

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

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Tuesday, May 23, 2017

COMMITTEE AMENDMENT "A" (S-69) in NON-CONCURRENCE.
The House voted to **ADHERE.**

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

Prayer by Reverend Kenneth I. Lewis, Green Memorial African Methodist Episcopal Zion Church, Portland.

National Anthem by Mt. Ararat High School Choral Ensemble, Topsham.

Pledge of Allegiance.

Doctor of the day, Edmund Claxton, Jr., M.D., Auburn.

The Journal of Thursday, May 18, 2017 was read and approved.

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

COMMUNICATIONS

The Following Communication: (H.C. 176)
**STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001**

May 19, 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 252 "An Act to Improve Safety in the Disposal of Expired Marine Flares."

This bill would require the State Fire Marshal to establish a program of storage, collection and disposal of expired marine flares. The State Fire Marshal is also tasked with disposing of expired marine flares that are collected. Finally, the bill requires the State Fire Marshal to collaborate with the Department of Agriculture, Conservation and Forestry, the Department of Inland Fisheries and Wildlife, the Department of Environmental Protection, the Department of Marine Resources and the Department of Public Safety in order to better educate the public about the proper disposal of marine flares.

The bill mandates that all this be accomplished using existing resources. If the Legislature wants the State Fire Marshal to administer new programs, then the Legislature should appropriate funding for that administration.

Because this bill does not provide any funding for the new programs it mandates, I cannot support it. For this reason, I return LD 252 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 Improve Safety in the Disposal of Expired Marine Flares

(H.P. 185) (L.D. 252)
(C. "A" H-62)

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

Representative FREDETTE: Thank you, Madam Speaker. Good morning, I would only remind the body that this is a bill that we debated on the floor of the House and ask that you stay consistent with that vote and that you follow my light in sustaining the Chief Executive's veto. Thank you.

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

The SPEAKER: 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.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act Regarding the Construction or Placement of Decks within the Shoreland Zone"

(H.P. 291) (L.D. 400)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ and ACCEPTED** in the House on May 17, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-165) in NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act To Expand Substance Abuse Prevention Projects"

(S.P. 213) (L.D. 651)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-81)** in the House on May 17, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ and ACCEPTED in NON-CONCURRENCE.**

The House voted to **INSIST.**

Non-Concurrent Matter

Bill "An Act Prohibiting Public Entities from Contracting with and Investing in Companies That Boycott the State of Israel"

(S.P. 282) (L.D. 882)

Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ and ACCEPTED** in the House on May 17, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (5) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY**

ROLL CALL NO. 125V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grignon, Grohman, Hamann, Handy, Harlow, Harrington, Herbig, Herrick, Hickman, Higgins, 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, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harvell, Hawke, Head, 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, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Chace, Chapman.

Yes, 84; No, 62; Absent, 3; Excused, 2.

84 having voted in the affirmative and 62 voted in the negative, with 3 being absent and 2 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 177)

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

May 19, 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 540, "An Act To Help Municipalities Prepare for Sea Level Rise."

I vetoed a similar bill during the 127th Legislative Session, and I am vetoing this bill for many of the same reasons. Maine's Growth Management Act already contains 10 State goals to provide direction and consistency to State and municipal planning and regulatory actions affecting natural resource management, land use and development. Adding even more goals to this already cumbersome list will do little to protect our environment or help municipalities prepare for sea level rise. Instead, it is far more likely that if this bill is allowed to become law, it will be just one more arrow in the quiver of those individuals seeking to use the land use planning process to challenge and impede development projects both small and large.

Where does government involvement end? I am confident that developers are already considering many of the concerns this bill tries to address. Given they have the most to lose, it's a sure bet that no developer is going to willfully place their project in peril because of the potential impacts of sea level rise on buildings, transportation infrastructure, sewage

treatment facilities or other facilities. Let's let our economy work and not impose another vague directive on our coastal communities.

Finally, there are already numerous local, state and federal regulatory requirements that regulate development in coastal areas. Our towns and cities have zoning ordinances and local requirements addressing coastal developments, and many activities require approval under programs administered by the Maine Department of Environmental Protection. At the federal level, the Federal Emergency Management Agency maintains data on flood plains in coastal areas. This legislation is not needed; these programs already provide all the tools necessary for municipalities to ensure that they fully address the potential impacts of sea level rise.

We do not need to further complicate the Growth Management Act with needless provisions. For this reason, I return LD 540 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 Help Municipalities Prepare for Sea Level Rise

(H.P. 384) (L.D. 540)
(C. "A" H-28)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would simply make reference to the Chief Executive's veto message in regard to this. Again, this was an issue that we debated and I would ask that you follow my light in sustaining the Governor's veto on this, Chief Executive. Thank you.

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

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

ROLL CALL NO. 126V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Hanington, Harlow, Harrington, 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, Pickett, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Cebra, Craig, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanley, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault,

Timberlake, Tuell, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Campbell, Chace, Chapman.
Yes, 84; No, 61; Absent, 4; Excused, 2.

84 having voted in the affirmative and 61 voted in the negative, with 4 being absent and 2 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 178)

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

May 19, 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 877, "An Act To Allow Learner's Permits To Be Issued by Driver Education Schools."

Under current law, the Secretary of State is required to collect learner's permit fees and application materials, and it is the only entity authorized to issue the final learner's permit to individuals. This bill allows driver education schools to do all of these things if they wish to. It may seem like a good idea, but I have significant concerns about the negative consequences that could come of this.

This bill would in effect require all driver education schools to take on this burden; if one school agrees to do this work, most other schools will also have to do it so they can compete with each other. This additional workload will take valuable time away from what instructors are skilled at doing – teaching students how to drive safely. Let's not burden these instructors with work that should be done by state government.

For this reason, I return LD 877 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Allow Learner's Permits To Be Issued by Driver Education Schools

(H.P. 626) (L.D. 877)
(C. "A" H-38)

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Madam Speaker, thank you for allowing me to speak on this. Again, this is a permit bill where it costs the State of Maine nothing, but it helps our constituents. It helps every single mom, every single dad out there. It saves the state money. It does not cost, this is not a Republican bill, it's not a Democrat bill, it's just a good bill to help our people here in Maine. When the people get done with their permit class, the kids will be issued a permit and they'll be able to go without having mom or dad take the day off and go to Augusta or go to any Bureau of Motor Vehicle in the State of Maine to get the permit, lose time away from work, get a babysitter, whatever else. Ma'am, thank you for allowing me to speak.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Pouliot.

Representative **POULIOT**: Thank you, Madam Speaker. I know we've got a long day today, I'll be quick, but you know, I read this veto letter and it really doesn't make any sense to me, unfortunately. You know, it's like we don't want to do this because then it might force other businesses to have to do it. There's no forcing of anything happening here, it just allows these businesses that are in far flung parts of the state in rural Maine to be able to issue these things so that people don't have to give up a whole day to drive to a facility to get a permit. I really hope we'll overturn this veto. It's just a common sense bill. Thank you.

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

Representative **HANINGTON**: Thank you, Madam Speaker. I just wanted to make certain that this is not a mandate. This will not tell every driver's ed school to do this. It will be at the discretion of the Bureau. Thank you.

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

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

ROLL CALL NO. 127V

YEA - Ackley, Alley, Austin B, Austin S, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Cardone, Casas, Cebra, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, O'Connor, O'Neil, Ordway, Parker, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, 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, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Babbidge, Bryant, Espling, Gillway, Nadeau, Parry, Reed, Turner.

ABSENT - Brooks, Campbell, Chace.

Yes, 138; No, 8; Absent, 3; Excused, 2.

138 having voted in the affirmative and 8 voted in the negative, with 3 being absent and 2 excused, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 179)

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

May 19, 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 1058 "An Act to Modernize Ballot Notices for City Elections."

This bill would repeal the requirement that city election clerks publish composite specimen ballots in a newspaper having general circulation in the city. The bill also removes the requirement that clerks post multiple copies of the instruction poster and specimen ballot in the voting room.

Due to the unabashed liberal bias of Maine newspapers and the third-rate reporting by the so-called "journalists" they employ, Mainers are increasingly choosing to get their news from other outlets.

Because the vast majority of Mainers do not buy Maine newspapers that are in general circulation, it is important that we keep the requirement that specimen ballots be displayed at polling stations. I also think current law should be amended to provide that sample ballots be posted on the internet, rather than in newspapers.

For these reasons, I return LD 1058 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 Modernize Ballot Notices for City Elections

(H.P. 741) (L.D. 1058)

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

Representative **FREDETTE**: Thank you, Madam Speaker. In reviewing the Chief Executive's veto message, I agree with his reasoning on this and I would ask that you follow my light in sustaining this veto. Thank you.

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

The **SPEAKER**: 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. 128V

YEA - Ackley, Alley, Austin B, Bailey, Bates, Beebe-Center, Berry, Bickford, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, 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, McElwee, 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, Tuell, Wallace, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Babbidge, Battle, Black, Bradstreet, Cebra, 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, 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, Turner, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Brooks, Campbell, Chace.

Yes, 80; No, 66; Absent, 3; Excused, 2.

80 having voted in the affirmative and 66 voted in the negative, with 3 being absent and 2 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 412)

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

May 16, 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 1025, "An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor."

This bill would allow stepparents to sign applications for driver's licenses. Unless the stepparent has adopted the minor, I do not believe they should be able to sign off on the minor applying for a driver's license. It is not hard to think of instances whereby biological parents could be totally unaware that a stepparent had signed off on the child's driver's license application. It is also not hard to imagine a scenario whereby that child would get in a serious accident without the child's biological parents knowing they could legally drive.

Because young drivers are easily distracted and more apt to get into accidents, it is very important that only biological parents be given the authority to sign off on driver's license applications.

For this reason, I return LD 1025 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

Came from the Senate, **READ and ORDERED PLACED ON FILE.**

READ and ORDERED PLACED ON FILE in concurrence.

The accompanying item An Act To Allow Stepparents To Sign the Application for a Driver's License for a Minor

(S.P. 332) (L.D. 1025)

In Senate, May 18, 2017, this Bill, having been returned by the Governor, together with objections to the same, pursuant to the provisions of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: 'Shall this Bill become a law notwithstanding the objections of the Governor?'

29 voted in favor and 6 against, and 29 being more than 2/3 of the members present and voting, accordingly it was the vote of the Senate that the Bill become law and the veto was overridden.

On motion of Representative HERBIG of Belfast, **TABLED** pending **RECONSIDERATION** and later today assigned.

The Following Communication: (H.C. 175)

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

May 23, 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. 141 An Act Regarding Bringing Certain Criminal Charges

L.D. 514 An Act To Authorize the Expungement of Records of Nonviolent Crimes

L.D. 746 Resolve, To Increase the Permissible Size of Bed and Breakfasts

L.D. 918 An Act Regarding Maine's Criminal Code

L.D. 1060 Resolve, Directing the Department of Administrative and Financial Services To Convene a Cybersecurity Commission

L.D. 1238 An Act To Permit the Expungement of Records Relating to Proceedings That Do Not Result in Convictions

L.D. 1266 An Act To Transfer Operations and Ownership of County Jail Facilities to the State

L.D. 1366 An Act To Protect Maine Consumers by Creating a White-collar Crime Registry

L.D. 1401 An Act To Allow Nonviolent Felons To Own Firearms at the Court's Discretion

L.D. 1469 An Act Relating to Firearms Exclusions in Certain Locations

L.D. 1493 An Act To Strengthen Enforcement of Support Orders

Education and Cultural Affairs

L.D. 158 An Act To Improve the Certification and Evaluation of New Educators and Administrators by Consolidating Standards

L.D. 354 An Act To Address the Shortage of School Administrative Professionals

L.D. 1029 An Act To Abolish the 5-year Cap for Retired State Employees Who Return to Work

L.D. 1215 An Act To Clarify Collective Bargaining in School Districts

L.D. 1471 An Act To Amend the Laws Governing the Deduction for MaineCare Payments from a School Administrative Unit's State Subsidy

Energy, Utilities and Technology

L.D. 421 An Act To Promote Economic Development and Critical Communications for Rural Family Farms, Businesses and Residences by Strategic Public Investment in High-speed Internet

L.D. 1262 An Act To Protect Monhegan Island by Limiting Wind Turbines

L.D. 1513 An Act To Provide for Affordable Long-term Energy Prices in Maine

L.D. 1516 An Act To Encourage Broadband Development through Private Investment Environment and Natural Resources

L.D. 253 An Act To Repeal the Maine Metallic Mineral Mining Act

L.D. 395 Resolve, Regarding Legislative Review of Chapter 200: Metallic Mineral Exploration, Advanced Exploration and Mining, a Major Substantive Rule of the Department of Environmental Protection (EMERGENCY)

L.D. 1003 Resolve, To Require the State's Mitigation Plan under the Volkswagen Mitigation Trust Agreement To Include the Use of Maine-generated Nonfossil Fuel Sources

Judiciary

L.D. 39 An Act To Clarify Landowners' Liability Regarding Public Access

L.D. 112 An Act To Further Limit the Liability of Landowners Who Permit the Use of Land for Outdoor Recreational Activity

L.D. 815 An Act To Allow a Council of Governments To Provide Municipal Services to Small Towns under the Maine Tort Claims Act

L.D. 1241 An Act To Encourage Child Support Accountability

L.D. 1304 An Act To Specify the Rights of Parents

L.D. 1437 An Act To Establish a Youth-in-care Court

L.D. 1465 An Act To Protect Elders from Financial Exploitation and Ensure the Efficient Use of Litigation Resources for the State

Taxation

L.D. 1195 An Act To Allow Municipalities To Opt Out of the Collection and Assessment of Personal Property Taxes

L.D. 1270 An Act To Allow Municipalities To Include Itemized Fees on Property Tax Bills

Sincerely,

S/Robert B. Hunt

Clerk of House

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

The Following Communication: (S.C. 416)

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

May 17, 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 actions whereby it accepted

- the Minority Ought Not to Pass Report from the Committee on Education and Cultural Affairs on Bill "An Act To Provide Funding for Preschool Programs" (H.P. 419) (L.D. 603), in non-concurrence;
- the Minority Ought Not to Pass Report from the Committee on Taxation on Bill "An Act To Increase Funding for Multimodal Transportation" (H.P. 84) (L.D. 116), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 424)

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

May 18, 2017

Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 128th Maine Legislature, please be advised that the Senate today confirmed the following nomination:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, Elizabeth Fitzgerald of Machiasport for reappointment to the Maine Land Use Planning Commission.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 425)

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

May 18, 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 actions whereby it accepted

- the Minority Ought to Pass Report from the Committee on Environment and Natural Resources and Passage to be Engrossed on Bill "An Act To Amend the Municipal Subdivision Laws" (H.P. 444) (L.D. 628), in non-concurrence;
- the Minority Ought to Pass as Amended Report from the Committee on Health and Human Services and Passage to be Engrossed as Amended by Committee Amendment "A" (H-131) 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), in non-concurrence.

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

READ and ORDERED PLACED ON FILE.

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

ORDERS

On motion of Representative BERRY of Bowdoinham, the following Joint Order: (H.P. 1116)

ORDERED, the Senate concurring, that the Joint Standing Committee on Energy, Utilities and Technology shall report out, to the House, a bill regarding dates of review under the State Government Evaluation Act.

READ and PASSED.

Sent for concurrence.

On motion of Representative TIPPING of Orono, the following Joint Order: (H.P. 1117)

ORDERED, the Senate concurring, that the Joint Standing Committee on Taxation may report out, to the House, legislation regarding the Maine capital investment credit.

READ and PASSED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Dan Welch, of Boothbay, principal of Boothbay Region High School and president of the Board of Directors of the Maine Principals' Association, who has been named Principal of the Year by the Maine Principals' Association. We extend to Mr. Welch our congratulations and best wishes;

(HLS 418)

Presented by Representative HAWKE of Boothbay Harbor.

Cosponsored by Senator DOW of Lincoln.

On **OBJECTION** of Representative HAWKE of Boothbay Harbor, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Boothbay Harbor, Representative Hawke.

Representative **HAWKE**: Thank you, Madam Speaker. When Dan Welch started at Boothbay Region High School in 2008, we knew we had a good one. The town smelt a winner. The excitement filled the halls and the kids could relate because he was young enough to get it but old enough to lead by example. Out of the gate, Dan has been committed to establishing high standards with just don't dream big but big attitude for the students and the staff. Every student talks about him that leaves Boothbay Region High School has values, skills, knowledge, and the will to succeed. Dan has pushed every student to reach for the stars: 79 percent of our students completed the FAFSA and 80 percent of our seniors applied to at least one year of post-secondary institution. A few years ago, Dan looked into the future and implemented the STEM program, offering computer science classes, engineering, and robotics. It took off like wildfire. After a year, some of the classes had waits and from that day on it kept growing and growing. Kids that just tried the class for something different are now turning their careers into engineering. Under Dan's leadership, Boothbay has been named an Apple Distinguished School for the manner which they integrate technology for the purpose of student learning. Boothbay Region High School has been named one of Maine's top ten high schools in the *World and News Report* for the last three years. Finally, Dan recognizes the importance of connection of Boothbay Region High School and its surrounding communities, and provides opportunities for the students to interact with community businesses, participate

with veterans, and he has established a strong community service program for students to give back. The whole region, all the students, and staff are extremely proud of Dan and proud to call him our principal, and well done. Congratulations.

Subsequently, this Expression of Legislative Sentiment was **PASSED** and sent for concurrence.

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

Representative **GROHMAN**: Thank you, Madam Speaker. I appreciate this opportunity to speak a little bit on the record about the University of New England.

The SPEAKER: The member may proceed on the record.

Representative **GROHMAN**: Thank you. So, the member sort of failed to get this sentiment on the calendar which is the reason for this odd procedural thing. So, please indulge me if you would. A few remarks about the University of New England. When President Ripich joined our Biddeford community in 2006, the University of New England had about 4,000 students. Today, it has more than 10,000. And really what I just want to note is, I think the dream for all of us that have universities in our communities, is that they become part of who we are and part of the town. And, truly with us in Biddeford, there is no town and gown phenomenon. I had the chance yesterday to spend a little time on our Main Street and UNE students were all throughout the city of Biddeford and it was a wonderful sight and I think much of that is to the credit of President Danielle Ripich. So, it's a great chance to honor her upon her retirement and I thank her for all that she has done.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Fecteau, who wishes to address the House on the record.

Representative **FACTEAU**: Thank you, Madam Speaker. I wanted to speak on the record as well to recognize President Ripich and her leadership at the University of New England. I think Representative Grohman characterized it appropriately. The University has transformed tremendously under her leadership over the last few years and that has reflected through every aspect of our community. Our downtown is absolutely bustling with UNE students. One business in particular, Elements, you can never walk in there and not see UNE students collaborating, studying, working. And the ability for us to have the University and the students has certainly helped revitalize our downtown and our former mill district. This past week, UNE's College of Dental Medicine graduated 23 students. They are the first dental graduates in northern New England and the first to graduate from Maine's first and only dental school, four years after its opening, and I think that is a true testament the kind of leadership that President Ripich has led at the University. To have dental students graduate is a huge accomplishment, not only for the school but for the State of Maine, to be able to say we have dental graduates here in Maine. There is a luncheon in the Legislative Council Chambers from 11:30 to 1. I would certainly encourage folks to get up and have the opportunity to send off our regards to President Ripich in her future endeavors. Thank you so much.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Babbidge, who wishes to address the House on the record.

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I understand President Ripich is here and therefore, I would like to mention that I had a small part in helping Representative Gary Connor of Kennebunk, actually, promote the dental school when it went through this Legislature a dozen years ago. And although, I don't get back to UNE as often as I would like, mostly to cheer on Kennebunk hockey teams, I have to tell you that the town of Kennebunk is very proud of UNE and it's been a wonderful asset to our community and our high school students as well, and we are very much in the gratitude of President Ripich for that. Thank you for her service. She has reason to be proud.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Pierce, who wishes to address the House on the record.

Representative **PIERCE**: Thank you, Madam Speaker. I rise again to commend President Ripich for the work done. I worked at UNE for a number of years on the Portland Campus, which hasn't been mentioned, which is where the College of Dentistry is and also the College of Pharmacy which she put into place upon her tenure there. She used to say to the staff when we met that, we're sailing for deep waters and not only did she sail with dreams and deep waters, she brought the ship back home and really is a welcoming, and made it an invigorating place, not only in Portland, but also in Biddeford. So, it's an honor to work there, I gave that up to show up here every day which is an honor as well. But, I want to thank President Ripich for her hard work in our community.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Ordway, who wishes to address the House on the record.

Representative **ORDWAY**: Good morning, Madam Speaker, Ladies and Gentlemen of the House. I rise to congratulate President Ripich on her retirement. But, I wanted to bring to light one of the very big, in my opinion, accomplishment is that under President Ripich, we made an agreement where Community College students can transfer directly to UNE and obtain a Bachelor's Degree at a very affordable rate. On behalf of everybody that's going to take part of that, I appreciate all the hard work she put into it. Thank you.

REPORTS OF COMMITTEE

Refer to the Committee on Health and Human Services Pursuant to Joint Order

Representative HYMANSON for the **Joint Standing Committee on Health and Human Services** on Bill "An Act To Report Limited Information to the Controlled Substances Prescription Monitoring Program Concerning Methadone"

(H.P. 1118) (L.D. 1619)

Reporting that it be **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** pursuant to Joint Order 2017, H.P. 946.

Report was **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES**.

Sent for concurrence.

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Support Death with Dignity"

(S.P. 113) (L.D. 347)

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

CHACE of Durham
HEAD of Bethel
MADIGAN of Waterville
MALABY of Hancock
PERRY of Calais
SANDERSON of Chelsea

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-90)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
DENNO of Cumberland
HAMANN of South Portland
PARKER of South Berwick

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-90)**.

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

Representative **HYMANSON**: Thank you, Madam Speaker. Members of the House, this is a difficult bill and requires much thought and I'm sure many of you have put thought into this. I'm sure many of you have spoken to people, read your emails. This is the "Death with Dignity" bill. So, when you or a loved one faces the last six months of life, the question that you ask yourself or I've heard people ask, "Is the enemy suffering or is the enemy death?" Everyone has the right to choose which option they would like. And, this is a bill about autonomy and doing what a person wants to do with their life as they go into death. It's a narrow bill and I wanted to make sure that people knew the content of the bill. By narrow, I mean it has many safeguards to ensure the person's will is honored, providers, pharmacists are protected and many conversations happen and are documented. According to the bill, the patient must be a Maine resident, must make two verbal face-to-face requests to the same physician, separated by a minimum of 15 days. During the first evaluation, all options must be discussed with the person, including hospice and palliative care. A minimum of 48 hours later, the person must submit a written request, face-to-face to the same physician, witnessed by two uninterested and non-related persons. The patient must be capable of and remain capable of making their own health decisions throughout the process. The patient must be able to be capable of self-administering

the medication. Two physicians must verify a patient is competent and within six months of death. Two oral and one written request with two waiting periods in between as I talked about. It requires physicians to discuss and document all treatment and palliative services available, including those routinely recommended for end-of-life comfort care. Only the patient may request the medication and the patient may rescind the request at any time. A physician in doubt of patient competency must refer to the appropriate mental health professional. The process is voluntary for patients; it's voluntary for physicians, voluntary for pharmacists, care facilities, and hospitals. State medical associations are now in a neutral position, having opposed this for many years. This includes Maine. The Academy of Hospice and Palliative Medicine, American Pharmacist Association, American Society of Health-System Pharmacists, and National League for Nursing are neutral. In Oregon, which has had this law for 20 years, since 1997, there have been 1,400 prescriptions filled, 1,100 taken. Some people get the medication and never use it. The public hearings were heart-wrenching, and the majority were in support and asked us clearly to support this as a way to go forward for people who wanted to preserve their dignity through death. I ask you to support this measure. This is a Minority Report, I usually don't move the Minority Report but the outpouring of support for this at the public hearing was so strong that I felt moved to do that. So, I look for your support in the Ought to Pass motion on the floor. Thank you.

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

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

The SPEAKER: The Chair recognizes the Representative from Burlington, Representative Turner.

Representative **TURNER**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I rise today to express my opposition to LD 347. I know there are many reasons why people in this room have taken a position opposite of mine. I know many believe that the opinion of assisted suicide is so personal that each person should have the choice of when and how to end their life. After all, they might say it is a matter of choice and the decision of one person to end his or her life does not mean that others have to decide the same thing. I, however, disagree. Not only does one person's decision always impact others, but our actions here today will send a message across the state about the value and dignity of all human life. And sadly, those whom it will impact the most negatively are likely those who most need to be reassured their value and worth as human beings, no matter their condition or their diagnosis. In 2015, Maggie Karner, a Connecticut woman, who at the time was living with the same medical condition that Brittany Maynard had, penned an article that was published in the *Hartford Courant* entitled "Suicide Options Would Undermine My Cancer Battle." In the article, Maggie confronts the push by assisted suicide advocates in her home state to adopt physician-assisted suicide. It explains the ways in which that push made it harder for her to continue her own fight against cancer. Among other things, she said, "I have been diagnosed with a terminal brain cancer...Because of my diagnosis, I would likely be eligible for the state's help to commit suicide under a bill that's before the General Assembly—and that is terrifying. Like many Connecticut residents, I have wondered whether I would want my doctor to offer suicide as a treatment for deadly cancer. The out-of-state proponents of the bill, regarding physician-assisted suicide

suggest having the ability to end your life legally is comforting. But I can tell you from personal experience that is nearly as troubling as the cancer itself. You see, I get strength and comfort from the knowledge that nobody is going to give up on me—medically, psychologically or holistically. Right now, I have the firm support of the state and my fellow citizens in my desire to live—no matter the cost or burden. If that were to change, the tiny knowledge that I might be straining my family, friends, doctors or community resources unnecessarily would be a heavy burden. The constant 'option' for suicide would wear at my resolve and I fear, become an unspoken 'duty' for me and others."

Fellow House members, we don't live in pure isolation. One person's decision to end their life and one Legislature's decision to sanction it would surely impact all of us. It would also send a message that some people are less valued, less worthy, that some lives deserve suicide assistance rather than suicide prevention. Sadly, Maggie died in 2015, but her message that communities must care for one another in their darkest days lives on as her family continues to speak out against physician-assisted suicide. Fellow legislators, when we, as a state and as a society, say that suicide is wrong and tragic in most cases but acceptable for others, we tell those others that they're more expendable. And for those with terminal illness who do not want to take their own lives, that message may be harder and harder to ignore. Please vote no on LD 347. Thank you, Madam Speaker.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I, too, rise in opposition. I, too, believe, with the good Representative from Burlington, Representative Turner, that we all have in our hearts our decisions on this. But, I look at it this way, our life is our life. We have a beginning and we have an end, and we never really know when that end will actually be. We heard testimony in our committee about a woman from Washington. She was given a cancer diagnosis. She believed in death with dignity. She went to her doctor asking for the prescription for the medications to end her own life. Her doctor, who didn't necessarily believe in that, sat down and he talked to her. Well, fortunately for her, 15 years later she's now cancer-free and she's still living a very active life and she's now opposed to this legislation. Enacting this bill could encourage people with years or decades to live to throw away their lives instead of getting proper treatment. These bills are sold as having a voluntary patient choice. However, there's no physician present when these pills are taken. How do we know that there is choice at the end when they self-administer? I think we would be naive to think that every family is perfect and there may not be enough of an occasion for an ulterior motive, an inheritance, financial gain. I find this just so troubling and I found it troubling in committee when we heard several proponents of the legislation say, and I quote, "No one who has ever participated in this program has ever complained." Think about that. No one who has ever participated in this program has ever complained. Of course not, they're dead. While the good Representative and our colleague, Representative Chace, can't be here today, I do have some words from him. He's a pharmacist. He understands medications. He understands the complications with some medications. And he sent a message saying, "There is no single med that you just swallow and peacefully exit. It can be traumatic with seizures and vomiting. Not the same as hospice." This could be traumatic for the family. Imagine you

have a divided family. You have a parent who's ailing, they decide to take this. You have one sibling who's for it and supports the parent's choice, you have another sibling who's against it and doesn't support the parent's choice. They take this medication. They have a tremendously adverse reaction. It could divide that family for the rest of their lives. I urge you to vote no on this. I'm going to. Thank you.

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

Representative **GUERIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I stand in opposition to the pending motion. I have many concerns about these pieces of legislation but I want to briefly cover just two reasons for my opposition—specifically, that the legalization of physician-assisted suicide, or doctor-prescribed death, will put the elderly at even greater risk of abuse and coercion, and, it also puts our youth at greater risk of suicide. I know that those on the other side of this debate often say that these proposals are safe and intended only for those terminally ill patients who desire a lethal prescription, but the reality is that the physician-assisted suicide poses risk to the elderly, opening the door for more, and more serious, elder abuse. This is because it gives family members or caregivers more opportunities for abuse, creating an environment in which elderly people may feel pressure to opt for a lethal prescription rather than being a burden to others or their family. As attorney Mary Harned explains, "Physician-assisted suicide greatly increases the risk of elder abuse and suicide among the elderly by creating yet another path of abuse against older individuals—abuse which is often subtle and extremely difficult to detect. In fact, legalized physician-assisted suicide may hide abuse of elderly and disabled Americans by providing complete liability protection for doctors and promoting secrecy." It is not hard to imagine this scenario described by Not Dead Yet CEO and President, Diane Coleman. "An... abusive caregiver can suggest assisted suicide to an ill person, sign as witness to the request, and pick up the drugs. No independent witness is required at the death.... So how would anyone know if the lethal dose is self-administered, or even if the person consented at the time?" We already know, of course, that elder abuse is a significant problem in Maine. In fact, 33,000 elders are abused in Maine each year. Additionally, almost 90 percent of elder abuse is perpetrated by family members. To legalize physician-assisted suicide seems incompatible with reducing and eliminating elder abuse in our state.

In addition to elder abuse, this bill presents another danger to our citizens. Tragically, a growing problem for Maine's youth has been suicide. We have all been affected by the loss of friends or family. Personally, a neighbor's eighth-grade son committed suicide this winter, and my cousin's son Bryce suffered the same tragic fate, leaving their families devastated. If this bill passes, how many more young people in Maine will we lose who feel that if suicide was right for Aunt Jennifer when she didn't want to go on, it's right for them too, as they struggle with adolescent problems? For these reasons, I ask you to vote against the pending motion.

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

Representative **PARKER**: Thank you, Madam Speaker and Esteemed Colleagues of the House. I rise today in support of LD 347 for a number of different reasons. I first would like to start reading a testimony of one of hundreds that we actually heard in the Health and Human Services Committee this year. "My name is Eva Thompson and I live in

Camden, Maine. As a cancer patient with an incurable disease, I would like to express my strong support for LD 347, 'An Act To Support Death with Dignity.' Dying young is not my choice: I would like nothing more than to live to see my grandson learn to walk and talk. There is nothing that I can do about the situation I'm in, but it would be a huge relief to know that I have some control over how the ending goes. I will know when I have suffered enough. It should be my choice to die quickly and painlessly when I decide the time is right. Please support LD 347 and let individual Mainers make their own decisions. With my sincerest thanks and gratitude, Reverend Eva Thompson, Camden." I first thought today that I would perhaps speak on my own personal experiences with death and dying, suicide, something that we've all personally been affected by so greatly and deeply within this chamber. But, then as I listened to the testimonies of my colleagues, I was reminded that we are all here to represent all of Maine. As I look at polling that was taken for Death with Dignity and saw that 73 percent of Mainers are in support of this bill, I realized that we were indeed speaking about personal choice. Each and every individual is to choose to have the autonomy to decide how much suffering they will endure and when their life has reached a point that they feel that they are prolonging their death rather than prolonging their life. I also speak to the choice of our physicians and our pharmacists for I believe strongly that LD 347 gives them the ability to make the choice if they are going to prescribe or to administer. Not to administer, I apologize. This is not an easy decision before each of us. As we proceed through our lives, we will each be affected differently and greatly with this issue in regards to our own life end, our families, our neighbors, our constituents. And for that reason, I urge you to think about individual's personal choice and not view this as a mandate or a suggestion. Thank you.

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

Representative REED: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise this morning to speak in opposition to LD 347, "An Act To Support Death with Dignity." I find the very title of this bill quite disturbing and very misleading. Who doesn't want to die with dignity? Who's to say what dying with dignity is? Is dying in your sleep dying with dignity, but dying a painful death is not? This bill wants to convince us that if we are terminally ill, it is better to ingest pills to bring on an early death rather than die a natural death that includes pain. And this is death with dignity? What will we tell our kids when they inquire how their grandfather, grandmother, father, or mother died if they choose to end their life this way? This is as far removed from Judeo Christian thinking as you can get. It demonstrates how far away from the teachings of the Church that we have drifted and how much secular humanism has now infiltrated our thinking. Now tell me, how much have we progressed and how much smarter and better as a nation have we become? When I decided to run for the Legislature five years ago, I never imagined in my wildest notions that one day we would be voting in favor of legalizing suicide. I'm afraid that if we pass this bill, it will be a major mistake for our state. It will send ripples across the culture of Maine that will require a major change in what we believe and the way we think and the way we have always looked at life. Here are just a few of those ripples. To the Christian, a loved one who has died in Christ is simply asleep and is merely awaiting Christ's return. The Psalmist, David, referred to death as a walk. "Yea, though I walk through the valley of the shadow of death," he said, "I will fear no evil: for Thou art with

me." To the doctor who had been taught to extend and save lives, he's now asked to forsake his oath, do no harm, and issue pills to assist someone in taking his or her own life. And what about the pharmacist? I wonder how he feels about putting the pills into the plastic container knowing they'll be used to end someone's life. Did he sign up for this? Physician-assisted suicide is a nice sounding euphemism for what we once referred to as mercy killing. But when we refer to this as a mercy killing, it shines the light on what we're really talking about here: self-murder. We've put Dr. Jack Kevorkian away for 25 years for this practice. By the way, Dr. Kevorkian was allowed out of prison early because he was dying of cancer. In the end, Dr. Kevorkian did not choose to end his life but chose instead to die a natural death. What prompts people to support a bill like this? I am sure that people sitting by the bedside of a loved one, or a friend who has suffered and fallen away to just a shadow of who he or she was, plays a major role in approving such a bill. I understand this completely. This situation is not unique to one person or one family. We have all been there before and we will be there again sometime in the near future. There is a time to be born and a time to die. Life is just a vapor: it appears for a little while and then it fades away. For this bill to pass, many here will have to be convinced that suicide is not morally wrong. Some here today will be convinced, but I won't. No matter how noble or honorable the cause, it is never right to do wrong to do right. You can't make a moral right out of a moral wrong.

Now, I want to say before I go any farther, that I don't see those who favor this bill as being bad people, because I don't like this bill does not make me one iota better than anyone else in this House. We simply don't see this issue in the same way. I truly believe that the sponsors and supporters of this bill really believe they are doing a good thing. You want to end suffering in the end of life, but in my opinion we can't eradicate suffering by substituting physician-assisted suicide. There is no life on earth without pain and suffering. Only heaven can lay claim to that. And sometimes, in our desire to stomp out one kind of suffering and pain, we may, through unintended consequences not presently seen, inflict greater suffering and pain in the future. I am sorry, I admire the flowery assertion, but there is no way that a death by suicide has dignity. This bill is nothing more than an attempt to dignify something that is totally ugly and morally wrong. The desire of death by suicide, physician-assisted or otherwise, speaks to larger issues for the patient and for society. Suicide is a moral issue. Do we have a moral authority to end our own life? Western civilization has long considered suicide morally wrong based on the belief that life is a gift from God regardless of its circumstances. Life itself has purpose and value, even in the end when we are not guaranteed a soft landing. Patients facing a terminal illness often experience a wide range of emotions including hopelessness, depression, and fear. The desire for suicide before natural death likely indicates the patient is afraid of what is to come or doesn't view his or her life as having value. Concerns about the cost of health care or the fear of becoming a burden on loved ones may put pressure on patients to request lethal drugs as a way out. Are these legitimate reasons to end one's life? There comes a time when every human being is terminal. At some point, all of us will die. I fear that this bill will create a slippery slope that could result in some dying before their allotted time. Maine has the oldest population in the United States. This "Death by Dignity" bill is a recipe for elder abuse. How many elderly people have family members acting as their executors or powers of attorney? How many are impatiently waiting for the family inheritance?

How many may not want to see that inheritance eaten up in medical bills? And will the government and insurance companies do the right thing when faced with serious health questions? Will they pay for treatment costing thousands of dollars or take the cheap way out and pay for lethal drugs at a fraction of the cost? And could this bill be even more dangerous for people living with disabilities and for those living under vulnerable circumstances? And what about the battlefield? Could this kind of thinking ever be used when assessing the chances of a young American soldier suffering in pain in a faraway land? Suicide also eliminates the "what-if" possibilities that may occur: the discovery of a new treatment or cure, the realization of an incorrect diagnosis, or the opportunity to have one last touch from a loved one.

Not too long ago, Jimmy Carter was diagnosed with an incurable form of brain cancer. The Sunday after his visit to the doctor, he informed his Sunday school class of the diagnosis and that he would not be able to continue to teach the class. When he went back for a checkup a few weeks later, the doctor said that the brain cancer was miraculously gone and that he had no explanation why. It may seem ironic, but a law such as the one in Oregon, encouraging physician-assisted suicide, actually works to deny terminally ill patients death with dignity. Why is that, you might ask? I don't expect many here to agree with me, but this is my take on the matter. Human dignity comes from God and is affirmed by those around us, especially when others care for us in our last days. In many ways affliction brings out graces that cannot be seen in the times of good health. There are incredible life-giving experiences that happen on this difficult journey for both the patient and their loved ones. But physician-assisted suicide just piles sorrow on top of sorrow. People living with a terminal illness deserve more than the offer of a physician to facilitate their death. They merit true compassion and that is not found in a bottle of pills. Hospice and palliative care in recent years has come so far in comparison to earlier years. They are now able to provide much more comfort to the patient in his or her final hours. There is no need for physician-assisted suicide. Doctors already adjust medication doses to breathing rates when people are near death, which probably results in hastening death, but this is very different from handing someone a fatal prescription. True compassion is when people come along side of you in this last chapter of your journey. The Apostle Paul writing to the Church at Galatia instructed the Christians to bear one another's burden and so fulfill the Law of Christ. This tells me that it's appropriate to lean on each other during the difficult times of our life. In closing, I hope that we will all listen to what Lincoln called "the better angels of our nature" and provide a dignified death to this bill here in the chamber this morning. The people of Maine deserve better than this. Thank you, Madam Speaker and thank you, Ladies and Gentlemen of the House.

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

Representative **BABBIDGE**: Madam Speaker, Ladies and Gentlemen of the House, I certainly respect the heartfelt and thoughtful responses of everybody in the chamber today. But to me, this proposal is about freedom, freedom to control one's own actions. That's what freedom really is. I have to think of my father who died a lingering death. He was a strong man, but if he had a fear in life, it was probably of the hospital. It was the fear of that loss of control over his own destiny. And I think that this proposal has been thoughtfully crafted and allows the peace of mind that we can have control over our own life. Just as you and I have that control today, you don't

surrender it near the end of your life. It's about freedom. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I stand today opposed to the pending motion and I'd like to give you my reasons why. The subject of this bill can evoke the rawest emotions in all of us, yet when we set public policy, we really need to do it apart from those emotions. Many of the reasons for my opposition have already been stated so there's no sense in me repeating them. I would like to cite a couple of people if I could. Michio Kaku, who is a theoretical physicist, called by many one of the smartest individuals alive, believes that the orderliness of the universe is proof that it was created by design. We live in a universe which is governed by rules that were created by a universal intelligence and not by chance. Dr. Francis Collins, a scientist who is Director of Human Genome Project, sees, and I quote, "DNA, the information of molecule of all living things, as God's language, and the elegance and complexity of our own bodies and the rest of nature as a reflection of God's plan." Two people of no small intellect. The lesson from this is that we are not here by chance; we are here through the will of the Divine Creator. What else could it be? We've been given emotions. We develop relationships, we communicate with one another. We learn how to live in harmony with each other, even though sometimes we get on each other's nerves. We have been given the ability to reason. We are unlike any other being in Creation. We're the consummate product of this Creator, made in his own image and individually and uniquely designed to have infinite value. This Divine Creator is the one who gives life and is the only one who can rightly take it. That prerogative is his and his alone and that's why we need to defeat this bill. Thank you.

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

Representative **BATES**: Thank you, Madam Speaker, Women and Men of the House. I'll begin by uttering a phrase which will surely strike fear into the hearts of everyone in this body, and that is, Madam Speaker, I would like to tell you a story. I am very fortunate that I come from a family of many impressive people. Clearly, those genes never quite made their way down to me. But one of those such people is my grandfather. My grandfather passed away a couple of years ago, but before he left, imparted me with incredible wisdom, as grandparents often do. He was an incredibly humble man, but he accomplished much in his life, from the time he was plucked out of college at Wesleyan to work for Naval Intelligence. He was a member of the team of scientists that created radar that invented identification friend or foe and continued his work there all the way until he was offered a position on a little something called the Manhattan Project. Luckily, he turned that one down. He went on to get graduate degrees at Harvard, Penn State, and taught physics at Dartmouth, University of Michigan and finally settled as the Chair of the Physics Department in Orono, where he lived out the remainder of his life. His father was of equal academic attainment and was a mathematician who worked alongside greats like Norbert Wiener and Albert Einstein. He was also ordained in the ministry. When my great-grandfather was on his death bed, his body was gone. He had lost his sense of sight, his hearing was failing, and he was no longer mobile. But he had retained his mental faculties and he stayed sharp as a whip. What I didn't find out until the end of my

grandfather's life was that toward the end of his father's life he had asked his son, my grandfather, an impossible request. He had asked my grandfather to help him end his suffering, to help him end his life. This was a man who had achieved great things. He had been called as a witness to the Scopes Trial because he was ordained in the ministry and a scientist. Those of you that remember high school history will remember that no one actually took the stand there other than William Jennings Bryan, but he had been at the epicenter of many important things. He didn't want to be remembered in any way other than for what he had tried to give to his family or what he had accomplished, and he certainly did not want to be remembered as a burden.

My grandfather was blessed with a long life. He died a few years ago, at age 92. And he never told me this story until close to the end of his life, because it turned out that he was unable to fulfill his father's final wish. He could not bring himself to do it and that guilt stayed with him for the better part of 92 years. He never forgave himself. At the time, I selfishly and foolishly worried that this would lead to my grandfather asking me the same favor. Luckily, it never got to that point. But, as he began to deteriorate, he did talk to me often about this exact subject. As many have stated, it brings out emotions in all of us, but this was personal, as many of our stories today are. He never outright asked me to help end his life, but he did ask me a favor, and he said, "Dillon, when you're the Senator"—clearly, he overestimated my station, I have no plans to be demoted to the other body—"when you're a Senator, you may be asked to support the right to die and I would hope that you would." My grandfather didn't share political views but he was fiercely Libertarian and he believed in human dignity and independence. I remember holding his hand on his death bed when he left, and thinking how selfish I was, wanting to have another conversation with him, to learn something more from him, but at the same time, realizing that this was the best possible thing. And, it's horrible to say but I'm so happy now. I miss him every day, but I'm so happy now that he is no longer suffering. It's obviously now too late, mercifully, for us to do anything about my family members that have encountered this, but I would ask us all to remember that they're certainly not the only ones. I've heard a lot of people say this might come about in the future, but it's not the time right now. I would just ask us to remember that people are suffering now. There are people right now whose families are having these horrible, horrible discussions that you'd wish on no one, that no one ever wants to have. But I believe that it's really important that we address something to protect these families, to protect the memory of their loved ones, and to honor their final wishes if that is the route that they so choose. So, while it is too late for my family, it is not too late for many other families; and that is the reason, after much deliberation, that I support the pending motion and I would hope that you would all consider doing the same. Thank you, Madam Speaker.

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

Representative **GRANT**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, this is not a partisan issue. This is a human issue. And I think the Committee Report shows how divided the committee was. I think it's one of the harder votes that many of us have taken in the past and will take again today. Most of the time when I look at a bill, I do my research, I listen to the public testimony, I consult with colleagues, and most of the time the decision is very clear. Other times it's not clear, and sometimes you have to go

deeper, and this is one of those issues. And so, what I ask you is, as you vote today, and I ask you to vote against the pending motion, in all due respect to those who feel differently. I received a lot of email, as I'm sure all of you do. One of my constituents wrote to me and she asked me to set aside my personal philosophy, my own personal beliefs, my own personal convictions, and to set those aside and support this bill so that others could make this choice. I responded back to her that though I respected what she had to say, I don't enter this chamber without my beliefs, or my opinions, or my philosophies, or my experiences. We are all a mixture of those things. We do the best we can to make the best choice for Maine people, and I think we are all trying to do that here today. My conscience tells me that this is not the right direction to go. No one wants to prolong anyone's suffering, ever. But the issues here strike at the very heart of what makes us human: the mystery that is death. And I hope that if you are at any point unsure about this vote today, that you will vote no. Unless you're absolutely sure, vote no. You'll have another opportunity because this bill comes back over and over. Follow your conscience. Your conscience will always guide you. When data and all other analyses fail you it is your conscience that will drive you aright. My conscience tells me that this is the wrong direction for a variety of reasons, many of which have been spoken on the floor today. It is not a partisan issue. It is a human issue. And I ask you, Ladies and Gentlemen, to follow my light if it follows your conscience. Thank you.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you, Madam Speaker. This is not an easy subject, if not taboo, in western culture. Our own experience will dictate our belief, whether that be emotional, philosophical, spiritual on the end-of-life suffering. At one time in my own life, I thought that the humane thing for humanity was a person to be able to have the right to end their life at their own will. Today, I do not believe this to be the case. I'm not trying to persuade peoples' minds but to open their minds. Five years ago, I had a social worker come up to me in a hospital setting to discuss end-of-life care. I was diagnosed with cancer at 39 years old. I was not prepared to talk about nor entertain the idea of checking out before I had a chance to fight for my life. My intentions were to show my children an example: to fight for your life, not to call it quits. I can assure you it's not a mainstream thought in an oncology department, where people are receiving treatment for cancer, to consider suicide. Proposing the option of assisted suicide to a person who could be on that hard, painful fight, could remove their hope of a better time of not being in pain or having the chance of leading a normal life again. Ten years ago, most cancers, including the one I now have, was a death sentence. Today, we've come with technology, those are changing. We come into this world in pain, screaming and fighting for air. I believe this is part of the natural order and I plan on leaving it without a government-sanctioned option of quitting early. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I apologize for rising twice and the last speaker was certainly a hard one to follow. But it also brings the topic of which we haven't spoken about right now. Second Thoughts Massachusetts is a Disability Rights Advocates against Assisted Suicide. They came and testified in opposition to the bill and they brought up a very

important topic. From their testimony, it says, "Like other assisted suicide bills, LD 347 and LD 1066 ignore the downside of assisted suicide programs: the premature deaths of non-terminal, vulnerable people due to misdiagnosis. CBS News reported in 2014 that 12 million Americans are misdiagnosed yearly. About 15 percent of people given less than six months to live are not 'terminally ill.' Thousands of people 'graduate' from hospice yearly. Assisted suicide programs turn the best result under hospice—learning that you weren't 'terminal' after all—into the tragedy of dying with years or decades of life remaining." I hope you will vote against the pending motion. Thank you.

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

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise before you this morning very concerned and troubled for where this legislation may go from here. I'm afraid if we pass this, this is going to bring negative consequences into the future. My fear is that we will be singling out our elderly who have mental or physical disabilities. In my opinion, and in my opinion alone, this is suicide with dignity. My wife and I had to bury an unborn son, Evan, 12 years ago in June. Life is precious. It's a gift of God. I personally feel that life starts at conception and ends with the very last breath you take. My dad was diagnosed with cancer in 1973 and lived with it until 1985. He was in and out of remission for four years until 1989. The last three and a half years of his life, he suffered tremendously. But, no way did he want to end his life at 54 years old. Madam Speaker, he wanted to live. For those of us who have served in combat, we have seen firsthand the carnage of war and how precious life really is. Twenty-two veterans every day commit suicide in this nation. Are we, as a nation, going to allow this to happen to our veterans so we don't have to deal with it? I would certainly hope not. The suicide rate in states that have legalized physician-assisted suicide demonstrates how social acceptance of suicide impacts everyone. For example, Oregon legalized the physician-assisted suicide, went into effect in 1998. By 2000, the state's regular suicide rate was increasing significantly, in contrast to decreasing rates in the 1990s. By 2007, Oregon's regular suicide rate was 35 percent higher than the national average. By 2010, it was 41 percent above the national average. Furthermore, as a veteran, I'm especially sensitive to the message: the risk of suicide is 21 percent higher among veterans when compared with the U.S. civilian adults in 2014. I do not want to put even more of our veterans at risk when suicide may become an option for them. Madam Speaker, Ladies and Gentlemen of the House, I can tell you firsthand: to get through some of these troublesome times, we need a good support team, we need faith, we need good family. Life is a precious gift from God. I will not and I cannot support this piece of legislation even though I am sympathetic. Madam Speaker, I will be opposing the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Madam Speaker, thank you for allowing me to speak on this. This right here is very near and dear to me as my father is in his last and final days. Interesting to me, on the day after the election, my father says, "Mike I need to talk to you." So, I went to the house. He sat down and he said, "Write down your six core values," and I did. And he said, "This is why you are running, this is why you're here," and I said, "Okay, good Dad, I got it." And now here it is dad is in December and now in the hospital just ten days after the

election. Now in December, he says, "Mike, I need you to do me a favor, I need you to bring me a gun." "What for Dad?" He said, "I want to finish this, I'm all done." My dad is still alive today, but every time I go see him in the morning before I get here, he said, "Remember who you are. Remember who you are. Remember who you represent. Never change your values." And I don't want to lose any of those days, because if I had brought him a gun back then, I wouldn't have him today, and here we are in May. I just think we need to think about that. Thank you, Madam Speaker.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise here in opposition to the pending motion myself. I've heard everything that has been said and I understand both sides. I watched my brother-in-law, who was diagnosed with Lou Gehrig's disease, I watched him die in his own home in a hospital bed, and if this would have been in effect at the time, he would have had a choice to be able to do this. But I watched him fight every step of the way. I watched him enjoy playing with his grandson, even when his grandson would come up and say, "Hey Pops, how're you doing today?" And when he couldn't speak he'd look at him with his eye as best he could move, until finally, there was no breath left in him, but he fought every step of the way.

I watched my father in 1980, I was 30 years old. I had two children, a new job, and I lost my best friend. I got a call in June of 1980 telling me my dad had just passed away at Thayer Hospital in Waterville. I had been down to see him the day before, and we had put all of the pictures up around his bed and I had my daughter, who was a very young child at the time, and my son, and it was like when he had the chance to see them and to see us and to see my mother, he was able to say goodbye. And, we had a choice to make before dad passed and that choice was this: He was in a hospital bed for seven months on a respirator. My dad loved to talk much like I do, I'm sure Representative Martin over there, Danny Martin, could probably attest to that, but he was and he loved to talk but yet, the first day that he went into the hospital they had to put a tube down his throat to allow him to breathe with the respirator. He was in that way for seven months and I travelled almost daily, taking my mom down there to see my dad, and my dad loved every minute of it. His eyes twinkled. He looked so happy that we were there and fought. But the day before he died, we were given a choice by the doctor. The doctor said, "Look, I don't think your father is going to come off from the respirator. We've tried twice and he can't come off. If we take him off the respirator, we can make him comfortable, but he's not going to make it." We had a choice. We didn't take that choice away from him. We gave him that choice, we kept him on the respirator, and within 24 hours I received that phone call, and he was on the respirator. We have an appointed time to die. I believe. I believe God sets that appointed time for us.

And lastly, I would just say this: that I know a gentleman that lives not too far from me, I consider a friend, he was diagnosed with terminal cancer and he was told "You've got six months, if you're lucky, to live." And he would not accept that. He would not accept that and he fought and he would not take any of the medicine that was out here available to him. He went in another way. He went holistically. And I'm proud to say today, because he didn't listen to that terminal illness, he didn't just give up, today, he's seeing his grandchildren; not only has he seen them born, he's seen some of them graduate and some of them in college today. He never would have seen

any of that if he would have taken an easy way out by taking a pill and then 15 days later taken the second dose. I know everyone is on different sides of this issue and I respect every one of you. But, I cannot in good conscience support this motion and I would ask you to follow my light and defeat this and pass the Majority Ought Not to Pass. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I know that all of us have a great deal of stories in our hearts right now of loved ones that we have said goodbye to, and we're thinking about their perspectives and their suffering as we cast our vote today, and I have great respect for all of the perspectives that have been voiced today. But I thought it might be appropriate, Madam Speaker, if we heard from someone that we have not yet today and that is a person who has actually exercised the choice of "Death with Dignity," and a person from Maine who has done so.

My friend Ethan Rimmel grew up here in Maine, he was a talented artist, he was a very bright student and he did amazing things with his life. Working in Silicon Valley, a very accomplished basketball player, and he eventually made his way to Washington State where he was a professor, at Western Washington University, of psychology, happily married with two sons, eight and four years old. And the 8-year-old, his son Seth, is my godson and we've kept in close touch since his father's death. Ethan was diagnosed with colon cancer at about age 40 and it was a very aggressive one. He suffered traumatically for two years and I won't detail the pain and suffering that he went through, in part because there are many listening to us who I think I would rather not share it with. But, suffice it to say, that it was very, very aggressive, very, very painful and his suffering was enormous. Ethan blogged about his experience and you can go to psychologytoday.com and look up "Living While Dying" and read his story today. He had some very intense reflections on his experience and they tell, I think, a story that is very important and I wish that I had shared it with all of you earlier. But please visit "Living While Dying" on psychologytoday.com. Ethan died, in the end, in the way that he chose to die, because he did not live in his home state, had the choice, and he thought carefully about his options. But, in the end, he died with his family sitting on a bench facing the western sunset and looking out over the Pacific. He could not have chosen, Madam Speaker, to sit with his family in that way in his own home state of Maine, facing the sunrise and looking out at the Atlantic, because government chose that for him, because we chose that for him, as we do for all who have to face the crushing and painful suffering of death approaching close by.

Madam Speaker, Ethan wrote in his blog the following comment and I want to end simply by reading what he had to say as he contemplated his decision knowing that death was near, knowing that it was not a matter of whether but a matter of when and under whose terms. He wrote, "I do not view it as 'suicide' (although that is a convenient term), because I would not really be choosing between living and dying. I would be choosing between different ways of dying. If someone wishes to deny me that choice, it sounds to me like they're saying: I am willing to risk that your death will be slow and painful. Well, thanks a lot, that's brave of you."

Madam Speaker, I know that we will all do what is right by our own lights today and I'm not asking that anyone follow mine, but I will be voting today in honor of Ethan Rimmel and with his words ringing in my ears. Thank you.

The SPEAKER: 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. 129

YEA - Ackley, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bryant, Cardone, Casas, Chapman, Cooper, Daughtry, DeChant, Denno, Dunphy, Farnsworth, Fay, Frey, Gattine, Grohman, Hamann, Handy, Harlow, Hawke, Herbig, Herrick, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Luchini, Mastraccio, McCreight, McLean, Monaghan, Moonen, O'Neil, Parker, Pierce J, Pierce T, Prescott, Reckitt, Riley, Rykerson, Sanborn, Schneck, Spear, Stearns, Sylvester, Tepler, Terry, Tipping, Tucker, Warren, Wood, Zeigler, Madam Speaker.

NAY - Alley, Austin B, Austin S, Black, Bradstreet, Campbell, Cebra, Collings, Corey, Craig, Dillingham, Duchesne, Espling, Farrin, Fecteau, Foley, Fredette, Fuller, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Head, Hickman, Higgins, Hilliard, Hogan, Kinney J, Kinney M, Lawrence, Lockman, Longstaff, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, McCrea, McElwee, Melaragno, Nadeau, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pouliot, Reed, Sampson, Sanderson, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stetkis, Stewart, Strom, Sutton, Talbot Ross, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Brooks, Chace, Johansen.

Yes, 61; No, 85; Absent, 3; Excused, 2.

61 having voted in the affirmative and 85 voted in the negative, with 3 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended Report was NOT ACCEPTED.**

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Exempt Public Safety Buildings from Historic Preservation Restrictions"

(H.P. 821) (L.D. 1184)

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 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.

Representative KORNFIELD of Bangor moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. This bill just seeks to remove a layer of bureaucracy from our state by exempting public safety buildings only from historic preservation restrictions. I'll give you a firsthand account as one example of bureaucratic red tape interfering with common sense. Almost three years ago, an individual went undetected in my police station parking lot carrying a firearm. The individual subsequently committed suicide by shooting himself, but to make matters worse, because our police station is so dark due to regulations from the Historic Commission, the body went undetected for some time. Police cruisers can be seen driving on surveillance video by the body only feet away. The body was later discovered by an officer walking in to work. For three years, this agency has been trying to get adequate lighting to avoid future incidents like this. But for three years, the Historic Preservation Commission has been fighting this effort. There's no reason for Historic Preservation guidelines to be interfering with public safety. I urge you to vote against the pending motion and protect Maine's police officers, firefighters and emergency medical personnel. Thank you.

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

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to explain the motion that is before you that I'm in favor of. We completely understand the sentiment of concerns about public safety buildings, but as we looked further into this bill, we came to discover that this was a local Historical Preservation Commission issue and actually not from the state level and the state actually agreed with the good Representative that this is something that should be looked into. This actually blocks our state level Historic Preservation Commission from making this decision and typically they're made at the local level. So, it's an issue of which body has a say and this would block the state from being involved in different projects when it's really the local level that is making these decisions. I urge you to support the motion before you.

The **SPEAKER**: The Chair recognizes the Representative from Bridgton, Representative Ginzler.

Representative **GINZLER**: Thank you, Madam Speaker. The reason I'm rising here is because I just want to add that the power of the Maine Historical Commission looms over local committees who take their cue from the Maine Historic Commission, and that power is pretty great. So, I would urge this chamber to please oppose this measure, follow my light. Thank you.

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

Representative **KORNFIELD**: Thank you, Madam Speaker. I just want to remind the body that when the State Historical Society came and spoke to the committee, they suggested many options for lighting that would be just fine with them. This was a local spat that we felt we got dragged into. Thank you.

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

ROLL CALL NO. 130

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, 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, Casas, Cebra, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Lyford, Malaby, 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 - Brooks, Chace, Johansen, Marean.

Yes, 75; No, 70; Absent, 4; Excused, 2.

75 having voted in the affirmative and 70 voted in the negative, with 4 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-189)** on Bill "An Act To Ensure Continued Availability of High-speed Broadband Internet at Maine's Schools and Libraries"

(H.P. 189) (L.D. 256)

Signed:

Senators:

WOODSOME of York
CUSHING of Penobscot

Representatives:

BERRY of Bowdoinham
COOPER of Yarmouth
DeCHANT of Bath
HARVELL of Farmington
RILEY of Jay
RYKERSON of Kittery
SANBORN of Portland
WADSWORTH of Hiram

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-190)** on same Bill.

Signed:

Representatives:

HANLEY of Pittston

O'CONNOR of Berwick

READ.

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

On further motion of the same Representative, **TABLED** pending his motion to **ACCEPT** the Majority **Ought to Pass as Amended Report** and later today assigned.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-192)** on Bill "An Act To Establish a Pilot Project for Medicaid Reimbursement for Acupuncture Treatment of Substance Abuse Disorders"

(H.P. 141) (L.D. 185)

Signed:

Senators:

CHIPMAN of Cumberland

HAMPER of Oxford

Representatives:

CHACE of Durham

DENNO of Cumberland

HAMANN of South Portland

HEAD of Bethel

MALABY of Hancock

PERRY of Calais

SANDERSON of Chelsea

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

Signed:

Senator:

BRAKEY of Androscoggin

Representatives:

HYMANSON of York

MADIGAN of Waterville

PARKER of South Berwick

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I move the Majority Report out of respect for the committee, but I am speaking against the motion. This is a bill that would require a waiver from the Federal Government to develop a pilot project to treat alcohol abuse disorders, substance abuse disorders, and co-occurring disorders with acupuncture. While we're all looking for ways to treat these substance abuse disorders with a modality that is not medication as a way to treat these

disorders, there is no evidence by any study that this is effective. It looks like it really adds to the milieu of where a person is treated. So, if you're going in for an evidence-based treatment, say with medication-assisted treatment for opioid use disorder, and there is an acupuncturist there, it adds to the satisfaction of the person who goes in but as a modality of acupuncture, plain and simple, there is no evidence that it's effective. So, at the end of a two-year pilot project, we would be no closer to what this did. So, I'm going to read you a few things. One is that a review of the literature from the Substance Abuse Mental Health Services, the American Psychological Association, and the National Registry of Evidence-based Programs and Practices, does not recognize acupuncture as an evidence-based practice for the treatment of alcohol abuse disorders, substance abuse disorders, and co-occurring disorders. SAMHSA Treatment Improvement Protocol notes that acupuncture may be useful for retaining patients in treatment but not as a standalone treatment as it has not been subjected to rigorous controlled research. So, it is good in the setting of practice used with treatment that's evidence-supported, but on its own, it is not shown to be effective. We have so much to do in our substance abuse realm with, we need to marshal our resources toward evidence-based protocols and not whittle away our scarce resources on a non-evidence-based...

The **SPEAKER**: The member will defer. The Chair recognizes the Representative from Newport, Representative Fredette and inquires as to his Point of Order.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding is that the good speaker actually moved the Majority Report but is actually speaking on the Minority Report and I would simply ask we stick to the prevailing motion on the floor.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair if the remarks of Representative HYMANSON of York were germane to the pending question.

The **SPEAKER**: The Chair recognizes the question and Point of Order but would say that the member, or any member, can argue toward the merits, pros, or cons of the bill. The member may proceed.

The Chair advised Representative **FREDETTE** of Newport that the remarks of Representative HYMANSON of York were germane to the pending question.

Representative **HYMANSON**: Thank you, and I think that's what I'm doing, I'm arguing the con for the motion on the floor. So, Vermont has a pilot project for pain, not for substance abuse disorder and at the end of their report they spoke to this. "There is currently little high-level evidence that acupuncture is effective in helping individuals detox from substance abuse While the use of acupuncture appears to have some ability to alleviate withdrawal symptoms and reduce craving ... there is little evidence that acupuncture reduces addictive behavior." Etcetera, etcetera. So, based on that, I ask you to support a no vote on this motion. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. While my colleague from York, Representative Hymanson, is correct in a lot of the things that she says, on the other hand, I believe in order to combat addiction in this state we need to have every tool on the table that we can possibly have. Yes, this is a demonstration waiver; however, it is meant to be cost-neutral, so it will not cost us anymore. We also received testimony from Augusta Veterans Acupuncture Clinic, in which they say

that "People come to the clinic to address physical issues, such as back pain...shoulder pain, headaches...migraines, fibromyalgia, knee pain, and even digestive problems. [But] just as [important], they come in to find relief from psycho-spiritual issues like depression, anxiety, sleeplessness, nightmares, flashbacks and other post traumatic stress symptomology." And then in bold letters they put, "Veterans with alcohol and substance abuse issues and co-occurring disorders have found support to their recovery process in this acupuncture program." So, while the Representative from York is correct that as a standalone program there is no proof of the efficacy of it, used in conjunction with other programs, it can be helpful. So, I urge you to vote, follow my light, vote green on this, the motion. Thank you.

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

ROLL CALL NO. 131

YEA - Ackley, Alley, Austin B, Bailey, Battle, Beebe-Center, Bickford, Black, Blume, Bradstreet, Campbell, Casas, Cebra, Collings, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy, Farrin, Fay, Fecteau, Foley, Gerrish, Ginzler, Grignon, Grohman, Guerin, Haggan, Hamann, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herrick, Hickman, Higgins, Hilliard, Hogan, Kinney J, Kinney M, Kumiega, Lawrence, Lockman, Longstaff, Madigan J, Malaby, Marean, Martin J, Mason, McElwee, McLean, Monaghan, O'Connor, O'Neil, Ordway, Parry, Perkins, Perry, Pickett, Pierce J, Pouliot, Prescott, Rykerson, Sampson, Sanborn, Sanderson, Seavey, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Sutton, Sylvester, Talbot Ross, Theriault, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Babbidge, Bates, Berry, Bryant, Cardone, Chapman, Cooper, Espling, Farnsworth, Fredette, Frey, Fuller, Gattine, Gillway, Golden, Grant, Handy, Herbig, Hubbell, Hymanson, Jorgensen, Kornfield, Luchini, Lyford, Madigan C, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Moonen, Parker, Picchiotti, Pierce T, Reckitt, Reed, Riley, Schneck, Spear, Strom, Tepler, Terry, Timberlake, Tipping, Tucker.

ABSENT - Brooks, Chace, Hanington, Johansen, Nadeau.

Yes, 98; No, 46; Absent, 5; Excused, 2.

98 having voted in the affirmative and 46 voted in the negative, with 5 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-192)** 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-192)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-196)** on Bill "An Act To Exempt Feminine Hygiene Products from Sales Tax"

(H.P. 162) (L.D. 206)

Signed:

Senator:

CHENETTE of York

Representatives:

TIPPING of Orono
COOPER of Yarmouth
GRANT of Gardiner
McCREIGHT of Harpswell
STANLEY of Medway
TERRY of Gorham

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

Signed:

Senators:

DOW of Lincoln
CUSHING of Penobscot

Representatives:

BICKFORD of Auburn
HILLIARD of Belgrade
POULIOT of Augusta
WARD of Dedham

READ.

Representative TIPPING of Orono 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: 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. 132

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Campbell, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Ginzler, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, 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, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Cebra, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Grignon, Guerin, Haggan, Hanley, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, 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,

Therault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Brooks, Chace, Hanington, Johansen.

Yes, 81; No, 64; Absent, 4; Excused, 2.

81 having voted in the affirmative and 64 voted in the negative, with 4 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-196)** 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-196)** and sent for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 334) (L.D. 1027) Bill "An Act Regarding the Taxation of Certain Nonprofit Organizations" Committee on **TAXATION** reporting **Ought to Pass**

(S.P. 401) (L.D. 1180) Bill "An Act To Provide a Definition of 'Primary Residence' for Purposes of Property Tax Abatements Based on Hardship or Poverty" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 828) (L.D. 1191) Bill "An Act To Extend to One Year the Probationary Period for Certain Municipal Employee Positions" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 1025) (L.D. 1486) Bill "An Act To Clarify the Status of the Financial Industry Regulatory Authority and the National Association of Registered Agents and Brokers under the Maine Insurance Code" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass**

(H.P. 85) (L.D. 117) Bill "An Act To Strengthen the Farm and Open Space Tax Law" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-229)**

(H.P. 95) (L.D. 127) Resolve, Regarding Legislative Review of Portions of Chapter 101: Maine Unified Special Education Regulation Birth to Age 20, a Major Substantive Rule of the Department of Education (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-225)**

(H.P. 206) (L.D. 273) Bill "An Act To Add an Exception to Prescription Monitoring Program Requirements" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 221) (L.D. 288) Bill "An Act To Prohibit Any Questions Regarding Criminal History on State Employment Applications" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-242)**

(H.P. 322) (L.D. 455) Bill "An Act Relating to the Provision of Tobacco Cessation Services by Pharmacists" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

(H.P. 721) (L.D. 1019) Bill "An Act To Exempt Holders of Bear Hunting Permits from Archery Hunting License Requirements" Committee on **INLAND FISHERIES AND**

WILDLIFE reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)**

(H.P. 756) (L.D. 1078) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2017-18" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-237)**

(H.P. 833) (L.D. 1196) Bill "An Act To Assist Seniors and Certain Persons with Disabilities in Paying Property Taxes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-236)**

(H.P. 837) (L.D. 1200) Bill "An Act Relating To the Licensure of Physicians and Surgeons" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-206)**

(H.P. 851) (L.D. 1229) Bill "An Act To Ensure Life Insurance Claims Are Paid" Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-241)**

(H.P. 881) (L.D. 1269) Bill "An Act To Adjust the Timing for Recounts in Certain Municipal and Local School Elections" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-243)**

(H.P. 890) (L.D. 1277) Bill "An Act To Combat Human Trafficking by Requiring Prevention Training for Commercial Drivers" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-240)**

(H.P. 911) (L.D. 1314) Resolve, To Improve Access to Neurobehavioral Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-202)**

(H.P. 918) (L.D. 1324) Bill "An Act To Support Innovation, Entrepreneurship and Maine's Economic Future" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-207)**

(H.P. 928) (L.D. 1334) Bill "An Act To Authorize the Town of Atkinson To Withdraw from School Administrative District No. 41" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-252)**

(H.P. 1031) (L.D. 1498) Bill "An Act To Clarify the Applicability of the Records Preservation Surcharge within County Registries of Deeds" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-244)**

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

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

BILLS IN THE SECOND READING

Senate as Amended

Bill "An Act To Provide Emergency Repair Funding for the Restoration of the Official State Vessel, the Schooner Bowdoin" (EMERGENCY)

(S.P. 37) (L.D. 89)
(C. "A" S-101)

Was reported by the Committee on **Bills in the Second Reading** and **READ** the second time.

On motion of Representative HERBIG of Belfast, was **SET ASIDE**.

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

ENACTORS

Emergency Measure

An Act To Allow for the Regulation of Transportation Network Companies at Airports

(H.P. 711) (L.D. 1010)
(C. "A" H-123)

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

Representative FREDETTE of Newport **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 133

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, 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, Campbell, Cebra, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Grignon, Guerin, Haggan, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, 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, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Chace, Hanington, Johansen, Theriault.
Yes, 78; No, 66; Absent, 5; Excused, 2.

78 having voted in the affirmative and 66 voted in the negative, with 5 being absent and 2 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Amend Criteria for Issuing a Certificate of Approval for Certain Projects under the Finance Authority of Maine Act

(S.P. 528) (L.D. 1503)

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. 128 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Establish the Commission To Streamline Veterans' Licensing and Certification

(H.P. 170) (L.D. 214)
(C. "A" H-187)

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

Representative GOLDEN of Lewiston **REQUESTED** a roll call on **FINAL PASSAGE**.

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

On motion of Representative FREDETTE of Newport, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 3: Maine Clean Election Act and Related Provisions, a Major Substantive Rule of the Commission on Governmental Ethics and Election Practices

(H.P. 326) (L.D. 459)
(C. "A" H-183)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 133 voted in favor of the same and 20 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Require a Review of the State Employee and Teacher Retirement Plan

(H.P. 645) (L.D. 917)
(C. "A" H-184)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 130 voted in favor of the same and 4 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

Acts

- An Act To Strengthen the Maine Children's Growth Council
(S.P. 17) (L.D. 38)
(C. "A" S-64)
- An Act To Exempt Permanently Disabled Veterans from Payment of Property Tax
(S.P. 31) (L.D. 82)
(C. "A" S-94)
- An Act To Provide Greater Authority to the Department of Inland Fisheries and Wildlife over the Management of Wild Turkeys
(S.P. 46) (L.D. 98)
(C. "A" S-102)
- An Act To Expand the 1998 Special Retirement Plan To Include Detectives in the Office of the Attorney General
(H.P. 68) (L.D. 100)
(C. "A" H-174)
- An Act Regarding the Eviction Process
(S.P. 55) (L.D. 136)
(C. "A" S-98)
- An Act To Make Creating a Police Standoff a Class E Crime
(H.P. 135) (L.D. 179)
(C. "A" H-163)
- An Act To Allow Hospitals To More Efficiently Monitor the Prescribing of Controlled Substances by Amending the Laws Governing Access to Prescription Monitoring Information
(H.P. 140) (L.D. 184)
(C. "A" H-175)
- An Act To Require Insurance Coverage for Hearing Aids
(H.P. 148) (L.D. 192)
(C. "A" H-177)
- An Act To Amend the Laws Regarding the Municipality of Responsibility for General Assistance Applicants Released from a State Correctional Facility or County Jail Facility
(S.P. 67) (L.D. 221)
- An Act To Increase Access to Head Start
(S.P. 76) (L.D. 230)
(C. "A" S-66)
- An Act To Amend the Laws Pertaining to the Maine Public Employees Retirement System
(S.P. 136) (L.D. 409)
(C. "A" S-99)
- An Act To Add Domestic Violence against the Victim as an Aggravating Factor in Sentencing for Murder
(S.P. 151) (L.D. 449)
(C. "A" S-79)
- An Act Regarding Restrictions on the Purchase of Certain Animals
(S.P. 169) (L.D. 508)
(C. "A" S-93)
- An Act To Enhance Maine's Response to Domestic Violence
(H.P. 369) (L.D. 525)
(C. "A" H-139)
- An Act To Recognize Preexisting Land Uses
(H.P. 391) (L.D. 549)
(C. "A" H-167)
- An Act To Provide for Timely Physical Examinations of Children Entering State Custody
(S.P. 197) (L.D. 582)
(C. "A" S-85)
- An Act To Allow Law Enforcement Agencies and Associations To Engage Directly in Fund-raising under Certain Circumstances
(S.P. 203) (L.D. 588)
(C. "A" S-80)
- An Act To Protect Job Applicants from Identity Theft
(H.P. 429) (L.D. 613)
(C. "B" H-117)
- An Act To Provide Lung Cancer Screening for MaineCare Recipients
(S.P. 237) (L.D. 720)
(C. "A" S-86)
- An Act To Improve Safety and Traffic Efficiency near School Grounds
(H.P. 565) (L.D. 785)
(C. "A" H-159)
- An Act Regarding Court Orders for Completion of a Batterers' Intervention Program in Domestic Violence Cases
(S.P. 259) (L.D. 814)
(C. "A" S-83)
- An Act To Protect Maine's Clean Water and Taxpayers from Mining Pollution
(S.P. 265) (L.D. 820)
(C. "A" S-73)
- An Act To Carry Out the Will of the People of the State of Maine by Ensuring the Issuance of Bonds To Support the Independence of Maine's Seniors
(S.P. 278) (L.D. 832)
(C. "A" S-33; H. "A" H-186)
- An Act To Require the State To Maintain an Interest-bearing Account of Privately Donated Funds for Saxl Park in the City of Bangor
(H.P. 598) (L.D. 849)
(C. "A" H-178)
- An Act To Protect a Homeowner's Equity of Redemption in a Foreclosure Action
(S.P. 280) (L.D. 880)
(C. "A" S-96)
- An Act To Amend the Laws Governing Eligibility for Disability Retirement Benefits
(S.P. 346) (L.D. 1044)
(C. "A" S-89)
- An Act To Increase Investment and Regulatory Stability in the Electric Industry
(H.P. 744) (L.D. 1061)
(C. "A" H-173)
- An Act To Provide a Defense to Criminal Prosecution for Persons Reporting a Drug-related Medical Emergency
(H.P. 757) (L.D. 1079)
(C. "A" H-164)
- An Act To Increase the Penalties for Hunting Deer over Bait
(H.P. 761) (L.D. 1083)
(C. "A" H-148)
- An Act To Improve Public Transportation in Maine
(H.P. 871) (L.D. 1248)
(C. "A" H-144)
- An Act To Create the Emergency Medical Services Registration Plate
(H.P. 872) (L.D. 1249)
(C. "A" H-160)
- An Act To Modernize the Voluntary Response Action Program Funding Process
(S.P. 421) (L.D. 1258)
(C. "A" S-76)

An Act To Protect Children from Sex Trafficking
(S.P. 424) (L.D. 1261)
(C. "A" S-92)

An Act To Improve the Foreclosure Process by Regulating
Mortgage Loan Servicers

(S.P. 444) (L.D. 1292)
(C. "A" S-95)

An Act To Repeal the Laws Governing the Mental Health
Homicide, Suicide and Aggravated Assault Review Board

(S.P. 495) (L.D. 1425)

An Act To Protect the Public from Dangerous Buildings

(S.P. 505) (L.D. 1459)
(C. "A" S-97)

An Act To Make Minor Changes and Corrections to
Statutes Administered by the Department of Environmental
Protection

(H.P. 1012) (L.D. 1473)

An Act To Transfer Responsibility for Licensing of
Land-based Aquaculture from the Department of Marine
Resources to the Department of Agriculture, Conservation and
Forestry

(S.P. 527) (L.D. 1502)

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

Resolves

Resolve, Concerning the Ownership of a Causeway on
Long Lake near St. Agatha

(S.P. 25) (L.D. 45)
(C. "A" S-88)

Resolve, Directing the Department of Health and Human
Services To Increase Reimbursement Rates for Home-based
and Community-based Services

(H.P. 457) (L.D. 643)
(C. "A" H-176)

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

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 Thursday, May
18, 2017, had preference in the Orders of the Day and
continued with such preference until disposed of as provided
by House Rule 502.

SENATE DIVIDED REPORT - Majority (11) **Ought to Pass
as Amended by Committee Amendment "A" (S-28)** -
Minority (2) **Ought Not to Pass** - Committee on **EDUCATION
AND CULTURAL AFFAIRS** on Bill "An Act To Improve
Attendance at Public Elementary Schools"

(S.P. 44) (L.D. 96)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report
READ and **ACCEPTED** and the Bill **PASSED TO BE
ENGROSSED AS AMENDED BY COMMITTEE
AMENDMENT "A" (S-28)**.

TABLED - April 20, 2017 (Till Later Today) by Representative
HERBIG of Belfast.

PENDING - Motion of Representative KORNFIELD of Bangor
to **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: 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. 134

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates,
Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bryant,
Campbell, Cardone, Chapman, Collings, Cooper, Craig,
Daughtry, DeChant, Denno, Dillingham, Duchesne, Dunphy,
Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Ginzler,
Golden, Grant, Grignon, Grohman, Haggan, Hamann, Handy,
Harlow, Hawke, Herbig, Hickman, Higgins, Hilliard, Hogan,
Hubbell, Hymanson, Jorgensen, Kinney M, Kornfield, Kumiega,
Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean,
Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight,
McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil,
Perry, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Riley,
Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats,
Simmons, Spear, Stanley, Stearns, Sylvester, Talbot Ross,
Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Wood,
Zeigler, Madam Speaker.

NAY - Austin S, Bradstreet, Casas, Cebra, Corey, Espling,
Farrin, Foley, Fredette, Gerrish, Gillway, Guerin, Hanley,
Harrington, Harvell, Head, Herrick, Kinney J, Lockman, Lyford,
Malaby, McElwee, O'Connor, Ordway, Parker, Parry, Perkins,
Picchiotti, Prescott, Reed, Sanderson, Sherman, Sirocki,
Skolfield, Stetkis, Stewart, Strom, Sutton, Timberlake, Turner,
Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Brooks, Chace, Hanington, Johansen, Theriault.
Yes, 99; No, 45; Absent, 5; Excused, 2.

99 having voted in the affirmative and 45 voted in the
negative, with 5 being absent and 2 excused, and accordingly
the Majority **Ought to Pass as Amended** Report was
ACCEPTED.

The Bill was **READ ONCE**. **Committee Amendment "A"
(S-28)** 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-28)** in concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought Not to
Pass** - Minority (2) **Ought to Pass** - Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS on Bill "An
Act Regarding Final Enactment of the State Budget"
(EMERGENCY)

(H.P. 366) (L.D. 522)

TABLED - April 27, 2017 (Till Later Today) by Representative
GATTINE of Westbrook.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative GATTINE of Westbrook
moved that the House **ACCEPT** the Majority **Ought Not to
Pass** Report.

Representative ESPLING of New Gloucester **REQUESTED**
a roll call on the motion to **ACCEPT** the Majority **Ought Not to
Pass** Report.

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

The SPEAKER: 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. 135

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Bradstreet, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Fredette, Frey, Fuller, Gattine, Gillway, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, Herrick, Hickman, Hilliard, 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, Picchiotti, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Ward, Warren, Winsor, Zeigler, Madam Speaker.

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

ABSENT - Brooks, Chace, Hanington, Johansen, Theriault.

Yes, 87; No, 57; Absent, 5; Excused, 2.

87 having voted in the affirmative and 57 voted in the negative, with 5 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-103)** - Committee on **TAXATION** on Bill "An Act To Protect the Tax Base of Municipalities by Removing the Property Tax Exemption for Land Held for Conservation or Public Access Purposes"

(H.P. 511) (L.D. 727)

TABLED - May 9, 2017 (Till Later Today) by Representative TIPPING of Orono.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, Representative TIPPING of Orono 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: The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. Of the hundreds of words that make up the language of LD 727, the ones that mean the most and are the hardest to achieve come at the end of the fiscal note that states, "Current biennium revenue increase from municipalities." Seems I haven't heard that quite often enough in this building. LD 727 provides an opportunity to municipalities to have land trusts

pay their fair share of property taxes and support roads, fire departments, schools, and other services which they have left to the other property owners to shoulder since being removed from property tax rolls. Of the millions of acres of these lands, many being in rural Maine, there are tens of thousands of acres near my home town in Somerset County, that are solely owned by one global organization that could easily pay their fair share. Though some do voluntarily pay different amounts in lieu of taxes, there are plenty that don't. I don't think it's much to ask that they be required, like other property owners throughout the state, to pay their fair share. In some cases, their fair share may be just a few hundred or a few thousand dollars which may not make much of a difference to larger towns, but in smaller rural communities these dollars can make all the difference for our seniors trying stay in their homes. This bill clarifies that land trusts do not qualify for the 100 percent income tax exemption as a charitable or benevolent organization, since they are not charitable or benevolent organizations. In Maine Municipal Association's testimony in support of this bill, they wanted to make it clear to the committee that it does not affect the Tree Growth, Farmland, Open Space, or Working Waterfront tax programs that can apply to land trusts, and everyone else, where they could still pay as little as five percent of the assessed value. We all understand the property tax burden many Mainers are under, but in these cases the problem is compounded, for folks with large and valuable tracts of land are removed from the tax rolls. Please join with me in supporting our seniors, our property tax owners, and our rural communities. Oppose this measure so that we can vote to install property tax fairness. Thank you.

The SPEAKER: The Chair recognizes the Representative from Hudson, Representative Duchesne.

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. This bill seems to misunderstand land trusts. Foremost, they are not all the same. It's easy to think of land trusts as being some kind of protected park, but then you look around the land trusts we actually have, like the Maine Farm Land Trust that conserves farmland. Agriculture is helping to revitalize parts of rural Maine and it's one industry that's actually attracting young people to move here and stay here. This bill would make this benevolent and charitable project more difficult by declaring that it's not benevolent or charitable. Now, I mean, this is a group that will purchase a farm and rescue it, sell it to farmers and keep it on the tax rolls. Now, I'm going to be curious to see who votes against farming. There is a new land trust in Holden that is working to conserve farmland. It's the old Hart Farm, brand new land trust. There will be some easements for public access, some trails that will connect over to the current homestead in Orrington, which also conserves land and preserves history. Now, I've met some of these new board members and I wouldn't want to be the one to tell them I'm just going to raise their taxes. Downeast Lakes Land Trust is one of the biggest land trusts in the state. They're primarily conserving working forest. In fact, local people in that community are allowed to go on the land and cut firewood for personal use. Now, that does sound benevolent and charitable. Now, I'm going to be curious to see who votes against working forests. The truth is I don't think the tax code could reliably tell what the primary purpose is for conserving land if it isn't benevolent and charitable. Go visit the Foothills Land Conservancy in Wilton. It's 238 acres, it's mostly hayfield. They've got a nice public access trail around the edge of it, there's some duck habitat in the back where

waterfowl are breeding every year. But every year, they harvest the hay and they seek conservation for agriculture as a primary mission. Now others may talk about the economic benefits of land trusts but let's just think about Washington County. Maine is Vacationland and Washington County is larger than Delaware, but when was the last motel unit constructed in all of Washington County? And I'm not talking about the Red Barn Motel in Milbridge after their fire. I'm talking about a new bedroom anywhere in the entire county. Now, take Lubec, how would you improve the tourism economy if the only real public access to the ocean is Quoddy Head State Park? But it isn't. Hamilton Cove and Boot Cove have great public access to the ocean thanks to the Maine Coast Heritage Trust. A little farther down the bold coast, they saved a piece of Moose Cove and Bog Brook, right on the edge of town. Right around the corner from the international bridge, you can access Mowry Beach thanks to Downeast Coastal Conservancy. These are all places I'm going to be using this next weekend to help the economy there because there's a festival going on I'm guiding for. We're going to use all of these land trust properties. So, Eastland Motel in Lubec is going to be full. They're going to have more business than they know what to do with in McFadden's Variety Store as we bring in all our people for sandwiches, food, and souvenirs. So, this stuff is going on, and to think that all land trusts are doing nothing, that they're just parks, is incorrect. As a matter of fact, they are working to preserve agriculture, working to preserve working forest, preservation of open space that's becoming nearly as much a part of a community's infrastructure as roads, and it's being accomplished privately with benevolent and charitable donations and the vast majority are paying taxes or making payments in lieu of taxes. So, Madam Speaker, I believe this bill simply misunderstands what land trusts are. Thank you.

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

Representative **COREY**: Thank you, Madam Speaker, House. I ask you to support the pending motion. In my professional life, I worked with nonprofits, including land trusts, in achieving the fundraising, communications, and marketing goals. This background, and my belief in conservation, brought me to serving on my local land trust board until very recently, when they became a part of another local land trust. We were paying taxes on our properties when I was on the board. I served on this board for about eight years. Believe me, I do not volunteer my time and professional services with organizations that I don't believe are benevolent or charitable. This bill seeks to change that definition. Land conservation helps towns achieve their comprehensive planning goals, keeps property taxes in check, and provides natural areas for people to recreate and vital habitats for wildlife to flourish. This change would discriminate between property held by land trusts and property held by every other nonprofit. Yes, this is a carve out. In my hands-on experience, land preserved for conservation is for charitable and benevolent purposes. I've never had to pay a fee to use property when visiting one of these land trusts. The land trust I worked for and volunteered with served the public interest in many ways. The recreational benefits, including hiking, hunting, bird watching, fishing, picnicking, and snowmobiling happen throughout the year. This happens on all the land trusts' lands that I volunteered with. This helps create healthier and happier communities. Land trust properties are outdoor classrooms for children and adults. The Windham Land Trust hosts school groups and introduces children to the outdoors. Other local land trusts'

holdings preserve historical places. Just in my neck of the woods, we have an old gun powder mill where the foundations of that are preserved and people learn about the Civil War. Land trust properties help protect the watershed, and in doing so, provide clean drinking water. As a hunter and angler, I appreciate that these parcels serve as important habitats for wildlife and passages for fish. Not everybody is a large landowner in this state. Moreover, many of these properties have become places we value for their scenery and ambiance in our communities, especially in southern Maine where I live. Again, I ask that you recognize that land trusts hold land for benevolent and charitable purposes. Thank you for your consideration and please support this pending motion.

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

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. I can understand if someone didn't like land trusts, they might want to tax them. But, there are many studies that show that property valuation in a community increases when that community has land trusts in it. Thank you very much.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support this motion as well. I find it ironic that all these entities that do such great work, we want to tax them because we don't want the people in the town to have to support them through their taxes. Yet throughout this state, there are thousands upon thousands of acres of state-owned property that falls into the same scheme. So, where is the concern for the people in those municipalities where there are state-owned lands for the same reasons? Thank you, Madam Speaker.

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

Representative **KINNEY**: Madam Speaker, Ladies and Gentlemen of the House, I rise against the pending motion. I have watched this bill closely as I had a bill that was similar to it. I had put in a bill similar to it in the 126th, put in a bill similar to it in the 127th, and this year I really didn't have an interest in doing anything and the Maine Municipal approached me last fall and said, "John, will you please put another bill in?" To which I did. Specifically, this bill addresses the effect of the Maine Supreme Judicial Court decision in *Francis Small Heritage Trust v. The Town of Limington*, by specifying that holding land primarily for conservation or public access purposes, is not a benevolent or charitable purpose, which is a condition necessary to obtaining an exemption from property tax. The change applies to property tax years beginning on or after April 1st. I took a vested interest in these bills just by watching the Town of Hawley, Massachusetts, disintegrate from a very profitable town down to nothing because of land trusts. We presently have with Francis Small about in excess of 1,200 acres in the Town of Limington that is not paying any tax anymore. I know that our fees that we have paid lawyers, the Town of Limington has been in excess of \$50,000. And with that said I'll sit down and just imply why I'm against the pending motion. Thank you.

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

ROLL CALL NO. 136

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

NAY - Bickford, Bradstreet, Cebra, Craig, Dillingham, Espling, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Hanley, Harvell, Hawke, Head, Higgins, Johansen, Kinney J, Kinney M, Lockman, Lyford, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pierce J, Reed, Sampson, Sanderson, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Turner, Wadsworth, Wallace, White, Winsor, Wood.

ABSENT - Brooks, Chace, Hanington, Malaby, Theriault.
Yes, 96; No, 48; Absent, 5; Excused, 2.

96 having voted in the affirmative and 48 voted in the negative, with 5 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-122)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Bill "An Act To Prohibit the Use of Elephants in Traveling Animal Acts"

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

TABLED - May 11, 2017 (Till Later Today) by Representative DUNPHY of Old Town.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative DUNPHY of Old Town moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

Representative FREDETTE of Newport **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: The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. As a member of the Agriculture, Conservation and Forestry Committee, we were invited to meet the elephants and other animals at the Anah Shrine Circus on April 29th in Bangor. I was the only member of the Committee to take advantage of the opportunity. I've never been so close to an elephant before. Their skin and hair reminded me of my sister-in-law's pet pot-belly pig. There were two elephants at the circus, one Asian and one African. I learned quite a bit about the two species. The Asian elephant is smaller and only the males have tusks, while the African elephant is larger and both males and females have tusks.

The ears of the elephant are shaped similar to the continents they represent. The two elephants I met were born in the United States and have been with their trainer since they were very small, relatively speaking. They reside in Connecticut. The ankus, which is required by the USDA, used to control the elephants, is designed to be like the tusks of adult elephants. Adults use their tusks to nudge their babies and protect them and keep them from harm.

The SPEAKER: The Representative will defer. The House will be in Order. The Representative may proceed.

Representative **KINNEY**: Thank you. Elephants have very thick skin, it's between one and one and a half inches thick, and the nudging does not harm them. Sadly, there are sometimes people in the world who want to do harm to other animals and other people, but that doesn't mean that all people will be harming the animals or other people. The trainer I met in Bangor described Mini and Karen as his children. He asked me if I would ever do anything to harm my children, who also visited the animals with me, and of course my answer was no. Mini, the smaller Asian elephant, responded to my gentle touch on her side and heard me talking to her. One handler had peppermint candies for her as a treat and as I spoke to Mini, she swung her trunk toward me in hopes of getting another sweet treat. Her trunk went toward the person talking to her. Some of the arguments for LD 396 were that these elephants are wild animals. I agree, some elephants in the world are in fact wild and these two, however, were obviously domesticated, just likes cats, dogs, horses, pigs, deer, etcetera can be either wild or domestic. I've had feral cats around my farm over the years and they run away from the sound of my voice or my footsteps, whereas my pets will come to me when I call them. Yes, my cats will come to me when they hear my voice, just like the elephants turn towards the sound of my voice and the voices of those around them. Mini and Karen are dependent on their human caregivers. Those caregivers encourage natural behaviors like standing on their rear legs as done in the wild to forage for leaves high in the trees. For many people, the circus or other entertainment venues are the only way to see these magnificent animals. Veterinarians learn much about these animals from those in captivity, from either bred to be in entertainment or captured due to severe injury in the wild. The things learned from these domesticated animals is helping the endangered members left in the wild. The trainer in Bangor explained that he spent close to \$1 million per elephant in his care. I have experience with animals, not necessarily elephants, and can observe mistreatment. I've seen abused animals, and I've seen animals that truly trust their human counterparts, often with their lives. The elephants who visited Bangor to perform in the circus are very well cared for. This bill would remove elephants from Maine in entertainment venues like the Anah and Kora Shrine Circuses, who put on these events as a fundraiser to help families in need of medical services, free of charge. When the Shriners do not have elephants at their shows, attendance is down and funds are not raised to help those in need. The recent announcement from the Ringling Brothers Circus to close their circus after elimination of elephants from their shows was no surprise to me, despite the media spin saying it was shocking to see the attendance drop when the elephants were no longer part of the show. Chapter 703, within the Department of Agriculture, Conservation and Forestry, addresses in six and a half pages, rules regarding the care and treatment of elephants in the State of Maine. These rules are quite specific, yet are followed by the people who bring the elephants into our state for people to enjoy and learn about. If the rules are not being

followed, it seems to me there should be enforcement and consequences for failure. To treat the animals with respect and humane actions and when not doing this, should be punished. Not the people who would otherwise learn about these magnificent animals. Elephants are large and can hurt humans just with their sheer size. Mini, a 45-year old Asian elephant, weighs about 7,000 pounds. I don't feel so bad about my weight, she's my age. Even if the elephant is doing something which comes naturally, their handlers can be killed as was the case here in Maine with the Hope Elephants. It happens on farms with cattle and horses quite often as well, just because of the size difference between humans and animals. Young people in Maine are enjoying learning about these endangered animals who are vanishing from their wild environment by seeing them in hometown circuses while supporting wonderful organizations like the Shriners here in Maine. I urge you to follow my light and vote and oppose this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Monaghan.

Representative **MONAGHAN**: Thank you, Madam Speaker and thank you to the good Representative from Old Town in moving the Minority Ought to Pass as Amended Report. Men and Women of the House, I ask you to support this Ought to Pass Minority Report. As many of you know, this bill has received quite a bit of attention in the media, along with hearing from the public, including industry and animal experts in support of passing this bill. The Ought to Pass Amended Report includes an amendment where the title of the bill changes the language that limits the importation specifically to elephants only, and the amendment also gives the Shriners until 2020 to end their use of elephants in their circus acts. More than 125 laws have been passed across the country that restrict or prohibit the use of elephants or other wild animals in circuses and other traveling acts. Just two weeks ago, the Illinois House of Representatives passed a bill similar to LD 396 with a vote of 94-14 after it unanimously passed the Senate. The use of elephants in circuses, for rides at fairs and in other traveling shows, subjects these largest land animals, undomesticated animals I might add. They are highly intelligent, social animals but they lead them to a life of misery on the road, consisting of cruel treatment and prolonged confinement. Elephants are forced to perform tricks that place a great deal of stress on the animal's muscles and joints. No elephant would repeatedly perform these grotesquely exaggerated maneuvers on command without the constant threat of punishment. Abuse is the rule, not the exception. The bull hook, think of it as a fire poker, is used by prodding them in the most sensitive areas to do some of these tricks. As elephants are hauled from city to city in poorly ventilated trucks and trailers, they are denied basic necessities such as adequate exercise, cleanliness, food, water, and veterinary care. Prolonged immobilization and standing results in degenerative joint disease and foot disorders, urine burns, rotting and cracked foot pads, cracked and infected nails as well as psychological distress which could manifest in neurotic and even dangerous behavior. LD 396 will not prevent Anah and Kora Shriners from continuing to help children in need of medical care. The Shriners Hospital for Children is a separate entity, and revenue from a \$9 billion endowment covers more than 90 percent of the hospital's budgets. Only two percent of the hospital's operating expenses come from money raised by the Shrine Temples and dues paid by members. No, I'm not denying that the Shriners do good things because they do. But it's really time to ensure that fundraisers are humane, safe, and

appealing to today's audiences, as that will benefit everyone. Barnum and Bailey saw this first hand. In a *New York Times* article, they openly admitted declining ticket sales were partly the result of their audiences no longer wanting to see elephants and other exotic animals as part of their circus act. They stopped using elephants in their act over a year ago and their last show took place this weekend in New York ending their 146-year run, one year earlier than expected. Will Barnum and Bailey ever make a return to the big top? Maybe, but with a lot of rebranding for today's audiences. One thing is for certain though. There will be no more elephants and hopefully no more animals in their shows. Thank you and I ask for your vote in support of voting green on the Minority Ought to Pass Report and I ask for a roll call.

The SPEAKER: A roll call is already in order. The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I'm going to tell you two stories. When my daughter was about eight or nine years old and we were newly arrived in Maine, I dragged her to a small circus in Pownal. I saw a leaflet somewhere, and anxious to provide entertainment to my only child who didn't know many other kids, I took her there. We got there and there was an elderly elephant, much the worse for wear, with a huge iron ball and chain attached to him. My daughter looked at him and said, "Mom, let's go home." I had paid the money, I had taken her there, and I was determined that she was going to have a circus experience. But after a while, I did take her home. And years later, the two of us were in Africa, where she was studying in East Africa as a college student, and we saw these magnificent animals in the wild, where they have thousands of acres to roam, where they organized themselves in highly sophisticated social groups, where they circle their young to protect them from predators, where they pose no danger to humans, and their intelligence, and their sensitivity is evident to anyone who sees them. Comparing that scene to the one I saw in Pownal made me realize that at age eight, Becky was a whole lot smarter than I was, and I determined that I would never go to a zoo again, I would never go to a circus again where wild animals, particularly elephants, were being displayed. That is what is at stake here. Our humanity, because, our humanity, I think can be measured in the way we treat these great creatures. They are not any sort of tiny creatures that you may take issue with about preserving. They are magnificent, and we have the duty to protect them in a way that is fit. Thank you.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker. I'm a Mason, proud to be a Mason. The Masonic Order through the Shrine, the Shriners, provides a tremendous amount of money to the hospitals throughout this country, particularly in our neck of the woods, in Boston. The Burn Center down there does tremendous work for children who find themselves unfortunately in a very terrible situation. The elephants are a big part of the Shrine circuses. In testimony that I heard on the Agriculture, Conservation and Forestry Committee, it was very pointed to me that the people who take care of these elephants are sincere, they work hard and they are very, very caring. I'd also like to point out and I'd like to reiterate actually what Representative Kinney said. There are over six and one-half pages of regulations regarding the care and treatment of elephants in the State of Maine. I would ask any of you to come up with any other species that has care

and treatment so detailed that would amount to six and a half pages worth. Please follow my light. Thank you.

The SPEAKER: 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. 137

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

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

ABSENT - Brooks, Chace, Lockman, Theriault.

Yes, 68; No, 77; Absent, 4; Excused, 2.

68 having voted in the affirmative and 77 voted in the negative, with 4 being absent and 2 excused, and accordingly the Minority **Ought to Pass as Amended Report** was **NOT ACCEPTED**.

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

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass as Amended by Committee Amendment "A" (H-168)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Provide Funding for a Therapeutic Adult Day Service Center"

(H.P. 46) (L.D. 59)

TABLED - May 17, 2017 (Till Later Today) by Representative HYMANSON of York.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. The good people of Dover-Foxcroft took matters over into their own hands while their community was struggling, restored a historic building by raising money, recruiting state and local resources, pitching in; the project is built on Maine's best values and they need just a little more help. They relied on our best Maine selves which is independence, thrift, hard work, dignity, adventure, ingenuity, pride, and courage. They want to open an adult day center

and they need \$150,000 to begin it. After all that work, I think we should open the door for them with an Ought to Pass to keep the door open for this formidable group to fight for the \$150,000 appropriation as the budget is crafted. To have people in their community in an adult day center would delay by 1.5 years the need for a nursing home, which would save all of us the money for nursing homes. So, not only does this reward a wonderful group of people in their project, to get them over the line, but it also helps because it allows us to save costs on nursing homes. So, I hope that you will keep the door open for them to fight for the \$150,000, and vote with me Ought to Pass.

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

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

The same Representative **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: The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS**: Thank you, Madam Speaker. I serve on the Executive Group of the Piscataquis County Economic Development Council and I've had the pleasure of watching this project come along with just a variety of groups and citizen input that have raised significant amounts of money and brought in support from surrounding upwards of 20-25 towns. The concept here is fantastic, that folks will have a place for their senior members of their family to go for the day while they go to work, come back pick them up. These folks can age in their homes at less expense in the long run. And I know, I fully understand the reluctance to provide startup monies, but I would ask you to consider that this, perhaps, isn't a startup money as much as it is a finish line money. These people have done, they've done yeoman's work in bringing the project to where it currently is, and with a fairly small amount of support, it's going to enable them to affect a lot of lives in Piscataquis County in the future. So, I urge you to vote in the positive fashion on this bill. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. This is a very well-intentioned bill, going toward a very incredibly well-intentioned and much-needed project in the town of Dover-Foxcroft. The problem lies, however, is in dedicating an appropriation for what is considered or what they are calling startup funds to help finish their project. I think that Representative Stearns was right, it's a finish-off. I think this opens the crack, gets the foot in the door, to other special groups coming to the Legislature to ask for appropriated funds to help fund their projects. They've done a stellar job, absolutely stellar job raising almost \$1.6 million on their own. It doesn't seem as though that \$150,000 should be that much of a stretch, although I know it's a lot of money. But I just worry about the precedent that this is setting, and the majority of the committee and we heard all the wonderful reasons and we fully know on that committee all the wonderful reasons why a project like this should go forward. But we also were very concerned about the precedent being set. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Thank you for the kind

words that have been expressed by people on both sides of this issue. Certainly, the people of Dover-Foxcroft have done a fantastic job. This is an 1882 building, the largest building constructed in Piscataquis County at the time of 5,000 square feet. A decade ago, the town officials abandoned the building. A small group called Save Central Hall stepped forward. I, for one, applauded their efforts and questioned their wisdom. They raised about \$1.6 million. Not only did they decide 5,000 square feet wasn't enough, the 8,000, they've added another 5,000 square feet for a 13,000 square foot building. So, this is no small endeavor. They have the elevators and bathrooms and a few things they didn't have initially, like lights and running water. The community's made a commitment to this facility, including the town officials that have committed \$25,000 a year to maintain the facility. And when the committee began to look at what were the needs in Piscataquis County and the region as a whole, the first was a senior center like most of us would envision a senior center to be. But it really morphed into something much larger than that. The recognition that there are a number of caretakers who take care of our citizens who have dementia, disability, Alzheimer's, they simply need an opportunity for them to have a place to go so they can be treated with dignity, so the caretakers could have an opportunity to have respite, an opportunity to work and learn from one another and to improve the quality of life of people. This would serve citizens in 26 communities, all of Piscataquis County, parts of Somerset and Penobscot County. I recently read the results of a survey in the Midwest that I'd like to share with you, which I think is illuminating. Seniors, those over 65, caught my attention obviously, maybe a few of you others here as well. But asked the question, what are your greatest concerns or fears as you move forward? Well, number one on my list was, immediately came to mind, was dying, ranked fairly high on my list. But I discovered in the survey, it wasn't number one. In fact, it was number five. It piqued my interest, what could be more important than that? Well, number four was living with a lack of adequate resources, living poor. That seemed to make sense. What I'm really wondering is what is three and two and one? Well three, I immediately related to. Number three is having my children take care of me. Think about that. And I love my children, by the way, but not to that degree. And number two, what can be number one and two? Number two is loss of driver's license. How often have we had people say, "You know, I might as well die, I can't drive anymore and you take my car away, what's the sense of living?" But number one. I want you to think about what number one might be. And it's the choice of wording that I think is really important. Number one is being taken out of my home. Number one. We talked this morning extensively, extensively this morning about the dignity involved in dying. I would raise the question this afternoon about living in dignity. An opportunity for people to stay at home as long as possible, the caregivers needing all of the support that they can receive, it seems to me like it's the right thing to do. And if you need more convincing, it economically makes a lot of sense because it's cost avoidance: avoiding the cost of people being placed, being taken, and being placed in institutions they don't want to be in that are very expensive. But more importantly, I think it's about ensuring that people have an opportunity to live in dignity and ask for your support for the pending motion. Thank you very much.

The SPEAKER: 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. 138

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

NAY - Austin S, Beebe-Center, Bickford, Black, Bradstreet, Ceбра, Corey, Craig, Denno, Dillingham, Espling, Farnsworth, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Haggan, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Madigan J, Malaby, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Riley, Sampson, Sanderson, Seavey, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Timberlake, Vachon, Wadsworth, Ward, White, Winsor, Wood.

ABSENT - Brooks, Campbell, Chace, Theriault, Turner.

Yes, 77; No, 67; Absent, 5; Excused, 2.

77 having voted in the affirmative and 67 voted in the negative, with 5 being absent and 2 excused, and accordingly the **Minority Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-168)** 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-168)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (12) **Ought Not to Pass** - Minority (1) **Ought to Pass as Amended by Committee Amendment "A" (H-161)** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Notification of Long-term Care Policy Proposed Rate Increases"

(H.P. 801) (L.D. 1138)

TABLED - May 17, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-179)** - Minority (4) **Ought Not to Pass** - Committee on **INSURANCE AND FINANCIAL SERVICES** on Bill "An Act To Require Insurance Coverage for Contraceptive Supplies"

(H.P. 860) (L.D. 1237)

TABLED - May 17, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative LAWRENCE of South Berwick, the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-179)** 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-179)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass** - Minority (2) **Ought Not to Pass** - Committee on **MARINE RESOURCES** on Bill "An Act To Define the Intertidal Zone for the Management and Enforcement of Shellfish Conservation Ordinances"

(H.P. 1043) (L.D. 1519)

TABLED - May 17, 2017 (Till Later Today) by Representative KUMIEGA of Deer Isle.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, on motion of Representative KUMIEGA of Deer Isle, the Bill and all accompanying papers were **COMMITTED** to the Committee on **MARINE RESOURCES** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-180)** - Minority (6) **Ought Not to Pass** - Committee on **STATE AND LOCAL GOVERNMENT** on Bill "An Act To Strengthen Intragovernment Communication"

(H.P. 110) (L.D. 152)

TABLED - May 17, 2017 (Till Later Today) by Representative MARTIN of Sinclair.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report.**

The SPEAKER: The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN:** Madam Speaker and Ladies and Gentlemen of the House, this legislation requires a commissioner or director of a state agency to appear before a Joint Standing Committee of the Legislature or Study Commission or Work Group formed by legislative action, and to participate in the hearing or work session. The committee, commission or work group must make the request in writing and provide the date and time of the hearing or the work session. LD 152 also includes a provision that requires a commissioner or bureau director or their designees to respond in a cooperative and timely manner when contacted by a member of the Legislature regarding information relating to a legislative matter or constituent matter. Madam Speaker, I introduced this legislation because of the inability to obtain

information from members of the Executive Branch of our state government. I have great respect for the Executive Branch of government and I know firsthand how demanding things can get. But as elected Representatives and members of this body, it is imperative that we are able to communicate with our commissioners and bureau directors and state employees, who administer policies set forth by this Legislature. You will probably hear that this legislation is no longer needed because members of the Administration are now much more responsive and that, at this time, the Chief Executive does in fact allow his commissioners and bureau directors to participate in hearings. This may be the case; however, this legislation is not only directed at the current Administration. I personally have been told by a bureau director that he could not speak to me about a piece of legislation that he requested that I sponsor for them, only to be told that you need to contact the second floor. And I did, and I never got a response. Recently, the chairs of a committee that I serve on also asked someone to appear before the committee, three times, only to be told that the request had to be made to the second floor, and we're still waiting for a response. Just last week a daily newspaper reported that the Department of Human Services had blocked lawmakers from public information. It appears that the state agency charged with protecting Maine's health has repeatedly failed to give lawmakers and others public information that is seriously needed. Having served in the Executive, I can tell you first hand that the previous Administration, we were informed and directed by the previous Administration that if you received a call from a legislator, respond. If you receive a call from a constituent, respond. If you are asked to appear before a public hearing, attend. Madam Speaker and Members of the House, I urge you to vote for the pending motion. Vote yes, vote green. Thank you.

Representative HERBIG of Belfast **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.

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

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

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

Representative **PICKETT:** I rise in opposition to the pending motion for the following reasons. In committee when we heard this bill and we heard the testimony being given and then we asked questions, it became evident to me that apparently there was this process that seemed to be going through, or was allegedly going through, that people were being asked to come into committees or come into work groups or whatever from the Executive Branch, and they were not getting the result that they felt they should. Either they weren't coming or they weren't coming in a timely fashion or whatever. So rather than just take that and just hear it and say, "They're wrong, I'm right," I decided to do some searching and some looking into it, which I did. I went around and I asked different questions of different people, not only the Executive Branch but other people, and asked about what's been going on. As you all know, I'm only here for my second term, I can't speak before that but I can speak for last term and I can speak for this term. And, it was my, after looking into things and after checking things out, and with my own personal knowledge that every time a request has been made for someone to come into our committee and to speak and other committees that I talked about, they've come in as long as

they've been notified in a timely fashion and not at the drop of a hat, they've prepared, they've come in, and they've met and they've come back to work sessions, did all the things that we need to do the business that we do here. I understand the good Representative from Sinclair has been around a lot longer than I have and more than likely he has seen things that I haven't seen. But, I think this is actually a bill that is not needed. I think things are being done the way they should be at this time and I think it sets a bad precedent to start micromanaging the Executive Branch of government. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Beebe-Center.

Representative **BEEBE-CENTER**: Thank you, Madam Speaker. Fellow Members of the House, we have three branches of government. We all believe, I think, that we represent the interests and the well-being of all the people of Maine. As legislators, when we review potential legislation on our committee or policy on a board or a task force, we need the facts. We may disagree on the substance of the legislation or the policy, but we will discuss it and debate it on the floor. And the bipartisan presentation of the facts we weigh to create our legislation allows us our integrity. Please let us share facts between the three branches. We don't have to agree on the results, at least let us use facts to propose and present. Let us do the best job we can. Thank you, Madam Speaker.

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

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker I was in that committee room also with Representative Pickett and he said he had no problems but I'm not sure which side of the aisle he was speaking with. From my side, I know I have been here 11 years and this year I wanted to just help out a person from Windham who had a concern about abandoned vehicles. So, I was ready to put in a bill for abandoned vehicles and I wanted to know what the State Police had for issues. At first, I went to my own towing company, I went to the Automobile Dealers Association, I went to the salvage companies, I went to the Secretary of State's Office, I went to the Law Library, and I also went to the analyst and got the previous laws that had happened in 2005 and 2011. But, when I went and tried to talk to with the State Police, I'd give them a call and they said I'd have to speak with the Commissioner of Public Safety. So, then I get a call to them and Public Safety says no, now you have to talk to the Chief Executive, I want to say the right word here, the Chief Executive. So, I had to set an appointment with the Chief Executive's lawyer, sit down with him, and from there I had to write a letter to the Chief Executive in order to get permission to talk to the State Police, to find out what their issues were with abandoned vehicles. To me, that's a long way around the road for a legislator just trying to do his due diligence to put a bill in. I think there's a lot of convoluted circle that they put us through and this is one of the reasons this bill is here. I don't take any offense at any of the people I had talked to, to get there because it was the order of the Chief Executive. So, they all did exactly what they were told. So, no harm with them, but for me as a legislator just trying to get a simple answer from the State Police that can help me do my due diligence in bringing a bill forward, this is what I had to go through. I think it's nonsense and that's why I support the bill.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Warren.

Representative **WARREN**: Thank you, Madam Speaker. Just to add a little bit to the discussion. As Chair of the

Criminal Justice Committee, all of you know that we've been working on jail funding. We've been trying to figure out county jails, we've been trying to figure lots of things and it's increasingly difficult to not only get answers but just to get people to come to our committee or come to meetings, so I don't think this is a surprise to anyone. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I think if we want to preserve the citizen's Legislature, rather than go to a more professional one, a more expensive one, then the proposal before us is very, very important. We shouldn't regard this, I think, with regard to a particular legislative body or even a particular Executive. The fact of the matter is if anybody should be with us for a day, the criticism is no personal space, no personal staff. We rely on intra-government communication. And as a Representative of 9,000 people, which each of us are, we are asking that the commissioner or the agency personnel actually interpret this, they determine the response, they determine timely manner, but the communication must be seen as an obligation. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative McCreight.

Representative **McCREIGHT**: Thank you, Madam Speaker. Just to add to the examples you've been given, last summer I was part of a Joint Work Group addressing the issue of background checks for childcare providers, and multiple requests for information from various agencies were refused. It made it impossible to fulfill our task as we were directed. And, currently, on the Opiate Task Force, we've been requesting information from other parts of government and so far have not been successful. I hope that will change so that we can do the best job possible. Thank you.

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

ROLL CALL NO. 139

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Guerin, Hamann, Handy, Hanington, Harlow, Herbig, Herrick, 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, Sherman, Skolfield, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Ward, Warren, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cebra, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Haggan, Hanley, Harrington, Harvell, Hawke, Head, 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, Simmons, Sirocki, Stetkis, Stewart, Strom, Sutton, Timberlake, Wadsworth, Wallace, White, Winsor.

ABSENT - Brooks, Chace, Grohman, Theriault, Turner.
Yes, 88; No, 56; Absent, 5; Excused, 2.

88 having voted in the affirmative and 56 voted in the negative, with 5 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-180)** 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-180)** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-91)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Amend Principles of Reimbursement for Nursing Facilities and for Residential Care Facilities"

(S.P. 178) (L.D. 517)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-91)**.

TABLED - May 17, 2017 (Till Later Today) by Representative ESPLING of New Gloucester.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-91)** 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-91)** in concurrence.

SENATE DIVIDED REPORT - Majority (8) **Ought to Pass** - Minority (5) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"

(S.P. 289) (L.D. 889)

- In Senate, Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED**.

TABLED - May 18, 2017 (Till Later Today) by Representative HYMANSON of York.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

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

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. This is a bill that would make tanning beds illegal for 18 or younger. Currently, you need parental permission. There was a mother who was

at the public hearing and she had given permission for her daughter to tan in a tanning bed and when she was told about how dangerous it was to prime skin and the risk of melanoma, which is a deadly form of skin cancer, she said, "If I knew it was that dangerous, it should be illegal." So, I ask you to help us make it illegal. Thank you.

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

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion. I grew up in the Johnson & Johnson baby oil era. Off to the beach we would go to sit under the blazing sun to get that hot little tan. Years later, it would be determined that baby oil was not safe for tanning. Today, we'd be hard-pressed to find anyone that thought that tanning with baby oil was a good idea. Just this morning, I learned the end of another era. CVS Pharmacy will only sell FDA-approved suntan lotion and consumers will no longer be able to purchase SPF under 15. Seems SPF 4, 6, 8 and 10 have gone the way of baby oil. No doubt, Johnson & Johnson's sales declined when people came to know that the use of this product for tanning caused a health risk. And CVS may just have opened the eyes a little wider to the risks of cancer that can be prevented by taking the right safety steps. I am pro-business and I am opposed to governing business, but when business fails to act responsibly, legislation comes forward. What has come to light is the high risks of developing skin cancer from using tanning beds. According to the American Academy of Dermatology, young people who use indoor tanning beds before age 35 increase their risk of melanoma, the deadliest form of skin cancer, by 50 percent. Women younger than 30 are six times more likely to develop melanoma if they tan indoors. Knowing this information should be enough to stop anyone from using a tanning bed, but it hasn't. Some may ask, why does this matter to me? People should have free choice. Consider this: affordable health insurance and affordable health care are blazing-hot topics these days and we are all paying the price. When my clients apply for life insurance coverage, I tell them, your insurance premium will be lower when you engage in less risky behavior. When it comes to cancer, the *American Journal of Medicine* states the facts: Sixty-two percent of bankruptcies were due to illness. Cancer causes bankruptcies. And when people are bankrupt, it costs taxpayers money. If we truly want to address the cost of health care, we need to act responsibly. This bill is being introduced to force the tanning industry to be responsible, because they have chosen not to do so on their own. Over time, we have come to learn that hot little tan is not all that it's cracked up to be. In fact, it can be deadly. It's time for the beauty industry to redefine beauty. Together we can lower the cost of health care by taking the steps to reduce risk, and that is why I ask you to follow my light. Thank you, Madam Speaker.

The **SPEAKER**: There are three people in the queue. I know it's been a long day so far, but if everyone can hang in there and if you do have conversations, please take them outside of the room to give whoever is speaking the benefit of speaking to a room that can hear them. The Chair recognizes the Representative from Dresden, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill doesn't go far enough. If we want to stop cancer in youth, we ought to stop lawn mowing, clamming, blueberry harvesting, lobster trap repairs and other outdoor activities that our youth do. I'll be opposing this motion.

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

Representative **MADIGAN**: Thank you, Madam Speaker. I rise in support of this measure. I'm a high-risk for skin cancer and have had skin cancer. When I was a teenager I, much like the good Representative from Scarborough, laid on my driveway slathered in baby oil in the hopes of getting a tan. That never happened. I'm 100 percent Irish. Exactly. If there were tanning beds available, there wasn't one in my town, oh, no, there was, my sister did go to one once. I would have put my money in that just so I could have a tan like all my friends. There is a reason we don't let teenagers make their own decisions. There is a reason they're not adults yet. And that's because they don't make such great decisions. The brains aren't done yet. I think making it illegal for youth to use tanning beds is a good idea. Much like we don't let them choose to smoke cigarettes, right, because they can't really assess risk well. I find it very alarming and I think we all should find it very alarming that the rate of melanoma is rising among young people. That, and if you think about it, melanoma, I used to work in a cancer unit, melanoma used to be a disease of older Mediterranean men, guys who spent a lot of time outdoors. The fact that young people are dying of it should open all our eyes. So, I urge you to support this pending motion. Thank you very much.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I rise in opposition, once again, to this bill. We had it in the last legislative session, I'm sure we will have it in the next. It seems to be one of the perennials. I find it very interesting to hear my good friend and colleague from Scarborough, talk about off to the beach they will go. Because if we ban tanning for 18 and under where there is controlled dosages and controlled environments, then guess what, off to the beach they will go. They will go with whatever option that they have to help them get the best tan. There will be uncontrolled times, there will be uncontrolled doses of UV light. As the Representative from York said, the parent said that if she had known it was that dangerous, she said it should be illegal. Well, that's one of the beautiful things about the current laws that we have right now is, no child under the age of 18 can go into and utilize a tanning salon at this time without parental consent. Anybody who is under the age of 14 cannot be in there at all. Age 14 to 15 must have a parent with them; 16 and 17 must have parental consent, the parent must go into the salon and actually sign this. So, there's no chance that they're taking these slips home, getting their mom to sign it, or not, you know what I mean, and bringing them back. The parent has to be present at all times. Now what I found interesting was that Mr. Guerrette, he's the General Manager of Sun Tan City New England, he came before our committee when we heard this bill and he's also been before us in the last legislative session when we heard it again. He would ask every one of you folks to feel free to visit the tanning salon, especially one of his, and see the check-in process. They have a strict check-in process and they have protocols for which they follow to make sure that our youth are tanning responsibly. And, I guess you know if it's my daughter, I guess I would rather have her going to a tanning salon where I know she's going to get a limited amount of time rather than laying out on the back deck or out on a beach, falling asleep, and getting such a burn that her whole body bubbles like I did when I was a youth. I mean that was a terrible thing to do and we didn't know the dangers of it, but boy once that skin stopped

peeling and those tans settled in, didn't we look good. I think gradual is better. While all of it is not good, it is the best option for our kids, I believe, and I will be voting in opposition to the pending motion. Thank you.

The SPEAKER: There are two people in queue. The Chair recognizes the Representative from Scarborough, Representative Sirocki.

Representative **SIROCKI**: Thank you, Madam Speaker. I wondered if I might ask a question through the Speaker?

The SPEAKER: The member may proceed.

Representative **SIROCKI**: Thank you. It's my understanding or my recollection that this particular bill attributes a level of crime to this prohibition and I'm wondering if that's the case or if this is just a prohibition and maybe an education piece attached to it.

The SPEAKER: The Representative from Scarborough, Representative Sirocki has posed a question through the Chair to anyone who is able to answer. The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker. Men and Women of the House, I just wanted to relay a little story about a 27-year-old whose best friends with my daughter Kelly. Her name was Lindsay. Lindsay passed away at the Kaplan Family Hospice House on January 12, 2016, after a courageous battle with melanoma. Lindsay was born in Methuen, Massachusetts and grew up in Bangor, Maine, with much time also spent at her father's home in Massachusetts. She was a 2007 graduate of Bangor High School. Lindsay was adventuresome, funny, and deeply loved by her family and friends, many of whom traveled long distances to visit her in her last few weeks. She especially loved live music, and attended dozens of concerts and music festivals, often traveling several hours to see a show. A lifelong Beatles fan, Lindsay saw both Paul McCartney and Ringo Starr in concert, a highlight of her life. Lindsay showed incredible strength and courage throughout her illness. This is a story and it's a real story. My wife works in Pediatric Dermatology and these tanning beds for children are poison. Thank you.

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

ROLL CALL NO. 140

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Craig, DeChant, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Guerin, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Mason, O'Connor, Ordway, Parry, Perkins, Pickett, Pierce J, Pouliot, Reed, Sampson, Sanderson, Sherman, Simmons,

Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Timberlake, Tuell, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Brooks, Chace, Madigan J, Theriault, Turner.

Yes, 85; No, 59; Absent, 5; Excused, 2.

85 having voted in the affirmative and 59 voted in the negative, with 5 being absent and 2 excused, and accordingly 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** in concurrence.

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

On motion of Representative ALLEY of Beals, the House adjourned at 2:55 p.m., until 10:00 a.m., Wednesday, May 24, 2017, in honor and lasting tribute to Michael Oscar Alley, of Harrington and Cory Curtis Robinson, of Beals.