 7; Excused, 1.

78 having voted in the affirmative and 65 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolution was **READ ONCE**. **Committee Amendment "A" (H-133)** 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**.

Under further suspension of the rules the Resolution was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-133)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Clarify Damages for the Willful or Negligent Injury or Death of a Dog"

(H.P. 299) (L.D. 419)

Signed:

Senators:

KEIM of Oxford

WHITTEMORE of Somerset

Representatives:

BABBIDGE of Kennebunk

BRADSTREET of Vassalboro

CARDONE of Bangor

GUERIN of Glenburn

JOHANSEN of Monticello

RECKITT of South Portland

SHERMAN of Hodgdon

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-134)** on same Bill.

Signed:

Senator:

HILL of York

Representatives:

MOONEN of Portland

BAILEY of Saco

McCREIGHT of Harpswell

READ.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-114)** on Bill "An Act To Provide Funding for the Maine Coworking Development Fund"

(H.P. 218) (L.D. 285)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford

BATES of Westbrook

DOORE of Augusta

HANDY of Lewiston

MASTRACCIO of Sanford
SYLVESTER of Portland

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

READ.

Representative FECTEAU of Biddeford 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 Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Speaker Pro Tem. Madam Speaker Pro Tem and Ladies and Gentlemen of the House, this bill is a bill to fund a program that was started in the 127th. The resources funding that program were used and I just want to speak to the importance of co-working spaces to the state and to the state's future. First and foremost, the program was taken advantage of by entities and municipalities that are very diverse: Brunswick Landing, Bethel, Biddeford, Millinocket; and these programs, or these funds, went to start co-working spaces or assist co-working spaces that are housing the future of our state. And I just want to speak to the, some of the companies that have started in co-working spaces and have actually gone on to leave those spaces: Local Muscle Movers, they went from a co-working space to now having 35 employees; Likable Local, now has 5 employees out of a co-working space; Energy Circle, 25 employees out of a co-working space; P3, 5 employees out of a co-working space; Buoy Local was recently purchased by Bangor Savings Bank; Money Under 30, 3 employees out of a co-working space; Roadmap, 10 employees out of a co-working space; 19 Oaks, 5 employees out of a co-working space; Shines and Jecker, 5 employees out of a co-working space. What I'm trying to say here is that the co-working spaces provide an opportunity for start-ups to get the start that they need without having to pay for rent in a facility that they may not be able to afford, and to also collaborate with other entrepreneurs. This bill is about three things: attracting and keeping remote workers, encouraging freelancers and consultants, and supporting entrepreneurs. There is a growing population of over 15,000 remote workers in the State of Maine. We also know that we have a very vibrant tourism industry and if a co-working space means that someone can work remotely, spends a few more weeks in the state to spend money in our local economy, I think that is a very, very good thing. It's good for Bethel, it's good for Biddeford, it's good for Brunswick, and it's good for Millinocket. Thank you, Madam Speaker.

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. 90

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Campbell, Fredette, Grohman, Hanley, Herrick, Malaby.

Yes, 77; No, 66; Absent, 7; Excused, 1.

77 having voted in the affirmative and 66 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-114)** 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-114)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-116)** on Bill "An Act To Protect Job Applicants from Identity Theft"

(H.P. 429) (L.D. 613)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

FECTEAU of Biddeford
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-117)** on same Bill.

Signed:
Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

AUSTIN of Gray
LOCKMAN of Amherst
STETKIS of Canaan
VACHON of Scarborough

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-116)** 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-116)** and sent for concurrence.

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-118)** on Bill "An Act To Create a Bridge to Self-sufficiency for Vulnerable Segments of the Population by Providing Incentives to Employers"

(H.P. 905) (L.D. 1308)

Signed:
Senators:

VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DUNPHY of Old Town
HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland
VACHON of Scarborough

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

Signed:
Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

READ.

Representative FECTEAU of Biddeford 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 Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem. I'd like to pose a question through the chair?

The SPEAKER PRO TEM: The member may proceed.

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem. Can I speak to the Amendment at this point or should I wait?

The SPEAKER PRO TEM: The member may express why he is supporting a Majority Report.

Representative **FECTEAU**: Okay. That's extremely helpful. What we learned in the committee was that last year, in 2016, Maine employers were able to get \$14 million in tax incentives from a federal program. This bill attempts to mirror that program. It was the committee's concern that there's still money left on the table, there is a number of applications for this program that could not be processed. There was a backlog and it was our feeling that we take the opportunity to make sure that employers that are submitting applications for these federal funds have that opportunity and thus, this bill makes sure that we allocate funds to hire someone to process those applications. So, I think it's a very pro-business bill and a good opportunity for businesses to get the funds that they deserve and that they are entitled to.

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

Representative **VACHON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in support of LD 1308. Maine has a growing population of people in substance use recovery. They are seeking to get their lives back in order, to stabilize, and become productive members of our society. Studies have shown that a stable work life is integral to successful recovery. They need a job. Maine needs them in the workforce, being gainfully employed by a willing employer is a critical step. These employees find a new sense of purpose, they are able to connect with community and get their life back in order. This bill simply funds one more position in the Department of Labor to process applications for employer tax credits to incentivize employers who are willing to give a person in recovery a chance to get their life back. Maine is in crisis. We have far too many people dying of drug overdose. Maine is also in a workforce crisis with low unemployment rates, businesses need workers. This is a win-win. This is a vote that says I care about helping people in recovery from addiction. Please follow my light. Thank you.

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

Representative **FECTEAU**: Thank you, Madam Speaker Pro Tem. I apologize for rising a second time, but I wanted to piggyback off the good comments from the Representative from Scarborough, Representative Vachon. This is not only for substance abuse but this also goes toward employers that hire folks on Social Security as well. So, this is an incentive that I think is far-reaching and I think very important to the state.

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. 91

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Beebe-Center, Berry, Bickford, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Harrington, Herbig, Hickman, Hogan,

Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Cebra, Chace, Craig, Dillingham, Espling, Farrin, Foley, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Marean, Mason, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Simmons, Sirocki, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Campbell, Fredette, Grohman, Hanley, Herrick, Malaby.

Yes, 90; No, 53; Absent, 7; Excused, 1.

90 having voted in the affirmative and 53 voted in the negative, with 7 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-118)** 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-118)** and sent for concurrence.

Eight Members of the Committee on **TRANSPORTATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-123)** on Bill "An Act To Allow for the Regulation of Transportation Network Companies at Airports by Municipalities" (EMERGENCY)

(H.P. 711) (L.D. 1010)

Signed:

Senator:

COLLINS of York

Representatives:

McLEAN of Gorham
AUSTIN of Skowhegan
BRYANT of Windham
GILLWAY of Searsport
GRANT of Gardiner
SCHNECK of Bangor
SHEATS of Auburn

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-124)** on same Bill.

Signed:

Senators:

MIRAMANT of Knox
ROSEN of Hancock

Representatives:

PARRY of Arundel

PERKINS of Oakland

One Member of the same Committee reports in Report "C" **Ought Not to Pass** on same Bill.

Signed:

Representative:

CEBRA of Naples

READ.

Representative McLEAN of Gorham moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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 Naples, Representative Cebra.

Representative **CEBRA**: Thank you, Madam Speaker. I rise in opposition to the pending motion. I believe the pending motion is a solution to a non-existent problem. In 2015, the State of Maine put a policy forward to deal with these companies, like Uber, for example. On a statewide basis and what this does is this allows the municipalities with the airports to make that determination. I don't believe we need a patchwork in this state of various regulations in the municipalities with these airports. And I believe that if we pass this amendment, Committee Amendment "A", that it doesn't encourage these companies. These companies fill an important role in our fairly weak patchwork of public transportation in the state and I believe that we need to do everything we can to encourage companies like Uber any chance we get. I really think that the marketplace needs to be able to bear out this issue. I don't believe we should be allowing the municipalities, where these airports are located, to do it because we decided, as a state, that we needed to do this on a statewide level. So, let's stick with it and stay that course because it is important for companies to come here, the transportation companies that they have consistency. It's vitally important. I thank you, Madam Speaker.

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

Representative **DEVIN**: Thank you very much, Madam Speaker Pro Tem. Request permission to ask a question through the Chair.

The **SPEAKER PRO TEM**: The member may proceed.

Representative **DEVIN**: Thank you. I just quickly looked online to determine the difference between Amendment "A" and Amendment "B." I can't quite figure it out. I was wondering if someone could quickly tell us what the difference is between the two. Thank you.

The **SPEAKER PRO TEM**: The Representative from Newcastle, Representative Devin, has posed a question through the Chair. Is there anyone in the Chamber who wishes to answer? The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Madam Speaker. The difference between the two amendments is very technical and very minor. The reality is this was the Majority Report "A" is a report that the plurality of committee members put together based on the recommendation from the directors of the two airports, the Portland Jetport and Bangor International Airport. As with any new technology, there needs to be some sort of regulatory component that comes in so there's not a free-for-all. That's what this bill intends to do, it intends to put some rules and some structure around these new transportation

network companies coming into the Jetport and the Bangor International Airport. It only applies to those two airports.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker. Yes, indeed, I think it is an issue where we are taking a look at the two busiest airports in the State of Maine, who do have issues around managing the traffic in their particular area. And this is an effort to try and allow them to manage it as best they can, but it's not a case of trying to squeeze anybody out. Mr. Bradbury from Portland certainly made it very clear that we encourage, we appreciate Uber and some of the other new technologies that are coming in. It's just a case of when you've got heavy traffic, it's really important for the local airports to be able to manage it. Thank you.

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

ROLL CALL NO. 92

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanington, Harrington, Harvell, Hawke, Head, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Bates, Campbell, Grohman, Hanley, Herrick, Malaby.

Yes, 78; No, 66; Absent, 6; Excused, 1.

78 having voted in the affirmative and 66 voted in the negative, with 6 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-123)** 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-123)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 473) (L.D. 1386) Bill "An Act To Clarify the Public Nature of Annual Statements of Life Settlement Providers" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(S.P. 223) (L.D. 661) Bill "An Act Regarding the Chain of Custody in Crematories" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-60)**

(S.P. 347) (L.D. 1045) Bill "An Act To Create More Transparency in the Setting of Normal Teacher Retirement Costs" Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-59)**

(H.P. 230) (L.D. 297) Bill "An Act To Improve the Administration of Election Recounts" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-156)**

(H.P. 242) (L.D. 328) Bill "An Act To Provide Funds To Encourage Regional Planning and Reorganization" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-150)**

(H.P. 256) (L.D. 350) Bill "An Act To Repeal Certain Requirements Concerning the Sale and Purchase of Firearms" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-137)**

(H.P. 324) (L.D. 457) Bill "An Act To Repeal the Sunset Date on the Children's Guardians Ad Litem Law" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-152)**

(H.P. 368) (L.D. 524) Bill "An Act To Amend the Laws on Domestic Violence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-138)**

(H.P. 581) (L.D. 801) Bill "An Act To Allow a Physical Therapist To Administer Certain Coagulation Tests in a Patient's Home" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-136)**

(H.P. 724) (L.D. 1022) Bill "An Act Regarding the Contents of a Commercial Vehicle Towed without the Consent of the Vehicle's Owner" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-153)**

(H.P. 738) (L.D. 1055) Bill "An Act To Update the Statutes under Which Maine's Credit Unions Are Chartered" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-142)**

(H.P. 814) (L.D. 1151) Bill "An Act To Allow Promotional Allowances by Public Utilities" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-151)**

(H.P. 844) (L.D. 1208) Bill "An Act To Amend the Veterans Service Laws" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-140)**

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 and the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

(S.P. 248) (L.D. 803)
(C. "A" S-49)

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.

ENACTORS
Emergency Measure

An Act To Improve Moose Hunting
(H.P. 400) (L.D. 558)
(C. "A" H-91)

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

Acts

An Act To Allow Open Snowmobile and All-terrain Vehicle Weekends and Events
(H.P. 147) (L.D. 191)
(C. "A" H-90)

An Act To Opt Out of Federal Daylight Saving Time and To Ask the United States Secretary of Transportation To Place the State in the Atlantic Time Zone
(H.P. 159) (L.D. 203)
(C. "A" H-76)

An Act To Prohibit the Discharge of a Firearm within 300 Feet of a State-owned Boat Launching Ramp
(S.P. 109) (L.D. 343)
(C. "A" S-52)

An Act To Clarify the Authority for Cremation
(H.P. 339) (L.D. 476)

An Act To Improve Enforcement of Snowmobile Noise Levels
(H.P. 346) (L.D. 483)
(C. "A" H-48)

An Act Regarding Political Action Committee Expenditures
(H.P. 387) (L.D. 543)
(C. "A" H-93)

An Act To Amend the Laws Governing Funding for Landfill Closure Costs
(S.P. 191) (L.D. 576)
(C. "A" S-47)

An Act To Improve the Ability of Maine Companies To Manufacture and Market Biobased Products
(S.P. 218) (L.D. 656)
(C. "A" S-43)

An Act To Allow for Consistent Application of Credit for Driver's License Suspensions Imposed by the Court
(S.P. 232) (L.D. 670)

An Act To Allow for Accurate Credit for a License Suspension for Operating under the Influence
(S.P. 233) (L.D. 671)

An Act To Repeal or Clean Up Outdated Telecommunications Statutes
(H.P. 534) (L.D. 754)
(C. "A" H-95)

An Act To Improve Transparency in the Electricity Supply Market

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, May 9, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Waive Background Checks for the Parent of a Child Who Is the Subject of an Adoption Proceeding
(H.P. 271) (L.D. 365)

TABLED - May 9, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

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

Representative **MOONEN**: Thank you, Madam Speaker. I just wanted to quickly rise and explain this bill. This was a unanimous Committee Report out of the Judiciary Committee. Under current law, a biological parent is exempt from a background check if their spouse wishes to adopt the child. This bill would change it so that anyone who is a parent is exempt from a background check should their spouse wish to adopt the child. So, the change there really is about a parent who has adopted a child already, has already gone through the background check process. Now they are legally the parent. And then their spouse wants to now adopt the child. So, instead of making both people go through the background check process, when one of them has already done so, this would just change it so that only the new person, the spouse adopting the child, would go through the background check. The Chief Executive letter briefly referenced concern about step-parents and I just want to clarify that step-parent is a cultural term, that of course we all understand, but it has no meaning under Maine Family Law. Step-parents are not considered parents. So, if we pass this bill, step-parents would absolutely still have to go through background checks. Thank you very much.

Subsequently, 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. 93V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hamann, Handy, Hanington, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J,

Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Bates, Campbell, Fredette, Grohman, Hanley, Herrick, Malaby, Picchiotti, Timberlake, Winsor.

Yes, 140; No, 0; Absent, 10; Excused, 1.

140 having voted in the affirmative and 0 voted in the negative, with 10 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

An Act To Authorize the Department of Health and Human Services To Disclose Information to the Personal Representative of the Estate of an Incapacitated or Dependent Adult Who Dies While under Public Guardianship or Public Conservatorship

(S.P. 54) (L.D. 135)
(C. "A" S-15)

- In Senate, **VETO NOT SUSTAINED**.

TABLED - May 9, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **RECONSIDERATION** (Returned by the Governor without his approval).

Subsequently, 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. 94V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Ceбра, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hamann, Handy, Hanington, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, White, Wood, Zeigler, Madam Speaker.

NAY - NONE.

ABSENT - Bates, Campbell, Fredette, Grohman, Hanley, Herrick, Malaby, Picchiotti, Timberlake, Turner, Winsor.
Yes, 139; No, 0; Absent, 11; Excused, 1.

139 having voted in the affirmative and 0 voted in the negative, with 11 being absent and 1 excused, and accordingly the Veto was **NOT SUSTAINED** in concurrence.

Bill "An Act Authorizing the Aroostook Band of Micmacs and the Houlton Band of Maliseet Indians To Benefit from the Operation of an Existing Casino"

(S.P. 560) (L.D. 1590)

- In Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**.

TABLED - May 9, 2017 (Till Later Today) by Representative BEAR of the Houlton Band of Maliseet Indians.

PENDING - **REFERENCE IN CONCURRENCE**.

Subsequently, the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS**, in concurrence.

SENATE PAPERS

The following Joint Order: (S.P. 562)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 16, 2017 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

READ and **PASSED** in concurrence.

Bill "An Act To Exempt from Sales Tax the Fee Associated with the Paint Stewardship Program"

(S.P. 561) (L.D. 1597)

Came from the Senate, **REFERRED** to the Committee on **TAXATION** and ordered printed.

REFERRED to the Committee on **TAXATION** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 160)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

May 11, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on May 11, 2017.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and **ORDERED PLACED ON FILE**.

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

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

Representative **REED**: Thank you, Madam Speaker Pro Tem. Ladies and Gentlemen of the House, I rise this afternoon now to remind all of us that Sunday is Mother's Day: A day set aside to honor all the mothers across this great country and across our state. All of us can attest to the fact that much of our success in life can, in some way, be attributed to the guidance, to the encouragement, and to the care that was showered upon us by a loving mother. I would like to quickly read a couple of poems to honor all of our mothers in this chamber and to pay tribute to all of our mothers across the state.

M is for the million things she gave me. O means only that she's growing old. T is for the tears she shed to save me, and H is for her heart of purest gold. E is for her eyes with love lights shining. R means right, and right she will always be. Put them all together, they spell MOTHER, a word that means the world to me.

A little boy walked into the kitchen one evening where his mother was fixing supper and he handed her a piece paper that he had been writing on, and after wiping her hands on her apron, she read it and this is what it said: "For mowing the yard, \$5. For making my bed this week, \$1. For going to the store, 50 cents. And for watching little brother while you went shopping, 25 cents. For taking out the trash, \$1. For getting a good report card, \$5. And for raking the yard, \$2. Total owed, \$14.75." Well, the mother stood there for a moment looking at him expectantly and a thousand memories flashed through her mind. So, she picked up a pen and turning the paper over, this is what she wrote: "For the nine months that I carried you growing inside me, no charge. For the nights I sat up with you, doctored you, and prayed for you, no charge. For the time and the tears and the cost through the years, there's no charge. When you add it all up, the full cost of my love is no charge. For the nights filled with dread and the worry ahead, no charge. For advice and the knowledge and the cost of your college, no charge. For the toys, foods and clothes, and for the wiping your nose, son, there's no charge. When you add it all up the full cost of my love, is no charge." But when he finished reading, the little boy had great big tears in his eyes and he looked up at his mother and he said, "Mama, I sure do love you." And he took the pen and in great big letters, he wrote, "Paid in full." When you add it all up, the cost of a mother is no charge. To all mothers here in the House and throughout our state, a Happy Mother's Day. Thank you, Madam Speaker.

On motion of Representative MARTIN of Sinclair, the House adjourned at 2:20 p.m., until 10:00 a.m., Tuesday, May 16, 2017, pursuant to the Joint Order (S.P. 562).