

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 7, 2016

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ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
58th Legislative Day
Monday, June 19, 2017

Representative HERBIG of Belfast assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.
Prayer by Pastor Kirk Winters, The Rock Church, Bangor.
National Anthem by Lisa Winters, Levant.
Pledge of Allegiance.
Doctor of the day, Lani Graham, MD, MPH, Freeport.

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

The Journal of Friday, June 16, 2017 was read and approved.

SENATE PAPERS

Resolve, To Allow the Issuance of Open Burn Permits through Private Online Services (EMERGENCY)

(S.P. 590) (L.D. 1640)

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

Came from the Senate, under suspension of the rules and **WITHOUT REFERENCE** to a Committee, the Bill **READ TWICE** and **PASSED TO BE ENGROSSED**.

Under suspension of the rules, the Resolve was given its **FIRST READING WITHOUT REFERENCE** to a committee.

On motion of Representative GOLDEN of Lewiston, **TABLED** pending **FURTHER ACTION** and later today assigned.

COMMUNICATIONS

The Following Communication: (H.C. 250)

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

June 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 454, "An Act To Ensure Safe Drinking Water for Families in Maine."

This bill is contrary to several of my core principles: it adds regulation to businesses, increases a state fee and puts requirements into statute that are already done in practice. The bill primarily does four things that are not necessary.

It requires DHHS to create a uniform water testing recommendation. But DHHS already makes testing recommendations; it is not necessary to pass a law memorializing it in statute.

It increases the fee for well testing at the State Health and Environmental Testing Lab by \$10 or less per test and uses the resources to create the Private Well Safe Drinking Water Fund. This is a fee increase that will be passed on to Maine

families who need a water test and may actually serve as a disincentive for families to test their wells.

It also requires the Department to update its educational outreach materials as needed. The Department already has related educational outreach materials and already updates them as necessary. Therefore, it is not necessary to memorialize basic upkeep of educational materials in statute.

Finally, this bill requires well drillers to provide up-to-date information on water testing when drilling a new well. I support well drillers providing good information to their customers. However, I do not support government mandating that they provide that information. This is not government's role, and it simply adds to the regulatory burden for Maine businesses.

For these reasons, I return LD 454 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ.

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

Representative **ESPLING**: Thank you, Madam Speaker. I question the presence of a quorum.

Representative ESPLING of New Gloucester inquired if a Quorum was present.

The Chair ordered a quorum call.

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

Subsequently, the Communication was **ORDERED PLACED ON FILE**. Sent for concurrence.

The accompanying item An Act To Ensure Safe Drinking Water for Families in Maine

(H.P. 321) (L.D. 454)

(C. "A" H-270)

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

Representative **VACHON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to ask this body to please vote to override. Throughout the state, arsenic is a huge problem in our water, and it's clear people have not gotten enough of the messages to completely understand that they've got to go and test their wells. Half of Maine's population drinks and cooks with well waters, and it is estimated that 100,000 Mainers are drinking from wells contaminated with arsenic and they do not even know it. It is linked with bladder, liver, and skin cancer and for Maine's children, their developing brains; arsenic in well water is contributing to IQ points five to six points lower. So I ask you all to please vote to override. Thank you.

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

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

ROLL CALL NO. 335V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Black, Blume, Bradstreet, Brooks, Bryant, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore,

Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Golden, Grant, Grohman, Guerin, Hamann, Handy, Harlow, Harrington, Harvell, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Parry, Perry, Picchiotti, Pickett, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Ward, Warren, White, Zeigler.

NAY - Austin S, Bickford, Campbell, Craig, Espling, Fredette, Ginzler, Haggan, Hanington, Hanley, Hawke, Head, Johansen, Lockman, Lyford, Mason, O'Connor, Perkins, Pierce J, Prescott, Reed, Sanderson, Sirocki, Stetkis, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Winsor, Wood.

ABSENT - Dillingham, Grignon, Malaby, Marean, Madam Speaker.

Yes, 113; No, 33; Absent, 5; Excused, 0.

113 having voted in the affirmative and 33 voted in the negative, with 5 being absent, and accordingly the Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (H.C. 251)

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

June 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 929, "An Act Regarding the State Retirement System."

The State retirement system is in need of major overhaul. I cannot support minor tweaks and carve-outs while we all know what is needed: substantive reform that allows portability and promotes an investment philosophy that increases financial returns and addresses the unfunded liability.

Tweaks like the one proposed in this bill simply kick the can down the road and wait for future legislatures to solve the pressing issues with our retirement system. I cannot participate in such an effort.

For this reason, I return LD 929 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 Regarding the State Retirement System

(H.P. 657) (L.D. 929)
(C. "A" H-277)

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is a bill that we had

talked about in caucus. Representative Winsor gave us his take on it in regards to conversations of this particular act, LD 929, and its effect on appropriations. I will be voting to sustain the Chief Executive's veto and I ask that you follow my light.

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

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

ROLL CALL NO. 336V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Harrington, Herbig, Hickman, Higgins, 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, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler.

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

ABSENT - Dillingham, Grignon, Malaby, Marean, Pickett, Madam Speaker.

Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 252)

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

June 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 1010, "An Act To Allow for the Regulation of Transportation Network Companies at Airports."

This bill would allow a primary airport as designated by the Federal Aviation Administration that annually has at least 20,000 enplaned passengers the ability to regulate and charge fees to a transportation network company (TNC). I do not support this bill because Maine already taxes and regulates businesses far too much, which is harming our economy and driving people out of our state.

Allowing airports to create their own regulations and fees on TNCs would be burdensome and costly. Maine needs to instead focus on streamlining regulations, lowering taxes and creating an environment where Mainers can prosper. This bill takes us in the wrong direction.

For this reason, I return LD 1010 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 Allow for the Regulation of Transportation Network Companies at Airports

(H.P. 711) (L.D. 1010)
(S. "A" S-145 to C. "A" H-123)

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

Representative **FREDETTE**: Thank you, Madam Speaker. In regards to this particular bill, I will simply refer you to our previous conversations on the floor of the House, in regards to where many of us chose not to support this particular bill. I will be voting to sustain the Chief Executive's veto and ask you to follow my light. Thank you.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, it basically boils down to what I consider to be sort of a local issue. The people that are best able to manage the traffic around the airports, especially during the busy rush hours, are the people that are managing those airports, and I would like to have -- give them the opportunity to do a more effective job of that. The traffic during those rush hour times is very intense, and to be able to manage it so that we reduce the risk and improve the smoothness of the transition is very important. Thank you.

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

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

ROLL CALL NO. 337V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, 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, Sherman, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler.

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

Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dillingham, Grignon, Malaby, Marean, Madam Speaker.

Yes, 81; No, 65; Absent, 5; Excused, 0.

81 having voted in the affirmative and 65 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 253)

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

June 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 L.D. 1062, "Resolve, to Expand the Availability of Light-duty Zero Emission Vehicle Supply Equipment."

This bill would require the State's Beneficiary Mitigation Plan pursuant to the Volkswagen Mitigation Trust Agreement to include a proposal to allocate 15% of the funds received for light-duty, zero-emission vehicle supply equipment. It also requires that a portion of these funds be disbursed through a grant program for such light-duty, zero-emission vehicle supply equipment, and it includes details on certain conditions that should be given preference for such grants.

The State's Beneficiary Mitigation Plan is now being developed under the lead of the Maine Department of Transportation, in collaboration with the Maine Department of Environmental Protection and the Governor's Energy Office. In developing this Beneficiary Mitigation Plan, the agencies will undertake a review of a variety of possible mitigation approaches, including consideration of zero-emission vehicle supply equipment. L.D. 1062 seeks, instead, to predetermine details of the Beneficiary Mitigation Plan without evaluation, agency review, cost analysis or opportunity for full public comment as required by the Volkswagen Mitigation Trust Agreement.

To allow the preconceived determinations included in L.D. 1062 to circumvent the careful development of the Beneficiary Mitigation Plan, which will be informed by expert agencies and public comment, would be poor public policy.

For this reason, I return L.D. 1062 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 Resolve, To Expand the Availability of Light-duty Zero Emission Vehicle Supply Equipment

(H.P. 745) (L.D. 1062)
(C. "A" H-320)

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

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. A multinational corporation has cheated the citizens of Maine. Volkswagen has reached a settlement for fraud on their diesel admissions test. They polluted our air, and they have agreed to pay our state \$20

million settlement. This is a resolve to ask the Department of Transportation, who will administer the settlement, to consider a public-private partnership for electrical and hydrogen charging stations in the state to leverage the money. The idea is to create a fund to aid businesses and tourism to invest in alternative fuels. Canada now has a huge rebate program for low-emissions cars and they have over 300,000 electric vehicles, but if they visit Maine, they have few places to charge them. I worked with Maine Tourism and Maine Innkeepers on this idea and it would be an encouragement to tourism, especially at a time when we may be raising the lodging tax. We are at a tipping point on low-emissions vehicles and Maine should be ahead, not behind, on this wave. The veto letter states that the resolve mandates that 15% be spent on zero emissions supply equipment, but that's already in the settlement. The letter also says that the resolve would circumvent the mitigation plan, but in reality, this is only a first opinion by the Legislature for the public hearings that will be held. We had a unanimous vote in the Energy Committee in support, and there's no reason the Legislature should not weigh in on how the VW settlement should be spent. It would encourage tourism, economic development, and cleaner air for our state. I urge you to override the veto. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, the Chief Executive surprised many people last year when he met with the Premier of Quebec and promised charging stations from Jackman to Old Orchard Beach. LD 1062 seeks instead to predetermine details of the beneficiary mitigation plan without evaluation, agency review, cost analysis, or opportunity for full public comment. So I did vote for this in Committee but I ask you to sustain the veto. The Chief Executive is right with this message.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think the good Representative from Hiram, Representative Wadsworth, is correct in regards to his comments on this particular bill. It's one where I believe the Chief Executive has been working with the Department, I think there's a plan in place, and if the Legislature can actually be a little bit patient, I think we'll that there is actually a plan for this that will be very fruitful. I'll ask that you follow my light in sustaining this veto. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I appreciate the words of my friend from Newport, and I hope that that comes to pass, but I think it's appropriate that the Legislature take its own policy wisdom into consideration here, and where the settlement allows for up to 15% of the money to be used for EV charging stations, to make sure that all of that is used. We worked very closely on the Committee with the Energy Office of the Chief Executive. Of the 10 organizations that testified, they were the only entity to express opposition, and through the course of the work session we were able to adjust it to meet their concerns so that everyone was able to vote for it in Committee. All of us here have voted for this measure twice, and I hope that we can do so again today. Six billion dollars per year, roughly, is what we spend as a state on out-of-state fossil fuels. Roughly half of that is for transportation purposes, and this policy directive by the

Legislature would help to make sure that we reduce that amount. Thank you, Madam Speaker.

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

Representative **RYKERSON**: Thank you, Madam Speaker. I apologize for rising again. I just wanted to say that if you read the bill, there's no -- absolutely no predetermination of the outcome. It's a resolve. There's no elimination of public comment. It is part of the public comment process. I just wanted to correct that. Thank you very much.

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

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

ROLL CALL NO. 338V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Herbig, 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, Seavey, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler.

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

ABSENT - Dillingham, Grignon, Malaby, Madam Speaker.

Yes, 84; No, 63; Absent, 4; Excused, 0.

84 having voted in the affirmative and 63 voted in the negative, with 4 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 254)

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

June 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 L.D. 1326, "An Act To Reduce Morbidity and Mortality Related to Opioid Misuse."

Two components of this bill are particularly concerning to me. The first is the decriminalizing of certain drug paraphernalia in the midst of an addiction epidemic. The second creates a

"medical assistance" exemption from criminal liability for a person who seeks medical assistance for an overdose. This is similar to LD 1079, which was vetoed and sustained.

I am frustrated at the message this bill would send to our children by legalizing the possession of needles and providing immunity for illicit drug possession in certain circumstances. Maine kids need to understand there is no "safe drug use" anywhere, anytime. They need to understand that drug addiction destroys lives. And we, as the State's leaders, cannot send a message of passive consent for these dangerous and potentially deadly activities.

I share the desire to help people get into treatment. Addiction is one of the greatest destructive forces facing our families today. Maine's families are Maine's future—they need to succeed and prosper. That is why I have been working with the Department of Health and Human Services to make it a priority to invest in evidence-based treatment options that will produce the best outcomes for individuals dealing with addiction. We've increased access to medicated-assisted treatment in areas that have the greatest need with a focus on helping the uninsured.

Last year, DHHS invested \$3 million to increase access to services, and in December \$2.4 million went to create 359 MAT slots throughout the state, specifically for the uninsured. Most recently, my Administration worked with the Legislature to authorize \$4.8 million to launch the Opioid Health Home model; this will improve access to coordinated primary care and addiction treatment for more than 400 Mainers. This fiscal year, we anticipate the State will spend \$80 million for substance abuse treatment—a significant increase from the \$49 million spent in 2008.

Let's continue to engage our families and communities and prioritize quality treatment, rather than erode the legal consequences and send the wrong message to our kids.

For these reasons, I return L.D. 1326 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,
S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The accompanying item An Act To Reduce Morbidity and Mortality Related to Opioid Misuse

(H.P. 920) (L.D. 1326)
(C. "A" H-293)

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

Representative **VACHON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to ask this body to override the veto. This bill is about saving lives and protecting the health and well-being of all. It is about harm reduction for those who suffer from addiction, those who keep company with them, for community-based drug prevention programs who provide care, and for the health and safety of all Maine citizens. It is a bit of a cleanup bill that addresses, improves, and enhances policy already in place. There are three parts to this bill, so I'm going to break it down a bit. Part one addresses hypodermic needle possession. Currently, in law, it is legal to possess up to 10 hypodermic needles. Passage of this law will make it no longer a crime to possess 11 or more. The problem with criminalizing needles is that it discourages people from obtaining and using sterile needles, and encourages the reuse and sharing of needles, an equation that all too often leads to hepatitis C or some other major bacterial infection. These laws represent a misunderstanding of the nature of addiction. The theory is that if they don't have access to the tool then they'll

stop, but the fact of the matter is that when people don't have access to sterile needle syringes, they're just as likely to use any number of unsanitary devices to deliver the drug into their veins. In prison, for instance, where injection equipment is severely inhibited, prisoners have been known to fashion a rig, as they call it, out of a ballpoint pen. It then gets passed from one cell to another, to another, and then on down the line. Here's why this is important. Hepatitis C is on the rise in Maine. Compared to the total US, Maine outpaces the national average by four times. Having ready access to clean needles is in all of our best interests, because we can either pay now at a rate of 10 cents per needle, or pay later, when treating just one case of hepatitis C, if you catch it early, costs \$84,000, or if it isn't caught early, results in a liver transplant later to the average tune of \$577,000. Because people are afraid of being caught with syringes, they are less likely to keep as many as they need, and are more likely to dispose of them in an unsafe manner, such as on the roads or in the trash, leading to needle-strewn beaches and parks and more accidental needle sticks. Maine's needle exchange programs provide safe disposal for syringes. According to these programs, the law around possession of syringes is one of the primary reasons why people frequently don't bring the syringes in to dispose of properly. Even with laws dictating the needle exchange can only exchange on a one-for-one basis, one sterile needle for each used needle brought in, people are just too scared of the legal ramifications, forcing the needle exchanges to turn them away or give them less than they need. This is not just a public health problem, it is a public safety problem, and it should be worth noting that no other New England state has a syringe limit law. Part two of this bill addresses the moral dilemma, to call or not to call. Right now, if a person is experiencing an overdose or a person is with a person who is experiencing an overdose and makes a call to 9-1-1, the person can be arrested, prosecuted, or incarcerated. The result? People are being left alone to die. All other New England states have Good Samaritan Laws that prevents this from happening. Passage of this bill answers the question: make the call. A person experiencing a drug overdose or person acting in good faith who seeks medical assistance for another who is experiencing an overdose may not be arrested, prosecuted, or incarcerated, if the grounds for arrest, prosecution, or incarceration were obtained because of the person seeking medical assistance for a drug overdose. Part three addresses the badly needed rulemaking by DHHS, to close the legal gap that promotes community drug prevention programs to legally distribute kits of naloxone. Passage of the naloxone distribution was signed into law two years ago, permitting drug treatment programs to distribute privately funded naloxone to those at risk. However, rulemaking has never taken place. While this bill included and asked for state funding, the funding piece was stripped from this bill in the amendment. This third part simply asks DHHS to adopt rules by January 15, 2018. In the words of Ross Hicks, a fellow member of the Opioid Task Force for which I serve, and harm reduction coordinator for the Health Equity Alliance, "Those rules would allow me to distribute kits without crossing into a legal gray area each time I hand one out. I have looked enough people in the eye whose lives have been saved by one of our kits. I know that what we are doing is right. Rulemaking will make it legal to do the right thing." And finally, I'm going to close with a quote from Chris Christie. He says, "I am pro-life, and I think that if you're pro-life, that means you have to be pro-life for the whole life, not just the nine months that you're in the womb. The 16-year-old teenage girl on the floor of the

county lockup addicted to heroin, I'm pro-life for her too. Her life is just as much a precious gift as the one in the womb, and we need to start thinking that way as a party and as a people. We have to stop judging and give people the tools they need to get better." To the health of Maine, I ask you to please follow my light and vote to override this veto. Thank you.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen. Thank you, Madam Speaker. I appreciate the good words from the Representative from Saco, Representative Vachon, but I just have a disagreement with the ongoing approach that this body continues to have with ongoing drug issues. We continue to make it easier for people to be in situations and certain fact patterns and not be held accountable. You can call people, you can do this, you can do that, you can have needles. How long is it going to be before we make heroin possession legal? Is that the next step? We've done it for marijuana. So we keep going down this road and inevitably that will be part of the conversation: let's legalize drugs. And that's been part of the conversation for decades nationally. But what we have is a crisis in this country. We have a crisis in New England. We have a bigger crisis in New Hampshire, and we have a crisis here in Maine. And we continue to have a record number of deaths, 376 last year in Maine. Nationally, under the age of 50, it is now the leading cause of people under the age of 50. It's a crisis, and the approach that we have isn't working, and I truly don't believe that this is the right approach. There has to be some accountability. There has to be a message from the Legislature that says, you know, this is not okay. The message that I receive from this is, it's okay to have the paraphernalia for drugs, we're going to make sure you have clean stuff here, you're going to have clean stuff there, we just are going to say you can't have the heroin, but here's the needle. It's sort of like saying, you know, here's the gun but just, you know, you don't have the bullet. You put the bullet in it, we'll give you the gun. So I'm just -- I'm tired of voting for bills that continue to provide for, at least in my opinion, ongoing excuses for this problem in Maine. I will be voting to sustain the Chief Executive's veto and ask that you follow my light.

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

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

ROLL CALL NO. 339V

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Craig, DeChant, Espling, Farrin, Foley, Fredette,

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

ABSENT - Dillingham, Grignon, Malaby.

Yes, 88; No, 60; Absent, 3; Excused, 0.

88 having voted in the affirmative and 60 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (S.C. 525)

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

June 15, 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 adhered to its previous action whereby it accepted the Minority Ought to Pass as Amended Report and Passage to be Engrossed as Amended by Committee Amendment "A" (H-129) from the Committee on Health and Human Services on Bill "An Act To Build Greater Accountability into the General Assistance Program by Increasing the Penalty for Falsely Representing Information on an Application for General Assistance" (H.P. 11) (L.D. 10), 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. 526)

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

June 15, 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 nominations:

Upon the recommendation of the Committee on Judiciary the Honorable Ethna Mary Kelly of Portland for reappointment as a District Court Judge;

Upon the recommendation of the Committee on Judiciary the Honorable Peter L. Darwin of Bridgton for reappointment as a District Court Judge;

Upon the recommendation of the Committee on Judiciary the Honorable David J. Soucy of Fort Kent for reappointment as a District Court Judge;

Upon the recommendation of the Committee on Labor, Commerce, Research and Economic Development Lani M.

Smith-McNabb of East Machias for appointment to the Washington County Development Authority.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 529)

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

June 16, 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 nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs,

Matthew A. Anderson of Hampden, Thomas E. Bolen of Albion and John B. Herweh of Presque Isle for appointment to the Maine School of Science and Mathematics, Board of Trustees.

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.**

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 Friday, June 16, 2017, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-476)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Facilitate Substance Abuse Treatment for Certain Applicants for and Recipients of Temporary Assistance for Needy Families Benefits"

(H.P. 1111) (L.D. 1615)

TABLED - June 12, 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 Not to Pass** Report.

The SPEAKER PRO TEM: 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 to the pending motion. Maine has a drug problem. I'll repeat, Maine has a drug problem, a big drug problem. What this bill seeks to do is, when upon application for a benefit, it's going to ask the applicant to just fill out an assessment form. This assessment form has a high rating of being able to identify

very closely anybody who may have a substance abuse problem. Should they have a substance abuse problem, or score high on that test, the Department would immediately put them into drug treatment. Their application for benefits would continue to go through. I don't understand the opposition to this bill. One of the biggest things that we need to do is to identify the people in our communities who are having problems, and this test could actually give us that tool, to help identify, to help people get into treatment, to help people become stable with their families, with their children. Keep remembering, though; keep remembering anybody who is applying for TANF, Temporary Assistance Needy Families. We've heard oftentimes that the important word is temporary. To me, the important word is family. There are children in the homes. We want to make sure that whoever is utilizing these benefits is not suffering from addiction, is getting the help they need if they are. Who knows? Maybe this is a family who was once stable and through the drug addiction, the process of being addicted to drugs, has now found themselves in a place where that they have to apply for these benefits, because they just can't support them on their own because of that addiction. I would urge you to vote no on the pending motion and pass this bill. It's smart, it helps us identify people, it helps us get them into treatment, it helps stabilize them, it helps their family. Thank you.

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

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

The SPEAKER PRO TEM: 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. 340

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, 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.

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

ABSENT - Dillingham, Grignon, Malaby, Madam Speaker.

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

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

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-479)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Restrict Cash Access for Electronic Benefit Transfer Cards"

(H.P. 201) (L.D. 268)

TABLED - June 13, 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 Not to Pass** Report.

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

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

The SPEAKER PRO TEM: 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. 341

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, 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.

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

ABSENT - Dillingham, Grignon, Malaby, Madam Speaker.

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

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

SENATE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (S-247)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Require That Maine Welfare Benefits Be Used in Maine"

(S.P. 286) (L.D. 886)

- In Senate, Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE**

ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-247).

TABLED - June 14, 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 Not to Pass** Report.

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

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

The SPEAKER PRO TEM: 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. 342

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, 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.

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

ABSENT - Dillingham, Grignon, Malaby, Madam Speaker.

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

78 having voted in the affirmative and 69 voted in the negative, with 4 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Amend the Laws Governing the Practice of Pharmacy"

(S.P. 187) (L.D. 572)

- In House, Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** **READ** and **ACCEPTED** on May 31, 2017.

- In Senate, Senate **INSISTED** on its former action whereby the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-124)** in **NON-CONCURRENCE**.

TABLED - June 12, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

Representative FREDETTE of Newport moved that the House **RECEDE AND CONCUR.**

Representative FECTEAU of Biddeford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR.**

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

The **SPEAKER PRO TEM:** The Chair recognizes the Representative from Durham, Representative Chace.

Representative **CHACE:** Thank you, Madam Speaker. Men and Women of the House, thank you. If I could just take a moment of your time. Pharmacists, we understand, we're health care practitioners. We've, you know, I've saved a number of lives in my professional career, literally. It's something that happens all the time. We direct people daily back to their physicians and nurse practitioners, daily. You know, every time we go out into the over-the-counter aisle and somebody's looking at two products in their hands, and usually they're both wrong for what they're trying to figure out, we kick them back to their physician and nurse practitioner all the time. The problem in our industry is we were always reimbursed on a building. So -- and this is really a MaineCare and a Medicare type issue: we receive provider numbers that are based upon the building. That was five years ago when you knew a prescription was going to be filled at that building and it was filled by a licensed practitioner. So most of these government programs, the language states, "reimbursement will be made based upon either a prescription or performed by a health care practitioner." There are times now, such as with naloxone dispensing that's going to come up, pharmacists will not all likely be authorized to dispense naloxone, just like immunization shots. Not all pharmacists in Maine are certified to give immunizations. It is possible to be in a facility during the day that a pharmacist is not eligible to provide an immunization. So therefore, MaineCare cannot just simply reimburse the provider number on that building anymore. They actually have to get down to the provider level. And if it does not state "health care practitioner" within this part of the law, pharmacists cannot be reimbursed for some of these services that are taking place and naloxone just got added to that list. The Board of Pharmacy is not likely just to make this easily dispensed. There are going to be rules. There's going to be training required. And just like with immunizations, it's going to require a ton of continuing education credits, or at least proof that the person was certified that they maintained training. There was no testimony against this act. There has been a lobby group working quite heavily in the background, trying to convince people that this is a billing slippery slope. As God as my witness and the people in this room, that is not the case. 96% of what pharmacies bill, and physicians, and nurse practitioners, we cannot dictate what we are going to bill and not bill. It does not work that way. It is a reactive process. No health care payer is going to pay for something that they do not authorize. So, I please beg the indulgence of this body to understand that this is something that is necessary in this day and age in the collaborative practice of health care. Please help us put this through. I ask you to help us Recede and Concur. Thank you.

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

ROLL CALL NO. 343

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

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

ABSENT - Dillingham, Grignon, Malaby.

Yes, 72; No, 76; Absent, 3; Excused, 0.

72 having voted in the affirmative and 76 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED.**

Subsequently, the House voted to **INSIST.**

SENATE DIVIDED REPORT - Majority (10) Ought to Pass as Amended by Committee Amendment "A" (S-130) - Minority (3) Ought Not to Pass - Committee on CRIMINAL JUSTICE AND PUBLIC SAFETY on Bill "An Act To Amend the Laws Governing Eluding an Officer"

(S.P. 361) (L.D. 1090)

- 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-130).**

TABLED - May 24, 2017 (Till Later Today) by Representative FREDETTE of Newport.

PENDING - Motion of Representative WARREN of Hallowell to **ACCEPT** the Minority **OUGHT NOT TO PASS** Report. (Roll Call Ordered)

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

ROLL CALL NO. 344

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Golden, Grant, Hamann, Handy, Harlow, Herbig, 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, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Sherman, Spear, Stanley,

Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Dillingham, Grignon, Malaby.

Yes, 86; No, 62; Absent, 3; Excused, 0.

86 having voted in the affirmative and 62 voted in the negative, with 3 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-147)** - Minority (2) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Require A Person To Notify Law Enforcement Officers of the Possession of a Hypodermic Needle"

(H.P. 716) (L.D. 1014)

TABLED - May 16, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **ACCEPTANCE OF EITHER REPORT.**

Subsequently, Representative WARREN of Hallowell moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

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

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

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

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in strong opposition to the pending motion. This legislation just seeks to make it a crime for failing to notify a law enforcement officer to the presence of a needle during an arrest. So, to repeat, this will only apply during situations in which a pat down search is going to happen and the subject is given an opportunity to notify the officer of the needle. Far too many police officers have been stuck by a needle during the standard pat down search incident to arrest. While I have not been stuck, on numerous occasions I have had people lie to me about possessing needles. The sad reality is that many people want police officers to get stuck by needles. I've had numerous exposures to blood over my career and they have literally told me they hope I get hepatitis or HIV and this is the sad world we live in. Since possession of up to 11 needles is not a crime, this is not self-incrimination. This bill goes one step further by making drug contents within the needle inadmissible as well. This does not mean the bag of heroin next to it would also be inadmissible; just the contents within the needle. Simply put,

this bill is about officer safety only. Please join me in supporting this legislation. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, this proposal would criminalize not telling an officer about a needle, even without requiring the officer to ask about the needle, without requiring the officer to tell the person that he or she can be charged with a crime if not disclosing the needle, without regard to whether the needle is safely stored as to not stick anyone, and without regard to whether the person is subject to a lawful search. Nowhere in our criminal code do we allow this violation of rights. Thank you.

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

Representative **HARRINGTON**: I just want to correct some of those misgivings. It is standard practice at the academy that you do ask if they have a needle on them prior to a search. That is a standard question, so I just want to correct that. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. If I may, can I ask a question of the chamber through the Chair?

The SPEAKER PRO TEM: The member may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. If a heroin dealer carries his product in needles, how many needles would a heroin dealer need to carry in order to have that product be exempt from evidence and therefore prosecution?

The SPEAKER PRO TEM: The member has posed a question through the Chair. Does anyone care to answer? The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: It's a pretty ridiculous proposal. Heroin in needles is prepared. Heroin, it would congeal, it would not be usable if it was stored in a needle. I've been taking needles off people for ten years; it's just not a practice. I guess if they were to start storing unprepared heroin in needles we would have to come back to that, but since 11 needles is the maximum which you can lawfully carry, that would be the point in which the contents would become illegal, I guess. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Madam Speaker. I have been jammed up between my fingers with a needle. It's not pleasant. You don't know what you're going to get, you don't know what you're going to give to your family. You wait and wait for years to see what could be the result of that. His responsibility for the needles he's got on him, he's going to face that anyway because I'm going to find them. I just don't want to find it jammed in my finger. You need to protect. This is horrible to go home, to go home to your family, not knowing what you're going to bring home, what you've got, and when it's going to surface. Thank you.

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

ROLL CALL NO. 345

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

NAY - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin, Haggan, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Longstaff, Lyford, Marean, Mason, McElwee, Nadeau, 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 - Dillingham, Grignon, Malaby.

Yes, 75; No, 73; Absent, 3; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, with 3 being absent, and accordingly the Minority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-511)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-512)** - Report "C" (2) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect the Health and Safety of First Responders"

(H.P. 1036) (L.D. 1512)

TABLED - June 15, 2017 (Till Later Today) by Representative WARREN of Hallowell.

PENDING - **ACCEPTANCE OF ANY REPORT.**

Subsequently, Representative WARREN of Hallowell moved that the House **ACCEPT** Report "C" **Ought Not to Pass.**

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

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 PRO TEM:** The Chair recognizes the Representative from Lebanon, Representative Gerrish.

Representative **GERRISH:** Thank you, Madam Speaker, Men and Women of the House. I rise in strong opposition to the pending motion and support the Majority Report. The national sentiment across our nation towards law enforcement and first responders is certainly not a good one. These are the men and women who risk their lives every day in a dangerous world to protect us. One of the most significant risks that can be improved is the increasing occurrence of violence against our law enforcement officers while they are engaged in the

work of keeping others safe. Enhanced penalties send the message that assaulting an officer is an unacceptable offense. This legislation deals with a specific dangerous offense that is not adequately addressed in our statutes: subjecting first responders to offenders who willfully expose them to their bodily fluids, knowing that they are infected with an aggressive blood-borne pathogen. The current statute does not consider this assault. The consequences of these acts can be catastrophic, infecting the officer, or EMS personnel, with AIDS, hepatitis B or C, or other diseases. In committee, we heard testimony in support of the bill from Major Brian Scott of the Maine State Police. He shared some real-life examples of the impact that Maine first responders have experienced with regard to this issue, and I quote him. "One of our officers, while serving a protection order on a man, was punched in the face, leading to a significant struggle lasting several minutes that caused the offender to bleed. The officer ended up getting the suspect's blood in his eyes and mouth. The offender was determined to be a high-risk patient, so the officer was put on an HIV prophylaxis protocol because the law does not require the suspect to submit to HIV testing. The treatment made the officer very ill for weeks, unable to work, and caused him to be quarantined from his wife and family to ensure they were not exposed to HIV." In another instance, and again I quote from Major Brian Scott from the Maine State Police, "in another case, we had a female trooper take a known prostitute, and IV drug user, into custody. The suspect was transported to the hospital for a medical evaluation and while walking the person into the hospital, the offender turned toward the trooper and spit in her face. The spit landed in her eye and mouth. The suspect said, "I've got AIDS and you're going to die, expletive." Our trooper was admitted to the emergency department where baseline testing was done. She then had to go through ongoing testing for six months. Fortunately, even though the offender also had hepatitis B and C, the trooper did not contract anything, but she did suffer an agonizing wait to see if she was infected, all the while having to protect herself from physical contact with her husband and children." There are more stories, and they are a dime a dozen, for first responders who are trained to deal with some of the risks. However, no training can prevent them from being spit on or exposed to bodily fluids when a person is intent on doing so. Please know that this bill specifically focuses on only those assaults involving a person who knows they are infected with an aggressive blood-borne pathogen who intentionally, knowingly, or recklessly causes bodily fluids to be exposed to the first responder. I ask you to support our law enforcement and EMS personnel by opposing the pending motion.

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

Representative **HARRINGTON:** Thank you, Madam Speaker Pro Tem, Ladies and Gentlemen of the House. I rise again. Very similar to the needle bill. You know, we have people in this state who are literally intentionally exposing police officers, firefighters, and EMS personnel to blood. This bill is pretty simple. It comes down to whether or not you support our public safety or if you support criminals. It's just that simple at this point. You can't imagine what it's like when you see somebody who is exposed to someone's blood, like I have, and luckily every time I've had, they voluntarily consented to testing, but some people don't voluntarily take testing because they want the officer or the paramedic or the firefighter to have to go through the stress, and without the testing immediately, you have to go through prophylaxis, which makes you incredibly sick. So I would really hope that the

people of this chamber would support Maine's public safety and vote against the pending motion. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker, Women and Men of the House. I'll just read to you from our code, Title 22, Health and Welfare, Subtitle 2, Health, Part 3, Public Health. Judicial consent to blood-borne pathogen test. "Any person who experiences a bona fide occupational exposure may petition the district court with jurisdiction over the facility or other place where the exposure occurred to require that the person whose blood or body fluid is the source of the exposure to submit to a blood-borne pathogen test and to require that the results of the test be provided to the petitioner." What this bill does is create a different process, a process different than what's in our law already, which says that somebody goes to the district court. This bill allows somebody to get a Justice of the Peace to sign a warrant to take a sample of somebody's blood. Thank you.

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

Representative **PERKINS**: Madam Speaker and Ladies and Gentlemen of the House, this is a common sense bill. Let's protect our police officers. Let's protect our firefighters. Let's protect the people who protect us. If we do the process of waiting and going through the courts and waiting to go through the system, meanwhile tick-tock, tick-tock, that police officer or that firefighter, that first responder is waiting patiently, agonizingly with his family, waiting to know if he can, say, hug his children, give his child a hug or a kiss, kiss his spouse; all very important things to police officers and firefighters to protect our children. Most off, to protect our fellow man here in Maine. This would be a very simple bill. Thank you, Madam Speaker.

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

Representative **HARRINGTON**: I apologize for rising a second time. I just want to put it on the record that there are situations already in which we can get warrants for blood during an OUI, in which there is not a victim, we can get an arrest warrant or a search warrant to draw blood. So, if we can do it for an OUI, I think when you have a victim, an officer or paramedic who's been intentionally exposed to blood, so that's the burden of proof you have to meet is that they intentionally exposed you to, which regularly happens, that if we can do it in the case of an OUI, we ought to do it during a situation to protect our public safety.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. I really don't quite understand what I'm seeing here. We're seeing reports with only two people Ought Not to Pass and other people with Ought to Pass as Amended Reports coming out, and these bills are dying and I think they're very important bills. Officer David Farrar of the Bangor Police Department is my son. Officer Shannon Davis of the Bangor Police Department will be my daughter-in-law on October 14th. Both of them are highly trained, both of them are incredibly dedicated, both of them would protect every one of us in this room with every fiber of their being. Why are we not willing to protect theirs as well? Please vote Ought Not to Pass on this.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I just wanted to correct a misconception, that HIV is not spread through saliva. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The summary says the bill makes it a crime for a person, knowing the person is infected with an aggressive blood-borne pathogen, to intentionally, knowingly, or recklessly cause any of the person's body fluids to be exposed to a first responder while the first responder is performing official duties. The key words there are intentionally, knowingly, and recklessly. We're not talking about something and some situation where somebody accidentally exposes somebody. We're talking about an intentional exposure. And if for one minute anyone in this body does not believe that there are people out there that will do that intentionally, then you really need to stop and smell the roses because it does happen out there. I have been in situations in my law enforcement career where I have gone into a situation where we had a disruption going on and taken someone into arrest -- this was back before we even knew about hepatitis C, before we even knew about AIDS and all of these things, and walked out of that place with officers having been intentionally and knowingly -- you wouldn't even recognize them, with not only blood on them but with spit which covered their bodies, going out and leaving and coming back. People do this kind of thing. These officers are the same officers, these paramedics are the same paramedics, the same first responders that will do anything and everything in their line of work to save your life, whether it be in a fire, whether it be taken for an ambulance run, or whether it be an officer coming to your house where there's some kind of a situation going on that you need to be -- you need protection from. We've heard a lot of bills today talking about safety for officers. This is one bill that I really, truly believe that we cannot afford to say no to. These people put their life on the line every day out there. They do it willingly; they're not asking for you to feel -- give them a kudo for that, because that's what they do, that's what police officers do, we put on the badge every day to walk out and that's our job. The same with paramedics. They do it willingly. Firefighters. All we're asking is just -- this is a protection. This is giving peace of mind to our families when we are exposed, to be able that the quickest possible means to get some kind of knowledge as to whether or not there is an infection that we're going to have to be treated for. Is that really, I repeat, is that really too much for us to ask? Please follow my light. Vote against this motion and let's pass this bill. Thank you.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. One of the things that I fear about this bill is the way stigma comes into play, and there's a lot of stigma around HIV and AIDS, and I've already heard something here in this chamber today that is completely contrary to what medical professionals know about how HIV/AIDS, HIV is transmitted and of course we heard this afternoon that AIDS is transmitted by saliva, which is simply not the case, and HIV and AIDS are two different things and that should also be noted. Another thing that ought to be noted is that HIV takes several months to show up in one's blood, so the urgency that's being suggested here is actually not really pragmatic in the sense that you would get a result back that would even show HIV in one's blood. The process that's been

provided already through court system would probably fit more along the timeline in which HIV would show up in one's blood. I rise to say this: this proposal could well subject a person to felony consequences for merely being treated for having an injury and also being HIV positive. When someone is in crisis and possibly flailing, bleeding, there may be saliva involved, a first responder may very well be exposed to bodily fluids. This bill does not prevent them from being exposed to bodily fluids. That's, unfortunately, a reality of the job. The Legislature should not create a special testing process for a person's bodily fluids based on the occupation of the person who's exposed. By definition, it is the job of the first responders to respond to emergency situations, unfortunately making them exposed to bodily fluids. A person who is in dire need of medical attention should not be guilty of a felony if they call 9-1-1 for emergency assistance, and I fear that this could open up that possibility. People are in dire situations and sometimes react in a manner that is oppositional to the way they would normally act, and I fear what this bill would do.

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

Representative **PICKETT**: Yes, Madam Speaker. I apologize for rising a second time. This bill is not just speaking about AIDS. The bill is talking about "infected with an aggressive blood-borne pathogen." AIDS is not the only one. There are many that can cause an ill effect to an officer or to a firefighter. This bill that we're talking about Ought Not to Pass is a bill that is needed. It's a bill that it provides, as I said before, provides relief, and we can't turn around and say that because someone is called to an emergency situation and they get there and somebody is flailing around because of -- there's a big difference between flailing around and deliberately looking at somebody and spitting in their face when they've got blood coming from them, and then saying something to the effect of "Hope you die," with expletives, and we've already heard in testimony that has happened. Let's not get these two things confused. We're not talking about somebody who is in need of assistance and people are wearing the proper apparel to deal with them, we're talking about somebody that knowingly, recklessly, and intentionally. There is a big difference in that. You need to understand that. Again, I ask you to follow my light, defeat this motion, and let's move on to the bill. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Madam Speaker, Speaker, and Ladies and Gentlemen of the House. These individuals who are perpetrating these, you know, the spitting and getting blood on these safety workers, public safety workers, if they're doing this intentionally, they already know they have a disease and AIDS isn't the only one, so they're the ones that are being tested and not the public safety workers. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Warren, Representative Sutton.

Representative **SUTTON**: Thank you, Madam Speaker Pro Tem. Could I pose a question through the Chair?

The SPEAKER PRO TEM: The member may proceed.

Representative **SUTTON**: I would like to know if anybody could tell me how long the timeframe would be for an individual to have to go through the court system and petition for a blood test to be done. How long a person would be waiting without knowing.

The SPEAKER PRO TEM: The member has posed a question through the Chair. Does anyone care to answer?

The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: It usually takes about two weeks or so to get through the court system, so they have to begin the prophylaxis ahead of that finding, which makes them incredibly sick during that time. Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Speaking from personal experience, it takes you about a week, seven days, to get the results and to get a warrant to search. Reference to AIDS being not transmitted by saliva, it is my understanding if there is blood mixed in with the saliva then it is the blood that has the AIDS virus, not the saliva itself. It's hard to describe the actions of some people, okay? We're all educated, we're very sociable, we're very polite to each other here, but when you're dealing with somebody on the street, okay, some of them are really not nice people, especially when they've been drinking. Okay, I've been to situations where they have intentionally splattered stuff at officers, at firefighters, at the same paramedics who are trying to save their life in a car crash, okay, and they're combative. So it is a -- it's not a sterile environment, okay, and it's not TV, okay, there are some really situations that the firefighters, paramedics, John Q. Citizen, you know, first responders, okay, need your help and need protection. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. I was just -- I've worked around the AIDS epidemic and HIV for 30 years, training in public hospitals in New York City and in Boston, with a wild group of people in terrible situations. And I was just trying to think of the times when I was exposed. And this current day I think because there is an incubation period of all these viruses, we were always taught that even if someone came back negative on their tests, we would still assume that we would be treated for prophylaxis, which is what I did. So, even when a person has a negative test, you never assume that they're negative because they could have been infected that day or the day before and their blood test would be positive -- would still be negative. So having a, you know, having an immediate negative test is, I don't know, maybe a little bit reassuring, but not completely. So I just wanted to make everyone aware of that.

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

ROLL CALL NO. 346

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, 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, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grohman, Guerin,

Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Longstaff, Lyford, Marean, Mason, McElwee, Nadeau, 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 - Dillingham, Grignon, Malaby.
Yes, 75; No, 73; Absent, 3; Excused, 0.

75 having voted in the affirmative and 73 voted in the negative, with 3 being absent, and accordingly Report "C" **Ought Not to Pass** was **ACCEPTED** and sent for concurrence.

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

The Speaker resumed the Chair.
The House was called to order by the Speaker.

Expression of Legislative Sentiment Recognizing the Orono High School Girls Track Team

(HLS 526)

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

PENDING - **PASSAGE**.

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

Expression of Legislative Sentiment Recognizing the Orono High School Boys Track Team

(HLS 527)

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

PENDING - **PASSAGE**.

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

An Act To Create a Small Communities Tourism Grant Program

(H.P. 903) (L.D. 1306)
(C. "A" H-227)

TABLED - June 14, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

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

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Herbig.

Representative **HERBIG**: Thank you, Madam Speaker, Women and Men of the House. As explained in his veto letter, the Chief Executive opposes LD 1306 because he believes it creates a carve-out for small communities, and that it is micromanaging at its worst because it would bind the hands of the tourism office in deciding marketing strategies. The entire purpose of LD 1306 is to target existing resources to Maine's small towns that have been left behind by our changing economy. The bill does not mandate how the funds are to be used in each community, only that \$10,000 of the multimillion

dollar Department of Tourism budget should be directed to rural communities across our state. This bill also does not include any new spending. We pay a lot of lip service in this chamber to supporting rural Maine and enabling the success of local businesses, but this bill is a real chance to take a small step forward in ensuring rural communities have the tools they need to build their own independent long-lasting infrastructure. By empowering rural communities to capitalize on their own resources, we can help attract small town tourism, create economic growth for Maine's rural towns, and potentially bring back some of the families we've lost to other states. While \$1,000 makes no difference to larger communities in southern Maine, it's exactly what small communities need to tackle initial challenges and start their own events. For example, events like the Maine Celtic Celebration or New Year's By the Bay in my hometown of Belfast, the Millinocket Marathon, the Whoopie Pie Festival in Dover-Foxcroft and the Moxie Festival in Lisbon Falls bring thousands of people to these small communities. The benefits of such events are felt by so many businesses and serve to greatly improve community pride and morale. LD 1306 is a small investment we can make to empower more rural communities to honor their heritage, and reinvent events with an eye toward attracting tourism and strengthening their own local economic growth. I urge you to stand with me in support of rural Maine and in voting to override this veto. Thank you.

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

Representative **ESPLING**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I support small communities. I support rural communities. My own town itself had a community fair and the town, within its own budget, supported the community fair. I don't think we can solve this problem, and we're not bringing value to strengthening our small and rural communities by creating another government program. So, I will be 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?'

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. 347V

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson,

Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor.

ABSENT - Dillingham, Grignon, Malaby.

Yes, 85; No, 63; Absent, 3; Excused, 0.

85 having voted in the affirmative and 63 voted in the negative, with 3 being absent, and accordingly the Veto was **SUSTAINED**.

ENACTORS

Acts

An Act To Establish Energy Policy in Maine
(H.P. 910) (L.D. 1313)
(C. "A" H-429)

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

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

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

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

The **SPEAKER**: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. You know, I rise in support of this legislation. You know, this bill really should be titled An Act to Stabilize the Short-Term Funding of Efficiency Maine Trust. Last fall, the revenues from the carbon auctions crashed, in part to the election of a new president. With the decline in revenues, this bill helps Efficiency Maine Trust by allowing them to choose between funding of commercial and residential in the short-term. It keeps the legislative promise of the three million per year that this House, you know, made last year to the industrial consumers, and also decreases the assessment on large-volume manufacturers on the pipeline. So it's a great bill.

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

ROLL CALL NO. 348

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Handy, Hanley, Harlow, Harrington, Harvell, 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, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, White, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Prescott, Sanderson, Sutton.

ABSENT - Dillingham, Grignon, Hanington, Hawke, Malaby, Sherman.

Yes, 142; No, 3; Absent, 6; Excused, 0.

142 having voted in the affirmative and 3 voted in the negative, with 6 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Increase Consumer Prescription Drug Protections"

(S.P. 563) (L.D. 1605)

Signed:

Senators:

KEIM of Oxford
HILL of York
WHITTEMORE of Somerset

Representatives:

MOONEN of Portland
BABBIDGE of Kennebunk
BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
McCREIGHT of Harpswell
RECKITT of South Portland
SHERMAN of Hodgdon

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

Signed:

Representative:

BAILEY of Saco

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

READ.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-280)** on Bill "An Act To Allow Attorneys Employed by the State To Perform Volunteer Legal Services"

(S.P. 225) (L.D. 663)

Signed:

Senators:

KEIM of Oxford
WHITTEMORE of Somerset

Representatives:

BRADSTREET of Vassalboro
CARDONE of Bangor
GUERIN of Glenburn
JOHANSEN of Monticello
SHERMAN of Hodgdon

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

Signed:
 Senator:
 HILL of York

Representatives:
 MOONEN of Portland
 BABBIDGE of Kennebunk
 BAILEY of Saco
 McCREIGHT of Harpswell
 RECKITT of South Portland

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-280)**.

READ.

Representative MOONEN of Portland moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

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

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

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

Representative **GUERIN**: Thank you, Madam Chair, or Speaker, and Ladies and Gentlemen of the House. I would just rise to stand in opposition to the pending motion. I believe in the limited circumstances outlined in this bill that it is a good idea to allow these state employed attorneys to represent people. There are very close confines to the bill, of their behavior. They wouldn't be practicing widely but only in certain circumstances. Thank you.

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

Representative **MOONEN**: Thank you, Madam Speaker. I rise to briefly explain what I think would reflect the will of those on the Ought Not to Pass, or why we voted the way we did. This is about attorneys employed by the state, and the overwhelming majority of attorneys employed by the state work in the Attorney General's office and current law doesn't say anything about whether or not these attorneys can perform volunteer legal services. It doesn't say they can, it doesn't say they can't. So, because of that, the Attorney General's office has a policy that outlines specific circumstances under which AAGs and employees in that office can and cannot do volunteer legal services. The reason for that is, you know, they want to avoid the appearance, when these attorneys are doing volunteer legal work, that they are acting in their capacity as employees of the Attorney General's office. And, you know, if I was going up against an attorney who was an assistant attorney general in their day job, I might have concerns about whether or not I was unfairly up against the Attorney General's office, even if they were acting in a personal capacity; the same with the district attorneys. You know, I wouldn't want in a private capacity to be up against a deputy district attorney or assistant district attorney. As far as this bill goes, you know, the Majority Report says that attorneys employed by the state can perform volunteer legal services as long as it doesn't interfere with work. So, from my perspective it doesn't really do anything, because if we pass this bill saying as long as it doesn't interfere with work, they Attorney General's office is still going to have a policy outlining all of the circumstances in which those folks cannot perform volunteer legal services. So, to me, whether we pass the bill or not pass the bill, the

outcome is exactly the same, because the Attorney General's office will still have a policy saying when people can and cannot do this. So, if you want to pass a bill, you can do it, but I don't think this really does anything either way. So, thank you very much.

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

ROLL CALL NO. 349

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, 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, Skolfield, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Dillingham, Grignon, Hanington, Hawke, Malaby, Sherman.

Yes, 79; No, 66; Absent, 6; Excused, 0.

79 having voted in the affirmative and 66 voted in the negative, with 6 being absent, and accordingly Minority **Ought Not to Pass** Report was **ACCEPTED** in **NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-173)** on Bill "An Act Regarding Pay Equality"

(S.P. 422) (L.D. 1259)

Signed:
 Senator:
 BELLOWS of Kennebec

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

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

Signed:

Senators:

VOLK of Cumberland
LANGLEY of Hancock

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-173)**.

READ.

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

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

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

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

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I think we can all agree that immutable characteristics, like disability or gender, should have no bearing on a person's salary. Unfortunately, we note that too often it does. In Maine, women make 79 cents to every dollar a man makes. Workers with disabilities who have at least a high school education earn 37% less on average than their peers without disabilities. While these discrepancies are not always a product of intentional discrimination, sadly, many times it is. LD 1259 is a simple and common sense solution to address wage discrimination. This bill would prevent employers from seeking information about a prospective employee's past salary before offering employment. Getting a new job is a worker's greatest opportunity to improve their salary. When companies use prior pay to determine an employee's salary upon hire, pay discrimination of the past follows that employee into their next job. The Maine Human Rights Act already makes it unlawful to discriminate on the basis of race or color, sex, sexual orientation, physical or mental disability, religion, age, ancestry, or national origin against any applicant for employment and to discriminate against any employee on these bases in the employee's compensation. This bill does not expand any rights under the Maine Human Rights Act, nor does it add any new protected class. Rather, it makes asking for salary history before an offer of employment has been extended a piece of evidence that can be considered in the Maine Human Rights Commission's investigation into a claim of employment discrimination. As the executive director of the Human Rights Commission testified herself, this does not expand the role of the Commission, nor would evidence of asking for salary history alone create a successful discrimination complaint. It is simply a piece of the larger picture the Commission seeks in determining whether workers are being treated fairly. In Committee, a female legislator noted that at one time in her career she was horrified to discover that an equally experienced man in the same role at

the same organization made significantly more than she did. When she asked how she would have handled it, others stated that she should have quit and gone to another employer who did not discriminate against her in this way. But herein lies the problem; what if all the new employment she sought asked her for salary history and based her new wages on the previously discriminatory salary? It would be impossible to escape the inappropriately depressed wages and the cycle would continue into the future. This bill ensures that employers base wages off of what an employee is worth to them, quantifying skills, experience, and talent, and not simply what they made in the past. I urge you to follow my light and support the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Rockport, Representative **CASÁS**.

Representative **CASÁS**: Madam Speaker, may I pose a question through the Chair?

The **SPEAKER**: The Representative may proceed.

Representative **CASÁS**: Thank you. What exact amendment are we voting on? There's two online and I don't know which one I should be looking at. Thank you.

The **SPEAKER**: The motion in front of us is Acceptance of the Ought to Pass as Amended by Committee "A" Report. The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, as somebody who has actually owned a business and has actually hired people, this is just one more law that makes it more difficult for small businesses to do business in Maine. It would be very easy under this law to accidentally say the wrong word, and now all of a sudden you're in violation of the law. As somebody that, you know, that generally would have two or three employees, I don't have a large expensive HR department to cover every rule and every regulation that this body decides to create. This is just a really bad idea and makes it that much harder to do business and provide jobs in the State of Maine. Thank you.

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 Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker. I rise in opposition of the pending motion. It may surprise some of the members of this body who may not realize that I, as a woman, used to work in a very male-dominated field. I was a long-haul truck driver. I was not discriminated against. In fact, I actually, because I succeeded very well at my job, rose in the ranks within my profession. I did the job well; I became a trainer of new drivers within less than a year of driving, because I was good at my job. I was not discriminated against and I earned more pay than some of my male counterparts. It's because I did my job well and as a business owner, I have to agree with the Representative from Canaan, this will pose unintended consequences on business owners who may say just the wrong thing in front of the wrong person at the wrong time. Thank you.

The **SPEAKER**: Thank you. Representative, I apologize for the ringing of the bell in the middle of your floor speech. The Chair recognizes the Representative from Portland, Representative Sanborn.

Representative **SANBORN**: Thank you, Madam Speaker, Men and Women of the House. I rise today, too, as a small business owner, and I rise in support of the pending motion. It is not too difficult to ask our small businesses to do the right

thing, and to pay people based on the labor that they provide to your business, and based on comparable salaries for other folks who are doing the same services, as opposed to based on the discriminatory salaries they may have received at their very first job out of college. A comparison of workers one year out of college, controlling for factors known to affect earnings, such as major, occupation, geographic region, and marital status, and hours worked, revealed an inexplicable 7% gender pay gap for folks who just graduated from college and that gap increases for women to 12% by the time they're ten years out from graduation. And so while, with due respect to my friends across the aisle who may have had a personal experience that was different than that, the data shows us that women are disadvantaged immediately upon graduation, and as small business owners and as policymakers in the State of Maine, we owe it to them to not ask this question, and instead, to base their pay upon other reasonable measures. Thank you.

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

Representative FECTEAU: Thank you, Madam Speaker. I rise a second time just for a point of clarification. I've received some notes about whether or not an amendment has been added to this bill, and the amendment before the body today is the amendment that came from the Committee. The other amendment that is being seen online was not adopted and is not before the body.

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. 350

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Devin, Doore, 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, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Denno, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Dillingham, Grignon, Hanington, Malaby.

Yes, 79; No, 68; Absent, 4; Excused, 0.

79 having voted in the affirmative and 68 voted in the negative, with 4 being absent, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-173)** 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-173)** in concurrence.

COMMUNICATIONS

The Following Communication: (H.C. 255)

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

June 19, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Erin D. Herbig of Belfast to serve as Speaker Pro Tem to convene the House on June 19, 2017.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Protect Substance-exposed Infants"

(H.P. 746) (L.D. 1063)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-383)** in the House on June 6, 2017.

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

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

Non-Concurrent Matter

Resolve, To Reduce MaineCare Spending through Targeted Nutrition Interventions

(H.P. 991) (L.D. 1436)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-508)** in the House on June 15, 2017.

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

The House voted to **INSIST**.

ENACTORS

Acts

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

(H.P. 35) (L.D. 49)
(C. "A" H-497)

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.

Emergency Measure

An Act To Implement the Recommendations of the Commission To Study the Public Reserved Lands Management Fund

(S.P. 201) (L.D. 586)
(H. "A" H-517 to C. "A" S-202)

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

Representative HERBIG of Belfast **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**: The Chair recognizes the Representative from Weld, Representative Skolfield.

Representative **SKOLFIELD**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise before you today in support of the Committee Report on LD 586. I came to the Legislature after a 45-year career with the Maine State Park Service, bringing with me a deep love and appreciation of our state parks, our historic sites, and our public lands. This bill is about ensuring that our public forests, among them lands close to my home in Weld and many of your homes throughout the state as well, that they continue to be managed with transparency and in the public's very best interest. That means management that balances not only sustainable forestry, but appropriate outdoor recreation, education and wildlife habitat. I'm proud of the work that my Committee did on this bill. We did our homework, and this bill is based on the unanimous recommendations of experts from the forest products industry and leaders from conservation and recreation organizations, as well as legislators from both sides of the aisle who know public lands policy. This bill also reflects that we heard from our constituents. They said to us, we've got an incredible resource in our public lands, our mountains, trails, and rivers that rival any from all across our great nation. Let's capitalize on those resources, attract more people to visit our great state, and in turn, help the rural Maine communities that surround our great public lands. This bill takes steps toward making our public lands more accessible and welcoming to all. I ask you to join me in supporting this legislation. Thank you.

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. 351

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller,

Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Guerin, Haggan, Hamann, Handy, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perkins, Perry, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Ward, Warren, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Austin S, Marean, Mason, Reed, Sirocki, Stetkis, Sutton, White.

ABSENT - Dillingham, Grignon, Hanington, Lockman, Malaby, Picchiotti, Wallace.

Yes, 136; No, 8; Absent, 7; Excused, 0.

136 having voted in the affirmative and 8 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Resolves

Resolve, To Ensure Access to Behavioral Health Services
(H.P. 1041) (L.D. 1517)
(C. "A" H-491)

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

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

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

Representative **REED**: Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. Yesterday we celebrated Father's Day, and I hope all of the fathers had a great day with your families. I wanted to say this a couple days ago, but I was a little slow on the light, or Erin was a little too fast for me; I don't know which. But I didn't want all the dads here to feel left out, or to feel that I didn't think that dads were as important as mothers, because I took the time to encourage special attention to our mothers. So I thought that I would do this today. In Proverbs 31:23 it says this: "Her husband is known in the gates, when he sitteth among the elders." If I could challenge all of us as dads, it would go something like this: It is important to be respected and known as we sit with the elders at the gate, but it is more important to be known and respected at the kitchen table. I read something that a father said as he regretfully looked back over his life that I thought was so good that I should share it with all of us. This father said, "if I had it all to do over again, I'd love my wife more in front of my children, I'd laugh with my children more, I'd listen more, even to the youngest child, I'd be more honest about my own weaknesses and stop pretending perfection. I would pray differently for my children and I would be more encouraging and offer more praise. And, finally, if I had it all to do over

again, I would use every ordinary thing that happened in every ordinary day to point them to God." This, my friends, was just too good not to be shared. If we as dads were doing these things, it would be a much better world for everyone. In closing, I would simply add this; if there is going to music in a marriage and happiness in a home, dad has to be the leader of the band. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman, and the House will be in order through adjournment.

Representative **HICKMAN**: Thank you, Madam Speaker. I request unanimous consent to speak on the record.

The SPEAKER: The Representative from Winthrop has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, 150 years ago today, on June 19, 1865, Union soldiers led by Major General Gordon Granger landed at Galveston, Texas, with news that the Civil War had ended and that the enslaved were now free. Note that this was two and a half years after President Lincoln's Emancipation Proclamation, which had become official January 1, 1863. The Emancipation Proclamation had little effect on Texas due to the minimum number of Union troops there to enforce the new order. However, with the surrender of General Lee in April of 1865 and the arrival of General Granger's regiment, the forces were finally strong enough to influence and overcome the resistance. One of General's first orders of business was to read to the people of Texas General Order Number Three, which began most significantly with this: "The people of Texas are hereby informed that in accordance with the proclamation from the Executive of the United States, all slaves are free. This involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existed between them becomes that between employer and free laborer." The reactions to this profound news ranged from pure shock to immediate jubilation. Juneteenth Day, today, also known as Freedom Day or Emancipation Day, remains the oldest known celebration commemorating the ending of slavery in these states. It is a day, a week, and in some areas a whole month marked with celebrations, parades, guest speakers, picnics, and family gatherings. It is a time for reflection and rejoicing and good, good food; a time for assessment and self-improvement; a time for charting a future anchored by education and achievement. Juneteenth Day's growing popularity signifies a level of maturity and dignity in America long overdue. In cities across the land, people of all races, nationalities, and religions are joining hands to truthfully acknowledge a period in our history that shaped and continues to influence our nation to this day. Sensitized to the conditions and experiences of others, only then can we make significant and lasting improvements in our society. Madam Speaker, Women and Men of the House, let us go away this afternoon in celebration of freedom and equality, with liberty and justice for all. Thank you.

On motion of Representative LONGSTAFF of Waterville, the House adjourned at 3:38 p.m., until 10:00 a.m., Tuesday, June 20, 2017, in honor and lasting tribute to Waldo H. Covell, of Waterville; and the Honorable Floyd L. Harding, of Presque Isle.