

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
59th Legislative Day
Tuesday, June 20, 2017

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

Prayer by Reverend John Johnston, New Hope Baptist Church, Dexter.

National Anthem by Tania Lapika, Westbrook.

Pledge of Allegiance.

Doctor of the day, Katherine Pope, M.D., Falmouth.

The Journal of yesterday was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Create the Procurement Review Board"

(S.P. 447) (L.D. 1295)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-274)** in the House on June 16, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT** was **READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Establish the Let's Grow Maine Program"

(H.P. 1066) (L.D. 1548)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-492)** in the House on June 16, 2017.

Came from the Senate with the Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

An Act To Restore the Tip Credit to Maine's Minimum Wage Law (EMERGENCY)

(S.P. 235) (L.D. 673)

(C. "A" S-209)

PASSED TO BE ENACTED in the House on June 15, 2017.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Allow Delivery Vehicles To Display Lighted Advertising Signs"

(S.P. 122) (L.D. 381)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TRANSPORTATION READ** and **ACCEPTED** in the House on June 12, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TRANSPORTATION** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-238)** and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Improve the Effectiveness of Notices Required by State Law"

(S.P. 580) (L.D. 1630)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on June 16, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Reports were **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Resolve, To Establish the Commission To Create a Plan To Enhance the Efficiency and Effectiveness of the Probate Court System (EMERGENCY)

(S.P. 423) (L.D. 1260)

(C. "A" S-231)

FAILED of **FINAL PASSAGE** in the House on June 13, 2017.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-231) AS AMENDED BY SENATE AMENDMENT "A" (S-287)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

(H.P. 165) (L.D. 209)

House **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111)** in the House on June 8, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-111) AS AMENDED BY SENATE AMENDMENT "A" (S-141)** thereto and **ASKED** for a Committee of Conference in **NON-CONCURRENCE**.

The House voted to **INSIST** and **JOINED** in a **COMMITTEE OF CONFERENCE**.

Non-Concurrent Matter

An Act To Provide a Definition of "Primary Residence" for Purposes of Property Tax Abatements Based on Hardship or Poverty

(S.P. 401) (L.D. 1180)

- In House, **PASSED TO BE ENACTED** on May 25, 2017.
- In Senate, **PASSED TO BE ENACTED** on May 30, 2017, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 583.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-282)** in **NON-CONCURRENCE**.

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

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Myasthenia Gravis Foundation of America, based in New York City, which is celebrating Myasthenia Gravis Awareness Month, June 2017. Myasthenia gravis, or MG, is a disorder causing extreme muscle weakness that affects a person's ability to see, smile, walk, talk and breathe. MG is often misdiagnosed or undiagnosed and can prove fatal. The Myasthenia Gravis Foundation of America facilitates the timely diagnosis and optimal care of individuals affected by MG and provides programs of patient services, support groups, public information, medical research, professional education, advocacy and patient care. We join the Myasthenia Gravis Foundation of America in urging citizens to focus on the need for education, treatment, research and a cure for MG during Myasthenia Gravis Awareness Month;

(HLS 577)

Presented by Representative KINNEY of Knox.

Cosponsored by President THIBODEAU of Waldo.

On **OBJECTION** of Representative KINNEY of Knox, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **KINNEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I present this sentiment today on behalf of a friend of mine who suffers from Myasthenia Gravis. MG is a neuromuscular autoimmune disease affecting voluntary muscles, including those used to breathe, see, and swallow. There's currently no cure, but there is hope. Please spread awareness wearing teal as I have done today, at least with my skirt and a snowflake is also a symbol to show support, because like snowflakes, no two patients are alike. Most individuals with MG have a normal life expectancy with treatment. Some of the symptoms of MG include drooping of one or both eyelids, blurred or double vision due to weakness of the muscles that control eye movements, a change in facial expression, difficulty swallowing, shortness of breath, impaired speech, weakness in the arms, hands, fingers, legs, and neck; and, because it can cause respiratory failure, emergency medical care may be necessary. No one is immune. Men and women can get it, most particularly young adult women under the age of 40, older

men over the age of 60, but it can also occur at any age, including childhood. It's not inherited nor is it contagious, and I just ask that we help to spread awareness of this rare immune disease. Thank you.

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

Recognizing:

the Waterville Public Library, of Waterville, which received the National Medal for Museum and Library Service from the Institute of Museum and Library Services. The Institute of Museum and Library Services is the main source of federal support for the Nation's 123,000 libraries and 35,000 museums. The Waterville Public Library is one of only 10 nationwide winners of the medal for 2017. We extend to everyone at the Waterville Public Library our congratulations and best wishes;

(HLS 580)

Presented by Representative MADIGAN of Waterville.

Cosponsored by Senator CYRWAY of Kennebec, Representative LONGSTAFF of Waterville.

On **OBJECTION** of Representative MADIGAN of Waterville, was **REMOVED** from the Special Sentiment Calendar.

READ.

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

Representative **MADIGAN**: Madam Speaker, Ladies and Gentlemen of the House, I don't know if any of you have been to the Waterville Library, but I'd like to tell you a little bit about it, because it is a big deal that it is one of only 10 libraries in the country to have received this honor. The Waterville Library sponsors festivals; it's full of children and families every day. Recently, they had a Wonder Woman day. Kids made crafts. They have a real partnership with our adult education and job readiness programs, so the library is full of people every day who are getting assistance to find work, including those people who are on assistance. And I can't thank our librarian, Sarah Ann Sugden, enough for all she has done to integrate our library into the community. I'm so happy that such a prestigious organization has recognized such a wonderful institution in my town, and I invite you all to come, because it's beautiful and we've also recently had a renovation. Thank you very much.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-273)** on Bill "An Act To Improve General Assistance Reimbursements"

(S.P. 363) (L.D. 1109)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York

DENNO of Cumberland

HAMANN of South Portland

MADIGAN of Waterville

PARKER of South Berwick
PERRY of Calais

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

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

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

Representative HYMANSON of York 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 Chelsea, Representative Sanderson.

Representative **SANDERSON**: Thank you, Madam Speaker. Men and Women of the House, I rise in opposition to the pending motion. The cost of GA from the state has increased dramatically over the last several years, and this proposes to increase it even more, by \$3.4 million. What this bill seeks to do is add 70 percent of the administrative costs from the municipality level to what the state reimburses to GA. I urge you to vote no on the pending motion. Thank you.

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

Representative **HYMANSON**: Than you, Madam Speaker, Ladies and Gentlemen of the House. Every town has GA, and some towns take on the burden more than others because some towns tell people to go to towns that have more resources; and the towns that have more resources then have the added expense of administering a program that's more expensive, even though the people who are in that town come from other towns. So, this is a way to smooth that over, so that it really helps all towns, by allowing them to count the administrative costs toward their 30 percent contribution to the state's GA program. And yes, it does have a fiscal note, but that money comes back to the towns in proportion for how much some towns are helping people who come from all our other towns. And I know I'm grateful for the towns that have the facilities to take care of the people who come from my district, because we don't. So, thank you.

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

ROLL CALL NO. 352

YEA - 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, 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 - Ackley, Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, 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 - Battle, Grignon, Grohman, Malaby.

Yes, 77; No, 70; Absent, 4; Excused, 0.

77 having voted in the affirmative and 70 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" (S-273)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-273)** in **NON-CONCURRENCE** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-195)** on Bill "An Act To Attract, Educate and Retain New Mainers To Strengthen the Workforce"

(S.P. 521) (L.D. 1492)

Signed:

Senators:

LANGLEY of Hancock
MAKER of Washington
MILLETT of Cumberland

Representatives:

KORNFIELD of Bangor
DAUGHTRY of Brunswick
FARNSWORTH of Portland
FULLER of Lewiston
GINZLER of Bridgton
McCREA of Fort Fairfield
PIERCE of Falmouth
STEWART of Presque Isle

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

Signed:

Representatives:

SAMPSON of Alfred
TURNER of Burlington

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.
READ.

On motion of Representative KORNFIELD of Bangor, the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

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

HOUSE REPORT - **Refer to the Committee on JUDICIARY pursuant to the Maine Revised Statutes, Title 1, section 411, subsection 6, paragraph G** - Committee on **JUDICIARY** on Bill "An Act Concerning Private Personal Information of Public Employees and Licensed Individuals" (H.P. 1126) (L.D. 1633)

TABLED - June 7, 2017 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

On motion of Representative MOONEN of Portland, the Bill and all accompanying papers were **INDEFINITELY POSTPONED**. Sent for concurrence.

HOUSE DIVIDED REPORT - Majority (7) **Ought Not to Pass** - Minority (6) **Ought to Pass as Amended by Committee Amendment "A" (H-496)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Provide for a Statewide Contract for School Teachers" (H.P. 613) (L.D. 864)

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

PENDING - **ACCEPTANCE OF EITHER REPORT.**

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

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

Representative **POULIOT**: Thank you, Madam Speaker, Men and Women of the House. I went to school at Gilbert Elementary School in Augusta, Maine, and other schools after that, of course. But, when I was in third grade, I know some of you will probably be surprised to hear that I actually made it past third grade, but Mrs. Perry was my teacher. She was my favorite teacher that I had, not that I didn't have other great teachers, but Mrs. Perry had oversized glasses and big red hair and she had the ability to inspire her students. Her students were lucky to have her. In growing up in Maine and attending public schools, I received an outstanding education, and it was due to the good teachers that I had. Maine has many incredible teachers like Mrs. Perry, but for decades, they've been shortchanged by contracts that don't truly reward them. The contracts are based on the zip codes that they teach in. That's why I've sponsored LD 864. The title of this bill, though, is somewhat of a misnomer now. It really should be "An Act To Allow School Districts To Voluntarily Participate in a Process To Ensure Equity in Teacher Salaries." The bill has been amended and would be completely voluntary, with an

opt-in provision for any of the 38 economically disadvantaged districts to participate in negotiating their contracts with the state. I provided you all with a summary of the outline of these changes. There's supposed to be one going around, I'm not sure where that is right now. This is, at the end of the day, really an authorization bill. This allows the state to negotiate contracts with districts that choose to participate, and I think it's very important to acknowledge that piece, they would choose to participate in this process, nobody is being forced to do this. A few other things to draw your attention to about the bill: the bill would provide that the cost of salaries and benefits must be submitted by the Chief Executive as part of an operating budget submission to the Legislature, within 10 days after the date in which the agreement is ratified by the parties. These people will get paid. The bill would establish that the percent of state funds to go into the classroom and pay teachers, who are at the heart of educating our kids, would be at 70 percent. Right now, only 59 percent of the dollars spent on education in Maine go toward salary and benefits for our teachers. That's below the national average of 64 percent. I want to share with you something from a teacher. I think that's the most important group of people to listen to in this process. She reached out to me and said the following: "on my way to school this morning, I was fortunate enough to hear your interview about the bill to create a statewide teacher contract. As the Bill and Melinda Gates Foundation reported in 2013, evidence clearly shows what most people already know intuitively: teachers matter more to student learning than anything else inside the school. I'd like to share a byproduct of disparate teacher salaries across the State of Maine. I can speak about this issue because I have been an educator in the State of Maine for 30 years; 25 as a classroom teacher and the last five years as a literacy coach. In my role as a coach, I've had the privilege of visiting many schools throughout our state; observing teachers as they practice the art of educating our youth. Teaching is a complicated profession that requires intelligence, compassion, flexibility, patience, humor, passion, grit, and much more. The way our system works now, salaries reflect a district's ability to access local funds. My personal experience is that when hiring, school districts offering higher salaries most often select teachers who have experience in the field, which leaves our new graduates working in schools that offer the minimum salary allowed for teachers in the State of Maine. So often, once these teachers gain confidence, professional development, and experience, they leave for more lucrative positions. The problem for schools that have higher teacher turnover is that they continually struggle to find their footing. Every new year brings new staff, new ideas, new storming. Schools that pay well rarely have openings, so their staff is strong. Policies and procedures are in place, and their work is about students and teaching. This revolving door in our poorer schools is yet another problem that impacts our students. The statewide teacher contract is an idea that legislators must discuss. Please let this fragile idea come forward for careful bipartisan conversation. The children of Maine deserve the best we have, no matter where they live," and I couldn't agree with her more. There's great disparity in the rates that are paid. The average salary in Pembroke Public Schools is \$33,029. In Princeton Public Schools they're \$45,998, and in Portland Public Schools they're \$68,011. Yes, costs of living are different in these areas, but if all teachers are expected to ensure a high-quality education for all Maine kids, why are we not compensating them equitably? We need to shrink the hiring gap that exists between poor and affluent communities, so that all Maine students have access to excellent teachers,

and are not subjected to this revolving door phenomenon. Finally, I know that there are many in this chamber, and in the other body, that have a significant lack of trust in the Department of Administration and this current administration -- the Department of Education rather -- and this current administration. And frankly, I certainly understand that. But the only way to rebuild trust is to make a good-faith effort to move in a direction that will allow that to occur. I think this provides us with a tremendous opportunity to rebuild trust, and we shouldn't let lack of trust, or fear, prevent us from moving forward with an approach that would be excellent for many districts in Maine. All children in Maine, no matter what zip code they live in, deserve our best attempt to make sure they have access to high-quality teachers, and all teachers deserve our best attempt to ensure they are compensated fairly for their efforts. I sincerely hope that you will join me in opposing the pending motion, and support the Minority Ought to Pass. Thank you very much.

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

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

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

Representative **McCREA**: Thank you, Madam Speaker, Women and Men of the House. As many of you probably already know, I am proud to have been a career public school teacher, having retired this past June after 48 years of teaching. I rise in opposition to LD 864, which is entitled, "An Act To Provide for a Statewide Contract for Teachers." I have several concerns with this bill, or any legislation that proposes a statewide teacher contract or a regional teacher pilot contract in its present form. Many of my concerns are based on the state's previous actions regarding the overall financial matters of both active and retired teachers and state workers. Among those concerns are: there have been, in the past, two raids on the Maine State Retirement System in order to fund the state's budget. There have been instances where the cost-of-living allowance has been frozen. There was, at one time, a scheduled five percent yearly increase in health benefits for retired workers, and that was frozen some six years ago at 45 percent, and the very next year that same 45 percent contribution was frozen at the previous year's rate, and remains at that rate to this very day, making the effective rate approximately 35 percent, at best. The early retirement penalty was increased from 2.75 percent per year to 6.75 percent per year. The retirement age has been raised from 60 to 62, and then to 65. Forty years ago, revenue sharing was created following the institution of the state's income tax, as well as the shifting of some local revenue sources to the state. This, as its title suggests, was in order to share the state's newfound revenues, state revenue sharing, with local communities. Over the past five to six years, that revenue sharing has been severely reduced in order to balance the state's budget. I recently completed a 15-year run as a member of Fort Fairfield's Town Council. We are a small northern Maine town of about 3,500 people. This fiscal year, 2016-17, saw a reduction in revenue sharing of \$600,000 in this one year, which represents four mills in our property tax scheme. Is it any wonder that teachers have lost much of their trust when it comes to the financial matters whenever it involves the State of Maine? According to a Picus Report of 2013, Maine's school funding formula is among the very best in the nation when it comes to providing an equitable educational

opportunity for all of Maine's public school students, regardless of the wealth of their community or their zip code. We, as a state, should be very proud of this. However, this bill will destroy much of that equity by taking the majority of educational costs, those costs associated with teacher salaries and benefits, outside of that funding formula. Let us not undo the process which has served us so well. It could be argued that this proposal will increase or raise the salaries of teachers in poorer districts, and that may well be the case. But wealthier districts would still be capable of offering salaries above and beyond the state-negotiated salaries and benefits package, and thereby, continue to attract the best teachers in the state, still leaving poorer districts behind. While I appreciate much of the good things that my friend, Representative Pouliot from Augusta, has made in his testimony before the Joint Committee on Education and Cultural Affairs, of which I am a member, that in addition, wealthier districts such as Wells-Ogunquit would then have the money to beautify their Main Street and, thereby, attract more tourists. Think about that for a second. How can both the wealthier and the poorer communities in this state both get more money? The answer is very simple: they cannot. Something about this proposal simply does not ring true. To me, this really struck home. Those who have more, get still more, while those who have more needs, will have even greater needs. Prior to my retirement from teaching last June, I represented the Fort Fairfield Teachers' Association for no less than 45 years of contracts, and for the past 42 years as lead negotiator for those very same teachers. We came to the table as equals in all matters. All matters except wages and benefits. We always came to an agreement, in the end, at the local level. However, Madam Speaker and Ladies and Gentlemen of the House, the following information may come as a surprise to some here present. Should negotiations reach an impasse, the following is the actual scenario. First, we would both, on both sides of the table, file for mediation, and if this does not prove successful, the next step would be fact-finding and then on to binding arbitration.

The **SPEAKER**: The Chair recognizes the Representative from Auburn, Representative Bickford and inquires as to what his Point of Order is?

Representative **BICKFORD**: Madam Speaker, the budget is not the concern of this bill.

On **POINT OF ORDER**, Representative BICKFORD of Auburn asked the Chair if the remarks of Representative McCREA of Fort Fairfield were germane to the pending question.

The **SPEAKER**: The Chair would answer that I did not hear the member speaking about the budget in his remarks. However, if that did happen and I missed it, or if that is part of the Representative's future testimony, the Representative will please focus on the bill in front of us. Thank you.

The Chair reminded Representative McCREA of Fort Fairfield to confine his debate to the question before the House.

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

Representative **McCREA**: Thank you, Madam Speaker, and if I did, I apologize. I don't think that I did, but it certainly was not my intent. Okay. The concern here is, regardless of how an arbitrator rules, matters of salary and benefits are not binding on school districts, or in this case, the State of Maine. How can this bill, as written, be anything but a wolf in sheep's clothing for Maine's approximately 20,000 public school teachers? In addition, in the way this current proposal is

worded, the school unit, meaning the school board, can decide whether to enter into any regional pilot project or not. How on earth can true negotiations be entered into without both parties, teachers and school boards alike, agreeing to enter together or not at all? If both agree to enter on their own accord, at least they are doing so on somewhat equal footing with eyes wide open. Earlier in this session, Education Commissioner Robert Hasson stated before the Joint Committee on Education that teachers would, in this case, have a vote as to whether they or their bargaining agents wanted to participate in any regional pilot. This is not how the bill is currently written. I am not in favor of any type of statewide or regional teacher contract, but should it ever come into play, both parties must enter into it on equal footing. In closing, if enacted, LD 864 would enable the Chief Executive of the State of Maine to unilaterally impose his or her last best offer on the great teachers of this great state, and those teachers would have no recourse whatsoever. Politics aside, we don't hear that very often here, and I do realize how crazy that may sound given the time and place that we legislators find ourselves, does anyone in this chamber think for one minute that this is a fair way to treat the teachers of this state? I oppose LD 864 and I encourage you to vote along with me. Thank you very much.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen. Thank you, Madam Speaker. Thank you, Ladies and Gentlemen of the House. What I see in this particular bill is a pilot project, an experiment, an opportunity to look at: How do we reform education in Maine? The reality is, I was born in Aroostook County, grew up in Washington County, my kids attended school in southern Penobscot County and so, I've seen the full gamut of public education, at least as it sort of relates to, sort of, what I would call the northern Maine experience in education. And I think what I would say, by and large over time, is that, even from the days of my youth, education was not substantially changed. Some people would disagree with that. I certainly think that teachers do a great job. I know that many of us that would, are in this body today, could point to teachers in their lives that have been the influence that have led them to be successful, productive citizens in their state. And certainly, I could say on behalf of my son who just graduated, that there are two or three teachers at RSU 19 that certainly were an inspiration to him as he now moves on to the university to attend school. And I mean that on even nonacademic levels, where I think teachers really bring to light and into life certain people, bringing them out in terms of certain things that they need to develop in themselves, whether it be self-confidence, speaking up in class, those sorts of small things that I think we can all remember that we all worked on when we were in school. And so, I certainly want to say from, at least I believe as Republicans, this side of the aisle, we believe in our school systems. We believe in teachers that are doing good jobs. But I think there's also the recognition today that, at some point in time, we need to begin the serious conversation of reform. And what this bill does is bring forward a pilot project to begin the conversation about reforming how teachers get paid, rather than it simply being all at the local level. Many of these school districts the good Representative from Augusta, Representative Pouliot, is talking about, are high receivers, sixty-five percent high receivers and I would probably suggest, without looking at the list to the extent that there are probably high receivers, they're also probably schools that also have a

very high incidence of free and reduced lunch. And what that means is, they also probably don't have the same levels of income in those communities that they might have, for example, in York and Cumberland County. So, this is an experiment. This is an opportunity for Maine to say, let's stick our toe in the water and see if this is something that can work. And, there are other ideas out there for the reforms, which we are talking about this session, which I believe are critical to making our school systems better. We spend over a billion dollars a year in this state funding K-12 education. Let me say that again, we already spend a billion dollars a year in our state funding K-12 education. That's a lot of money. And, not too many years ago, we had 250,000 students in our K-12 education system, and now we're down to 180,000 and not very far into the future in 2020 or shortly thereafter, we're going to be down to 155,000 students. It doesn't take a genius to figure out that that per-pupil cost, over time, is significantly increasing, and there's a certain ability that taxpayers, whether they're paying a property tax at the local level or whether they're paying the income tax at the state level, there's a certain level at which Mainers can only afford so much education. And I believe what this bill is trying to do is to say, "How can we make it better?" Not a criticism of the current system, it's not a criticism of teachers, it's not saying the system's broken, we need to fix it. It's a question of how do we make it better, and I would ask that our folks from the other side of the aisle join us in the conversation about how do we make the system better. Not simply keeping it the way that it has been for the last, I don't even want to say my age, but the last number of years that I've lived in the State of Maine. Well, I don't see that the system has fundamentally changed, and it needs to change. Our wood products industry, over the last 100 years, have changed, and now what we've seen in the last five years is mill, after mill, after mill, after mill, shutting down. Back during the Baldacci administration, when he was the Chief Executive, tried to force school consolidation at the local level, and it was a failure, because it did not allow for local input on how to do that in a cooperative way. And, I think for those of us that were here after that recognized that, and we fixed that problem. Just such as if this problem here doesn't work, the next Legislature will fix the problem. But we have to begin to address and recognize, as a reality in this state, that we have a numbers problem. And the simple numbers problem is that we have a declining number of students and a rising cost for education. And this is one attempt to equalize the playing field in poor districts and rich districts, and I don't think that's a bad thing. I think we can get there, and I think we can get there together, and I would simply ask that you keep an open mind, vote for the pending bill, oppose the current motion, so that we can allow this to be something that Maine people can look at and say, the Maine Legislature is trying to deal with this very complex issue which has been around for a long time. I ask you to oppose the pending motion so that we can talk about how we can continue to have the conversation about reforming education in Maine. Thank you, Madam Speaker.

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

Representative **POULIOT**: Thank you, Madam Speaker. I just want to leave the members of this body with something that I think is important, which is that politics really shouldn't play a place in good public policy. Unfortunately, it does every single day, we're never going to change that. But I would encourage you all to be courageous and not consider only the optics of this or how this may look. You know, as a member of

this body now for five years, I've taken a number of votes that my friends on this side of the aisle haven't been too pleased with. But I did it, because I knew it was the right thing for the State of Maine. And when I hear from folks in this body who are unable to support this, not because they don't believe in the merits of the policy but because of the optics, to me that's quite discouraging. So, I hope you will consider that when you're taking your vote and support the bill and not the pending motion that we have before us. I think this is good for Maine kids. At the end of the day, it is a voluntary opt in pilot which would have to be --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Madam Speaker, I thought that I was, my vote on this was being called into question because of the optics and not my sincere feelings on this issue.

On **POINT OF ORDER**, Representative SHEATS of Auburn objected to the comments of Representative POULIOT of Augusta because he was questioning the motives of other members of the House.

The SPEAKER: The Chair would remind all members, during the course of debate to not question the motives of other members, the reasons for their vote or to impugn character in any way. The Chair will also remind members, if you, to ask for a Point of Order to be specific about what that Point of Order is as you are called on to rise. The member may proceed.

The Chair reminded all members that it was inappropriate to question the motives of other members of the House.

Representative **POULIOT**: Thank you and to the good Representative from Auburn, I certainly am not trying to impugn your motives. I've been told directly by some members of this body that the optics of the issue are a challenge for them, so I'm just encouraging all folks in this body to rise above that, and to look at this as an opportunity for us to have another approach to solving an issue that is a significant one for many districts in the State of Maine. Thank you all for you time. Thank you, Madam Speaker.

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

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. This is a bill that has caused me to think in great depth about the future of education here in Maine. For those of you who don't know, I began my teaching career nearly 50 years ago. I've actually been a negotiator on both sides of the table. I must admit, neither side was all that wonderful experience, but I could tell you stories, but I don't think that's germane to the topic here at hand. You know, I live in Piscataquis County. We take turns with Washington County being the poorest county in the State of Maine. And when the conversation here was about, it was about the criteria. Let me just give you some of the criteria. I have, in my district that I represent, I believe the poster child for this particular bill: I have a school district that has 92 percent free and reduced lunch. I have a school district that receives 76 percent state subsidy. It's not listed here, but I have a community in which less than half of the income for that community is earned income. Over half of it is some kind of transfer payment from some government agency. And when that community looks at trying to pay for its schools, it becomes a significant challenge. I could stand here today and tell you as a former project manager for school consolidation, beware when you move into local control issues. But I think, when I look at this, and I think about what the options are for

the community in which I serve, they're going to ask some difficult questions. They're going to ask the question, what's in it for me? If I have a concern, it would be there is no dollars specifically associated with this, though I understand the financial mechanisms will come later. But that local school district is not going to give up its local control, no matter how poor it is, or how poorly it performs. In fact, it performs dead last on every educational test in the State of Maine, at all three grade levels. So you might say they would jump at this opportunity. I'm not sure that's the case. Again, a compelling case will have to be made for them to voluntarily agree to participate in this endeavor; and that will be the case in every single school system in the State of Maine. So, I guess I could stand here and say there's a lot of reasons why we probably shouldn't do this. But, I stand today to say I think there are reasons we should do this. I think we should give our local communities the opportunity to make that decision. It's their decision, not ours. Give them the opportunity, and I have no idea what we may look like a couple of years from now, we may find, like school consolidation, it was a great idea at the time, and it didn't work. But, at least, I think we should give it the opportunity to find out. So, I encourage your support and I oppose the pending motion. Thank you, Madam Speaker.

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

ROLL CALL NO. 353

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, 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, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, 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, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Grignon, Grohman, Malaby.

Yes, 80; No, 68; Absent, 3; Excused, 0.

80 having voted in the affirmative and 68 voted in the negative, with 3 being absent, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

SENATE PAPERS
Non-Concurrent Matter

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)

Minority (2) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with the Majority (11) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-147)** in **NON-CONCURRENCE**.

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

Representative **HERBIG** of Belfast **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**: The Chair recognizes the Representative from Sanford, Representative **HARRINGTON**.

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm grateful that we have another chance to vote on this. I think this is a good piece of legislation that will protect law enforcement, and I would urge you to reconsider your vote from yesterday, if you voted against it. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker, Men and Women of the House. The other day when we voted on this, I had a recollection of a couple of years ago, of a bill that we passed here and added an amendment under the idea of protecting our law enforcement, and I find that this bill here follows right along that same line. Under current law, at a routine traffic stop or the same situation that a hypodermic needle might be in, an arrest or a search, a person practicing their First Amendment right to bear arms with a concealed weapon is required to notify law enforcement immediately. So, you know in the case of a routine traffic stop, somebody could have a tail light out, a law-abiding citizen is required to notify, but we're finding it unreasonable today that somebody is doing something that warrants a search, and we're not going to protect our law enforcement from a hypodermic needle. I don't understand how people could not find that reasonable. I would hope that, you know, we could rethink this, and let's vote to protect our law enforcement. Thank you.

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

Representative **SANDERSON**: Thank you, Madam Speaker, Men and Women of the House. You heard me speak of family members yesterday that are on law enforcement. After the vote yesterday, I sent a text to one of them. And they sent me this text back: "I've been stuck with a dirty needle. It's terrible. I took 72 needles off a guy this morning, along with crack. He also had a warrant for failure to appear for a theft. No wonder we can't get applicants who want to be a cop in this day and age." Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, may I ask you to please support this. Every day in the last year, I

see emails coming across from various departments in the State of Maine, looking for officers. There is a shortage right now. We're okay, but we're heading down a very slippery slope. We have to show that we're willing to support those that are willing to put themselves at risk for us; and a lot of young applicants are leaving the state, going to other departments in other states, because they really do not feel that we're supporting them. Please, let's send them a good clean message, we appreciate their service and we need them, and we need them when we need them. So, please let's support this. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, I will remind the body that when this piece of legislation came before our Committee, four people testified. One person testified in support. Every day our Committee meets, there are law enforcement officers there, just like in every other Committee, folks that are involved in the profession are there. They are monitoring all the bills that we are working on. Not one law enforcement officer, other than the sponsor, has come to us and said that they needed this protection, or that they wanted this protection. Here's what we have heard from law enforcement. What we heard from law enforcement was, please, give us some resources for our county jails so we can help people heal from this opiate epidemic. It was voted down on party lines. We also have law enforcement who came and said, please, help us raise wages, because we're struggling to recruit good people. It was voted down on party lines. If we bring proposals where the very people that we are trying to protect come in and talk to us and craft the bill with us and tell us we need this, we will work to create that protection. But you do not create new criminal statutes with serious constitutional rights issues without even hearing from the very people we are aiming to protect. Thank you.

The **SPEAKER**: There are six members in the queue. The Chair recognizes the Representative from Weld, Representative **Skolfield**.

Representative **SKOLFIELD**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. As someone who used to do this type of work, I fully understand the reasoning for this. Also, I have a son, I have a son who currently is involved in law enforcement in this state, in Sagadahoc County, and I am voting to help protect him and his fellow officers. Please follow my light. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I am in favor of helping law enforcement folks be safe, and to do their jobs effectively. My understanding of the intricacies of the bill being proposed today is that there are substantial unintended consequences if we allow this bill to become law, for my understanding was, from earlier debate, that it's legal for folks to carry 11 needles on them. And if this bill, as it was amended, were to become law, a heroin dealer would simply need to store his or her heroin in needles in order for them to become exempt from prosecution. Well, Madam Speaker, I might have been born at night, but it wasn't last night. Human nature is what it is. People will game the system any which way that they will to gather, to get advantage, and if we pass this bill, we'll be giving the advantage to heroin dealers in the State of Maine. Thank you, Madam Speaker.

Representative **PIERCE** of Dresden **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 Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Madam Speaker. I apologize for rising a second time. As the good Representative from Hallowell reminded us, there were four people that testified on this bill, yet it came out with an 11-2 report, so clearly there was a lot of support in that committee for this piece of legislation. This legislation only applies when someone is already under arrest, that needle is going to be found regardless, and they're going to either find it stuck in their hand or by the disclosure of the arrestee. I don't think it's too much to ask that we require someone to disclose that needle when we are going to find it regardless. Thank you.

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

Representative **PERKINS**: Good morning, Madam Speaker. Fellow House members, I rise because I have been stuck by a needle before, as a police officer. If we are not going to support our police officers, let's not call them. So, if you're not going to support them, don't call them for help. Thank you, Madam Speaker.

The **SPEAKER**: The Chair will remind all members that in this body we have debate, we encourage respectful debate, we have different opinions on issues, but we will treat each other respectfully. We will not question each other's integrity. We will not yell at each other. If we need to take a break, based on how debate is going, we will do that. But, I want to make very clear that I have been pretty fair about allowing debate, allowing people a good deal of movement and ability to debate on things, and that is going to end here based on what I am seeing and hearing in the chamber over the past week. If anyone feels uncertain about the rules of decorum, you can send me a note, and we can take a break and we can have a conversation about that. But, I will be enforcing decorum in this chamber. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I don't believe for one second that anyone here in this chamber, or watching or listening believes that our law enforcement community shouldn't be safe doing their jobs. I think we all believe that that is a true statement. I spoke at length with the chief of police of the town of Winthrop about this bill and asked him his opinion. When it came across his desk, he said, he saw the bill, he didn't even bother drafting a proposal to it because he thought it had absolutely no chance of passage, because he felt as though it was unnecessary, and it would put the constitutional rights of too many people at risk should it pass. And so that is why I do not support this measure. Thank you, Madam Speaker.

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

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

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

Representative **SANDERSON**: Thank you. The good Representative from Winthrop, I believe, was referring to having 10 needles full of heroin, and that would not be prosecutable. The bill itself mentions residue. Can I have some clarification on that, because I have a hard time believing that a needle that is full of heroin can be considered residual? Thank you.

The **SPEAKER**: The Representative from Chelsea has posed a question through the Chair, if there is anyone who is

able to answer. The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Just to be clear, the good Representative from Winthrop did not testify or speak on this issue in that way. I just wanted to let the good Representative from Chelsea know that. Thank you.

The **SPEAKER**: The Chair would clarify that the Representative from Chelsea was probably referring to remarks made by another Representative, the Representative from Monmouth, by my recollection. The Representative has posed a question if there is anyone who is able to answer that question. The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: The way the bill is drafted, it says the contents of a needle. In 10 years of law enforcement, I've never seen unprepared heroin carried in a needle. It just doesn't happen and prepared heroin would congeal, it would be not usable if it was carried in that way. So, the bag of heroin in the same pocket next to that needle would still be admissible, and residue within that needle would not be admissible. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker. I appreciate being given the opportunity to rise a second time, and I think the point that I made earlier is being made yet again by the confusion over how the courts might interpret the language being proposed today, whether it's residue, whether it's the contents of an apparatus, all of these become quite questionable, and the fact of the matter is, private individuals can move much more quickly in their decision-making process than any government or legislative body can. And, when we make changes to laws, we change the incentives of how private individuals behave. I think that's my point. And so, if there is an advantage to someone who is trafficking in heroin in storing their heroin in needles, because when they are carrying them on their person in this apparatus, that will no longer be admissible in court should they be searched. Well then, I think people might consider doing it. We're not necessarily talking about rational people. Thank you, Madam Speaker.

The **SPEAKER**: 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. 354

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, 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, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, 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, 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, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Grignon, Grohman, Malaby.

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

73 having voted in the affirmative and 75 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker GIDEON of Freeport moved that the House **INSIST**.

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

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

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

ROLL CALL NO. 355

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

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

ABSENT - Grignon, Grohman, 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 House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Protect the Health and Safety of First Responders"

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

Report "C" (2) **OUGHT NOT TO PASS** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with Report "A" (8) **OUGHT TO PASS AS AMENDED** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-511)** in **NON-CONCURRENCE**.

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

Representative HERBIG of Belfast **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**: The Chair recognizes the Representative from Sanford, Representative Harrington.

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Again, we are given the opportunity to do the right thing. It's very simple here, do you think it should be a crime for somebody to intentionally expose a firefighter or paramedic or a police officer to an aggressive blood-borne pathogen, and do you think that they should be required to then submit to testing to put that member of public safety at ease? Think about it if it were you. Would you want to sit around for two weeks waiting for a court order to get a blood sample, or would you like to know right away? I think most people in the public do think that intentionally exposing a member of public safety to blood should be its own separate crime. I think it's pretty straightforward. People are doing this all the time. I've had people spit blood, not saliva, but blood into my face. I've had them intentionally get blood on me and tell me they hope I die of xyz disease. That's the world we live in. I would hope that you would be on the right side of this issue to support public safety in Maine. Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I've spent 27 years as a police officer for the City of South Portland. Before that I was a federal officer with the United States Coast Guard. Before that I worked as a special with the New Jersey State Police. I have over 30-some-odd years of firsthand law enforcement experience. As an officer, I am asking you please, support my fellow officers and help them out. Right now, we do have a pending shortage in this state on law enforcement officers. We also have, I'm sure you've seen on the news, a shortage of local firefighters and paramedics. They need to know they have your support. Please do not make this a political item. Please, I'm begging you. Support those that respond to you and help you when you need them.

The **SPEAKER**: Before we move on, the Chair will remind all members that when we question whether something is a political item when we disagree about it, that is impugning or questioning the motives of other members. None of us can know exactly why we each make the choices we do, although we certainly have evidence of committee reports and some evidence as to why people are in certain places. 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 understand what's going on in this chamber right now. Making new crimes, of course, is something that needs to be done in a thoughtful manner. We need to understand why we're doing it. But I really need somebody to help me understand. Help me understand why my son's life, who is a law enforcement officer in this state, is any less important than a teen who would like to tan in a tanning booth with parental consent. For that, there was no problem making it a crime; none at all. I guess I would really like to know why my son's life, the Representative from Sanford's life, and other law enforcement officers' lives across this state is any less important. Thank you.

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

The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Point of Order. I want to ask the Speaker if she got my vote.

The SPEAKER: The Chair would inquire how the member wishes to be recorded?

Representative **BATTLE**: Presently checking my notes.

The SPEAKER: The House will be waiting, and will inquire in another 30 seconds. The Chair recognizes the Representative from South Portland, Representative Battle, and inquires how he wishes his vote to be recorded?

Representative **BATTLE**: Point of Order Madam Speaker, I understood I had up to 20 minutes in which to cast my vote on an open vote. Is that not correct?

The SPEAKER: The vote has closed. The member will need to have his vote recorded as the member is in the chamber.

Representative **BATTLE**: Then I vote yea, Madam Speaker.

The SPEAKER: The Representative from South Portland, Representative Battle's vote will be recorded as yea. The Chair recognizes the Representative from Newport, Representative Fredette and inquires as to his Point of Order.

Representative **FREDETTE**: Thank you, Madam Speaker. I was actually, in regards to the pending question, my review of the House Rules are, that I believe that they can take up to 30 minutes to have a vote on a particular bill taken, under the House Rules. My understanding was from the good Representative from South Portland, he had not yet voted. And so, I would inquire as to the Chair if the rules allow for up to 30 minutes to vote. The Chair decided to simply close the vote, is that correct?

The SPEAKER: I'm going to just answer the question posed by the Representative from Newport, Representative Fredette, regarding the call for yeas and nays and how long a vote is open. According to Rule 401, Part 12, a call for yeas and nays must close no more than 30 minutes after a roll call is commenced. That does not, so, to just dissect that a little bit, that does not mean a roll call has to be open or that a member has to have 30 minutes or to be granted 30 minutes to record their vote. I, informally, will just say to you all, I hope that I have demonstrated fairness in my role as Presiding Officer to all members and do make an effort to make sure that I, or others, are tracking down anybody who is in their seat and who has not yet voted. In some instances, if somebody depresses their button at the last moment, then that makes it difficult for me to know that has happened, as I'm tracking everyone's vote, which is what happened in this case. Just so everybody also is prepared for the future, it will always be at the presiding officer's discretion regarding closing a vote. So, folks should know that if that happens and the vote is closed, then, and you are in the chamber, then you will be called upon to rise and have your vote recorded verbally instead.

ROLL CALL NO. 356

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, 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, Nadeau, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sanderson,

Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiaga, 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, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Grignon, Grohman, Malaby.

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

73 having voted in the affirmative and 75 voted in the negative, with 3 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker GIDEON of Freeport moved that the House **INSIST**.

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

Representative **FREDETTE**: Thank you, Madam Chair, Ladies and Gentlemen of the House. If I just may rise for a point of order and just a clarification, I believe in our conversation, Madam Speaker, that certainly I think the intent would be recognizing that we are all elected from our particular districts throughout the state to be here and to do our job. That some issues are maybe more difficult than others to decide at times, that to the extent that people are in the chamber and haven't voted, I assume that the good Speaker will afford all opportunities for people within that timeframe, an opportunity to contemplate and to vote in an appropriate fashion should that be the case.

The SPEAKER: The Chair would answer in the affirmative, as has been demonstrated in these six months, but also would clarify that that will be true within reason. The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker. In my long years of experience, I was of the understanding that anyone in their seat must vote before any vote was closed. Is that incorrect?

The SPEAKER: Members who are in the chamber are required to vote and have their vote recorded. If a member, for example, depresses their button without the Speaker's realization, and the vote is closed, then the vote is closed and the Speaker will ask the member how they would like their vote to be recorded. Also, just again to clarify for the future, because this seems to be in question: if a vote is open, members are given an opportunity, ample opportunity, to vote. If members choose not to vote within a reasonable amount of time, it will always be at the presiding officer's discretion on closing the vote and asking the member to record their vote verbally instead. The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Madam Speaker, Ladies and Gentlemen of the House, could I have some clarification?

The SPEAKER: The member may proceed.

Representative **HANINGTON**: We are told not to impugn someone's judgment, but then again, we see things in this body that – alright, I apologize.

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

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

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

ROLL CALL NO. 357

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

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

ABSENT - Grignon, Grohman, Johansen, Malaby, Ordway, Sherman, Winsor.

Yes, 75; No, 69; Absent, 7; Excused, 0.

75 having voted in the affirmative and 69 voted in the negative, with 7 being absent, and accordingly the House voted to **INSIST**.

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

Non-Concurrent Matter

Bill "An Act To Amend the Laws Governing Eluding an Officer"

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

Minority (3) **OUGHT NOT TO PASS** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** **READ** and **ACCEPTED** in the House on June 19, 2017.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (10) **OUGHT TO PASS AS AMENDED** Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-130)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Improve the Disclosure of Major Contributors Influencing Maine Elections"

(H.P. 1019) (L.D. 1480)

Signed:

Senators:

MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:

LUCHINI of Ellsworth
DILLINGHAM of Oxford
FARRIN of Norridgewock
HANINGTON of Lincoln
HICKMAN of Winthrop
LONGSTAFF of Waterville
MONAGHAN of Cape Elizabeth
SCHNECK of Bangor
WHITE of Washburn

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-526)** on same Bill.

Signed:

Representative:

CASAS of Rockport

READ.

Representative LUCHINI of Ellsworth moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

Representative CHAPMAN of Brooksville **REQUESTED** a division on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

The **SPEAKER**: The Chair recognizes the Representative from Brooksville, Representative Chapman, and inquires as to his request for a division, on what is he requesting a division on?

Representative **CHAPMAN**: I'd like to withdraw my request, if possible. Thank you.

Subsequently, Representative CHAPMAN of Brooksville **WITHDREW** his **REQUEST** for a division.

The **SPEAKER**: The request has been withdrawn.

Subsequently, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (11) Ought to Pass as Amended by Committee Amendment "A" (S-269) - Minority (2) Ought Not to Pass - Committee on STATE AND LOCAL GOVERNMENT on Bill "An Act To Encourage Development in the Logging Industry by Requiring State and Local Government Agencies To Give Preference to Lumber and Solid Wood Products Harvested in the State"

(S.P. 551) (L.D. 1573)

- 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-269)**.

TABLED - June 15, 2017 (Till Later Today) by Representative **MARTIN** of Sinclair.

PENDING - ACCEPTANCE OF EITHER REPORT.

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

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House, and I appreciate the good work of the committee on this bill. I do have great concerns about the bill, however. My concern is that, once we start interfering with the contractual relationships between Maine and Canada, I begin to feel that we really start treading on some pretty uncharted waters. For example, I would say that our current Chief Executive, President of the United States, has had some conversations about tariffs on wood coming to and from Maine, and even those conversations have had great implications: Issues that have been ongoing at least for a decade between Maine and Canada, and quite frankly, I don't know if they're still resolved. And, I think we all recognize, to some extent, that the Canadian Provinces do subsidize certain provisions in the timber/logging industry at various levels in the value-added process, and my concern is here, is that, once you start doing this, there's questions about accountability, how do you track it, who watches for it, who doesn't do it. I have great concerns about that in terms of implementation, who does it and who doesn't do it. And then, the other issues outside of that where we have mills in Maine, then, that may or may not have those issues with lumber and getting lumber. And, it would seem to me that adding yet another layer of another problem to this raises concerns to me, and so I will not be supporting the pending motion, and I would request a roll call.

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

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

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

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

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

Representative **CASÁS**: Thank you. There are three amendments online, and I just don't know which one we're voting on. Thank you.

The **SPEAKER**: The Representative from Rockport has asked which Committee Amendment we're voting on. We are voting presently on the Majority Ought to Pass Report as Amended by Committee Amendment "A." The Chair recognizes the Representative from Turner, Representative **Timberlake**.

Representative **TIMBERLAKE**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. As somebody who has sold wood into Canada and also trucked it both ways, my recommendation is that I won't be supporting this, because you want to be careful what you wish for. Because, for every action, there is an opposite and equal reaction, and I feel very strongly if we implement something like this, the Canadian government will also do something in exchange for that. And we have some mills that rely on Canadian lumber to come to the United States for them to function. So, I hope you will join me in not supporting this bill and sustaining it, because I'm very afraid of the reaction that comes with this bill.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, this bill protects Maine jobs, Maine loggers, and truckers. The definition of a Maine contractor or a business is broad, and allows any business established in Maine, or a person who lives in Maine, can in fact qualify. Thus a dairy farmer who owns their own land and harvests and trucks wood themselves can qualify. Harvests on Maine-owned land should be conducted by Maine-based businesses. If a landowner receives a subsidy, then they should use Maine-based contractors. This is the same specification that we put in the biomass bill last spring. If a company gets a subsidy, then they must use wood harvested by a Maine contractor. There is zero difference here, and a precedent has been set. I would hope that those who may not be in favor of this piece of legislation are not confused by another piece of legislation that this body rejected several weeks ago. Madam Speaker, I hope you would follow my light and vote for the pending motion. Thank you.

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

ROLL CALL NO. 358

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

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Chace, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Harrington, Harvell, Hawke, Head, Herrick, Higgins, Hilliard, Kinney J, Kinney M, Lockman, Lyford, Marean, Mason, McElwee, O'Connor, Parry, Perkins, Pierce J, Pouliot, Reed, Sanderson, Seavey, Sherman,

Simmons, Sirocki, Skolfield, Stearns, Stetkis, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Alley, Grignon, Grohman, Hanington, Hanley, Lawrence, Malaby, Sampson.

Yes, 86; No, 57; Absent, 8; Excused, 0.

86 having voted in the affirmative and 57 voted in the negative, with 8 being absent, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-269)** was **READ** by the Clerk.

Representative MARTIN of Sinclair **PRESENTED House Amendment "B" (H-520) to Committee Amendment "A" (S-269)**, which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-269) as Amended by House Amendment "B" (H-520) thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-269) as Amended by House Amendment "B" (H-520)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Bill "An Act To Amend the Charter of the Rumford Water District" (EMERGENCY)

(S.P. 38) (L.D. 90)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-54) AS AMENDED BY SENATE AMENDMENT "A" (S-226)** thereto.

TABLED - June 15, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - Motion of Representative BERRY of Bowdoinham to **INDEFINITELY POSTPONE SENATE AMENDMENT "A" (S-226) to COMMITTEE AMENDMENT "A" (S-54)**. (Roll Call Ordered)

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Indefinite Postponement of Senate Amendment "A" (S-226) to Committee Amendment "A" (S-54). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 359

YEA - Ackley, 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, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lockman, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Parker, Perry, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Sherman, Sirocki, Spear, Stanley, Strom, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Casas, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanley, Harrington, Harvell, Hawke, Head, Herrick, Hilliard, Johansen, Kinney J, Kinney M, Lyford, Marean, Mason, McElwee, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Prescott, Reed, Sampson, Sanderson, Simmons, Skolfield, Stearns, Stetkis, Stewart, Sutton, Theriault,

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

ABSENT - Alley, Grignon, Grohman, Hanington, Higgins, Lawrence, Malaby, Tipping.

Yes, 82; No, 61; Absent, 8; Excused, 0.

82 having voted in the affirmative and 61 voted in the negative, with 8 being absent, and accordingly **Senate Amendment "A" (S-226) to Committee Amendment "A" (S-54)** was **INDEFINITELY POSTPONED**.

Subsequently, **Committee Amendment "A" (S-54)** was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-54)** in **NON-CONCURRENCE** and sent for concurrence.

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-272)** - Committee on **TRANSPORTATION** on Bill "An Act To Prohibit the Use of Handheld Phones and Devices While Driving"

(S.P. 360) (L.D. 1089)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)**.

TABLED - June 16, 2017 (Till Later Today) by Representative McLEAN of Gorham.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding is that the report has been accepted and read, and that it was currently before the House, is that correct?

The SPEAKER: That's right. The motion before the House is acceptance of the unanimous Committee report.

Representative **FREDETTE**: Thank you, Madam Speaker. If I may speak to the underlying motion?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, as you will see in the bill title, this is "An Act To Prohibit the Use of Handheld Phones and Devices While Driving. This is an issue that we've talked about in the past, and for many of us and I suspect that includes many of us in this chamber, we use, particularly those that come from great distances, York County, Franklin County, Aroostook County, we use that time in our vehicles to be productive in terms of trying to accomplish other things that we have in our lives when things are going on. This particular bill takes handheld phones and devices is a prohibition, and I'm concerned about the underlying unintended consequences here, where, for example, we have many people and we have many vehicles today that do not have Bluetooth capability. And, who does that fall upon, that probably falls primarily upon the poor. In addition to that, we have lots of people in this state that can't afford a phone that has Bluetooth capability. And again, who does that fall upon? That would fall upon the poor. So, I think the unintended consequences of this, and for many of us that have small businesses that we're trying to operate when we're doing different things, and that may include having a conversation in

the car while we are on the phone. Again, I think this has unintended consequences, and I was actually moved by the good Representative from Waldo County, Representative Kinney, who spoke about the fact that when she is speaking to her mother on the phone, her mother has a hard time hearing her when she's actually even on the Bluetooth, and so that she had indicated that there are times when she has to actually pick the phone up and speak to her on the phone, because it allows for some clarity for her mother to actually hear her on the phone. So, I think we all understand that texting is a problem today. People particularly that are texting and driving, this is a significant problem. It's probably causing accidents and/or deaths, and we're aware of that. And I believe that there are laws in effect currently that address that issue, and we understand there should be a prohibition on texting and driving. But, I believe that this bill goes sort of way beyond that, and I'm very concerned about the unintended consequences of this particular bill. I will not be supporting the underlying motion and I request a roll call.

The same Representative **REQUESTED** a roll call on **ACCEPTANCE** of the Unanimous Committee 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 Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. I drive from Kittery. I do not have Bluetooth, and I do not use a handheld phone on that drive. Several years ago, a 17-year-old kid was texting on his phone and ran into a mother and her infant, and that mother was killed. I fully support this bill. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The first time I got to visit some of the towns in rural, central, and north-central Maine was riding on an 8 to 10-hour trip with four 15 and 16-year old drivers. For seven summers, teaching driver education, I worried how I might help these wonderful students understand the responsibility of operating a 2,000-pound vehicle in such a way that they would be prepared for a running five-year old chasing a ball or emerging from behind a parked car ahead. Any long-time high school teacher, unfortunately, can recall a school in mourning for a student who had lost their life on the road. Ten years ago, I sponsored a bill to have law enforcement specifically document the frequency of cell phone use by a driver during an accident. We didn't have good statistics, and even we in this chamber were protective of the free use of mobile phones in a car, and the bill failed. Four years later, cell phone use had grown and nationwide statistics were published. In 2011, 23 percent of all collisions, that's 1.3 million crashes, involve cell phone use while driving. Our Committee on Transportation has done excellent work to create this product in the 128th. It permits communication while prohibiting handheld use; a compromise between personal liberty and the safety of all. I especially appreciate the modest fine on first offense, because the goal here is education and safety, and for some, a change of behavior; to acknowledge the immense responsibility of vehicle operation. Eleven teens die every day from inattentive driving. That's a 9/11 death toll every year in this country. Young lives and the lives of others in their path will be saved by this responsible legislation. When people work together to confront a problem with a proposed improvement, a majority is good, consensus is better, unanimity is excellent. I thank the Committee for its

collaboration and hard work to come up with this product. I ask for the support of the chamber for this measure. You don't get much credit for preventing a bad thing from happening, because achieving that prevents the pain from being realized. But you can cast this vote with confidence that some adoring family, of a teenager, or of that running five-year-old, will owe you a great debt. Thank you, Madam Speaker.

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

Representative **TIMBERLAKE**: Madam Speaker, Ladies and Gentlemen of the House, this gets back to distracted driving. And it was a few years ago, when I was 15 years old and I went to get my driver's license, my father talked to me about distracted driving and we were having the same problem back then, and there wasn't no cell phones or any other handheld devices we were playing with. We played with an 8-track tape player and a bench seat with your girlfriend sitting beside you, and that was distracted driving back then. And that caused probably as many accidents as the cell phone does today. Folks, we can over-regulate. This is over-regulation -- there's some of us that make a living other than just standing in these halls. I, for one, wear a headset pretty much all the time when I'm driving, because I do not own a vehicle that's modern enough to have a Bluetooth. But not everybody in here does, and not every person out on the road today can afford it. And, when Grammy and Grampa call, or your son and daughter calls, and you don't know how to operate a Bluetooth or a headset, you should be able to answer the phone without being arrested. I will not be supporting this motion. I will be voting against it, because I believe it's a way overreach of the government. Please follow my light.

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

Representative **PECTEAU**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I just wanted to share testimony that was presented to the Transportation Committee. "LD 1089 would ban the use of mobile phones and electronic devices while operating a motor vehicle unless being used in the hands-free mode. This is exactly the law that Maine law enforcement needs in order to be able to successfully enforce the anti-texting laws that are already on the books in Maine. The current statute is difficult, and at times impossible to enforce. An officer must be able to prove that a person is, in fact, texting while driving, yet when passing a vehicle and only observing the operator for a glance, we have no way of knowing if that person is texting or simply dialing a phone number, programming a GPS, scrolling through a music play list, or finding a contact number in their phone, all of which are legal to do. If we have reasonable, articulable suspicion to believe they are texting, we can stop the vehicle and ask questions to try and determine if they are, in fact, texting. The problem is that people are not always entirely truthful when we ask them what they were doing on their phone. On behalf of the State Police and the Department of Public Safety, I urge you to carefully consider these issues and vote in support of this bill." Madam Speaker, Ladies and Gentlemen of the House, it sounds to me like this is a tool for law enforcement. I support the pending motion.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I've heard a lot on this bill about distracted driving, and the fine for distracted driving, and we talk about the fines in this bill of being \$75, and it talks

about texting and so on. Well, the penalty for texting in the State of Maine right now is \$250 fine. The problem for law enforcement is when you're driving down the highway, like I was the other day, I followed somebody from Fayette to Manchester, and that person went off the road about somewhere around 15 to 20 times, and they were texting, and I knew that's what they were doing, was texting, as they were driving along the road and went off the shoulder and right back on. If I was patrolling and was to stop that person and walk up to the car and ask them about it, and they told me they were using their handheld phone, I can't prove they're texting. This bill talks about texting, it gives some teeth to the texting law, and I believe it's something that we really need to be aware of if people are dying out here on the highway. How many times when you leave this chamber, and you're heading either home or back to your hotel, do you get to a traffic light and you have to hit the horn because the person in front of you is texting? I mean, we see it everywhere. We see it all around, and I could go on and on about stories about this. I believe this is a good, this is a good bill, and I plan to support it.

The SPEAKER: The Chair will remind all members to please direct your comments to the Chair. The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. In 1972, I got my first mobile phone, and it was a phone with a receiver that sat on the floor between the passenger side and the driver's side. It was a press-to-talk, you'd pick it up and you'd talk through a dispatcher. I learned how to talk on the phone and drive at the same time some time ago. In some cases, I probably could have been found on the phone, driving, with plans laid across the steering wheel. I've stopped doing that, but if I couldn't have the phone in my hand, I would have an extra hand to maybe lay those plans out across that steering wheel. Just like people read books, fix their hair, eat, drink hot coffee. This mobile phone has become the most important ingredient in my business. It is my office. I travel from Bangor every day, sometimes an hour, sometimes a little longer if I'm going the speed limit. Sometimes I go to Brunswick after that, and then back to Bangor. I'm on the road three to four hours a day. If you take that handheld away from me, I'm going to lose office time, and I'm not going to be happy. Thank you.

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

Representative **BATTLE**: Thank you, Madam Speaker. Madam Speaker, brothers and sisters of the House, as I mentioned earlier, I have been a police officer for 20-some-odd years in South Portland. During such time, I have seen just about every human action conducted in a motor vehicle. I have no doubt that there are members in this chamber here now because of some of those actions. It has amazed me in the last couple of years, how many people will drive down the street that are infatuated or involved with staring down at the mid-section of their own body or the lower part of the steering wheel. It is a sad effect, over and over again, responding to the number of accidents and when you get right down to talking to them as to why, is they were distracted because of texting. My father worked for Bell Telephone, Bell Laboratory in Murray Hill, New Jersey. Back in the 60's, they worked on a project which had to do with telex communication and decided back then, that they held off on releasing the technology of typed communication over voice communication for that particular reason: that they thought it was going to be a danger to drivers. That was back in the 60s. Here we are,

umpteens years later, and it really is a danger and a distraction - in just about, I don't know how many other states, in so many other states when I travel I do see the signs that specifically say, you know, not to use handheld devices. I'm going to support this bill, and I ask you to do the same. Thank you.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, I would like to make one quick point that the hands-free characteristic does not cover all of the problems: the distraction is due to attention not being paid to the driving, and so the non-hands-free communication also represents a form of distraction. This bill doesn't deal with that, I understand, but I don't want people to think that by prohibiting hands-operated devices that that solves the problem entirely. Thank you, Madam Speaker.

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

Representative **HARVELL**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Necessity is the mother of invention, and technology is solving this problem as we speak. Almost all new vehicles have the problem, and on Amazon, a Bluetooth is about \$18.75 if you look it up. So, after this piece of legislation passes, I suggest you get one before they are all sold.

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

Representative **GRANT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I am a proud member of the Transportation Committee. I think a lot of us have seen our own thinking about this issue evolve over the years, and I think what brought the Transportation Committee together in this unanimous report are the statistics about the number, the increasing number, of injuries and fatalities caused on our roadways by distractions while we're driving. With all due respect, we're all busy people. I know folks have to drive long distances, but a car is, in fact, not an office. A car is a car that we are driving down the highway at multiple miles per hour, that could potentially be lethal to ourselves or others. It requires the utmost concentration. No one wants to impinge on people's rights to freely do things that they want to do, but this is a safety issue. It's not a socioeconomic issue, it's a safety issue. It's not about multitasking, it's about safety. I pray that none of us in this chamber ever loses a family member or someone that we love due to an accident caused by distracted driving. When law enforcement asks us to please give them this tool, to help them enforce laws that we've already made about distracted driving and texting, that makes me sit up and take notice. And I would say there are other states across this nation that have seen this problem and are addressing it. The State of New Hampshire has on their license plates, "Live Free or Die," and they have seen the wisdom of passing this bill. I ask you to support the unanimous Committee Report and support this legislation. Thank you, Madam Speaker.

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

Representative **SKOLFIELD**: Thank you, Madam Speaker. I'd like to pose a question through the Chair if anyone could answer it please.

The SPEAKER: The Representative may proceed.

Representative **SKOLFIELD**: I'm looking this over and I'm not quite sure, it says the bill calls it the handheld phones and devices while driving. Would a device be a microphone for a CB radio, or a microphone for a police cruiser? Are there any

exceptions to that in this bill and does it cover that? Thank you.

The SPEAKER: The Representative from Weld has posed a question to anybody who may answer. The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Madam Speaker. There are no exceptions in this bill, not even for State Police.

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

Representative **PRESCOTT**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I just happened to notice that everybody wants to help law enforcement with a handheld device but not with needles or blood borne pathogens.

The SPEAKER: The Representative will defer. So, I'll be specific, the bill in front of us right now is LD 1089, not bills that we have previously debated today or yesterday in this chamber. The Chair recognizes the Representative from Searsport, Representative Gillway.

Representative **GILLWAY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I do want to answer the question from the good Representative from Weld. Handheld electronic device is defined in the statute, and it does not include a band radio or a two-way radio. Thank you.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time, and it's only because, you know, I hear conversation about how this is just a problem that we need to address, and I guess I just, it makes me a little bit frustrated that we think that this is the only problem, for example, that exists today with driving. And look, the reality is we all recognize we have far bigger problems in terms of driving than just this. We actually have a law that allows you to drink and drive in the State of Maine. You just can't be over .08 in terms of your alcohol content. So, if we really want to be serious about talking about drinking and driving, or this issue, then we should say you should be able to have no alcohol in your system and drive, because that truly impinges upon your ability to drive an automobile. Now let's go one step further: how many of us in the morning get up and drive through Dunkin' Donuts or Starbucks and grab a cup of coffee? And as soon as we get that cup of coffee and we drive out through the drive-thru, you know, we're trying to get that cap off there, and we're trying to get the napkin set down, and it's real hot, and we're moving stuff around, but evidently that's okay now? Okay, so we can't do that and we all have kids, or most of us that have children that might be in a vehicle, which are certainly a distraction. Are we going to outlaw kids not being in the vehicle? So, I mean that should be an issue that we should be thinking about. Then there are issues like, for example, if we are not able to use our handheld device, and we're going somewhere where we don't know where we're going, and it's telling us where to go because we've typed it into the phone, we now have to revert evidently to a map which we are going to set in the passenger seat, and we're going to have to be glancing at the map in our passenger seat so that we know where we're going. So, all I'm simply suggesting, Madam Speaker, is that while we may want to look at this issue and identify it as a handheld device and how it's causing all these accidents. Let's not fool ourselves that this is what is the only issue out there causing all these accidents. There's lots of issues out there and it isn't just this, and I am simply suggesting that there is a utility to handheld devices which

allow for certain things to be done while we're driving, such as eating McDonald's, drinking coffee at Dunkin' Donuts, and finding our way along the road. And so, I'm just a little bit, a little less sanctimonious about how great a thing we're doing, when there's lots of other issues out there we ought to be addressing, if this is exactly what the issue is. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I'm fortunate enough to be on the Transportation Committee and I would like to clarify some remarks made by the good Representative from Gorham about the police not being able to be, to have an exception. This was at their request. State Police officers, police officers, sheriff's officers spoke to us about this issue. They asked not to have an exemption. They think that distracted driving, even for their own safety, as well as all of ours, is important. If we want to support police officers in their duties, which I believe everyone in this chamber wants to do, this is something that police officers and law enforcement officers have asked for, and I would love to see this pass.

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

Representative **POULIOT**: Thank you, Madam Speaker, Men and Women of the House. I figured I would read this testimony or this from my phone just to kind of put forward the fact that it is, you know, possible for us to both read and speak at the same time, or read and do other things at the same time. I would like to remind the members of this body that we haven't had a lot of luck banning certain practices on our roadways, like speeding, for instance. We spend tens of millions of dollars on police hoping they'd get us to stop us from speeding, yet we still speed despite signs, radar, and heavy police presence on our roads. We all eat in our vehicles, hence those drive-up windows at our favorite eateries. We select and play music. We talk to each other, in person and by phone. We don't brush the snow off our vehicles before we take to the road. We even drive with our knees while taking off our coats. Okay, I do that, I don't know maybe some of you don't but it's been awful hot lately. Should it all be illegal? Distracted driving is illegal already, and it's difficult to prove. So, I've got a suggestion. If you took drivers' education, you remember being told to grip the steering wheel with both hands and keep your eyes on the road ahead. Perhaps Maine could partner with car manufacturers to create a steering wheel that would work only when gripped firmly with both hands. And when that was occurring, a light in the back of the vehicle would light up. When the light was not lit the police would know you are not gripping the wheel properly and give you a ticket. Other than this, I doubt the Maine Legislature is going to be able to stop us from rolling down the highway while we talk, eat, sleep, select music, put on makeup, shave, or read a book. Thank you, very much.

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

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in opposition to the pending motion. As a police officer, I can tell you we do have two statutes in Maine, texting and driving, and failing to maintain control of a motor vehicle, both of which I've had many successful prosecutions for. So, as I've been told the last couple days, I don't believe we need new, unnecessary laws and, you know, I have some serious concerns that law enforcement isn't exempted in this, because when you're

responding to a call, you have multiple phones, radios, computers and the reality of the job is that you do need to use those and, that is, we've been looking for exemptions for this since texting and driving came out, with use to our mobile data terminals in the cars. So, for those reasons, I'll be voting against the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative McLean.

Representative **McLEAN**: Thank you, Madam Speaker. I appreciate the opportunity to speak on this bill. I'm really grateful for all the conversation and debate we've had this afternoon on this bill because, it just proves the point, frankly, that we are driving distracted. We are laughing and joking about all the things we're doing while driving a two or three-ton vehicle down the road. This is a problem, driving distracted is a problem in our state. It's a problem in our country. And one of the litmus tests that we use here in this chamber when we're debating bills, is whether or not there is a problem the bill intends to address. And this bill, this unanimous report, does just that.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Newport, Representative Fredette and inquires as to what his point of order is?

Representative **FREDETTE**: Thank you, Madam Speaker. I'd only ask that the speaker address the Speaker and not myself with his comments.

On **POINT OF ORDER**, Representative **FREDETTE** of Newport asked the Chair to remind Representative **McLEAN** of Gorham to address the Speaker and not turn to the rest of the House.

The SPEAKER: The Chair will remind the member and all members, and I do try not to interrupt members to remind them of this, usually -- members on both sides of the aisle, please direct your comments to the Speaker. The member may proceed.

The Chair reminded Representative **McLEAN** of Gorham to address his comments toward the Speaker.

Representative **McLEAN**: Thank you, Madam Speaker. We all have friends and neighbors who have shared close calls with distracted drivers. And while I personally don't like to make policy based on anecdote, the anecdotes are backed up by data, real data, that shows that this is a real public safety issue. Distracted driving and the use of handheld phones is causing many accidents, it's causing death and it's causing injury. Distracted driving is a real issue, and every committee member on the Transportation Committee supported this bill because it represents an evolution that we have seen with respect to the issue of driver safety. The bill addresses the problem of using handheld devices, a real problem according to public safety officials. This bill, carefully crafted over the course of many legislative sessions, after much debate and much opposition, we know that this bill will reduce deaths, it will reduce injury and property damage. And one of the things that I have learned over the course of not just my time in the Legislature, but my life is that the perfect is the enemy of the good. And I don't subscribe to the idea that we should do nothing because we can't do everything. That is not a concept that I subscribe to. This bill is a tool also to have conversations to have with younger people, and frankly, all of us, about the issue of distracted driving and our responsibility when driving a vehicle. And that responsibility is solely to drive the vehicle. This particular bill prohibits the use of handheld devices. It still permits the use of a cellphone in the car, but you simply can't hold on to it. You need some sort of other technology, or you need some sort of cradle to hold the cell phone while using it.

This is a step in the right direction in terms of driver and traffic safety, and I hope you will join me in supporting the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Madam Speaker, Men and Women of the House. Sorry for rising a second time. I'm just trying to think this through. So, if I'm holding a phone like this and doing what I normally do with it, and are now forced to put it on the dashboard and then do what I don't normally do, am I being more distracted by something that's not at my ear or something like a computer or a phone or something else that's going on over here? It's hard for me to understand how that would be more helpful.

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

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

The SPEAKER: The Representative may proceed.

Representative **SIROCKI**: Thank you. I'm curious to know since this is a prohibition of an item, if Maine Prosecutors' Association indicated there was a problem with prosecuting the distracted driving laws already on the books. Thank you.

The SPEAKER: The Representative from Scarborough has posed a question for anyone who cares to answer.

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

ROLL CALL NO. 360

YEA - Ackley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Denno, Devin, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gillway, Golden, Grant, Haggan, Handy, Harvell, Herbig, Herrick, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrean, McCreight, McElwee, McLean, Melaragno, Monaghan, Nadeau, Parker, Parry, Perry, Pickett, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Seavey, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Craig, Daughtry, DeChant, Dillingham, Espling, Farrin, Fredette, Gerrish, Ginzler, Guerin, Hamann, Hanley, Harlow, Harrington, Hawke, Head, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Mason, Moonen, O'Connor, O'Neil, Ordway, Perkins, Picchiotti, 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 - Alley, Grignon, Grohman, Hanington, Malaby, Tipping.

Yes, 85; No, 60; Absent, 6; Excused, 0.

85 having voted in the affirmative and 60 voted in the negative, with 6 being absent, and accordingly the Unanimous Committee Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-272)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-272)** in concurrence.

Signed:
Senators:
LANGLEY of Hancock
MAKER of Washington

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

Representatives:
GINZLER of Bridgton
STEWART of Presque Isle

Reference was made to Bill "An Act To Amend the Laws Governing Temporary Sign Usage"

(H.P. 165) (L.D. 209)

In reference to the action of the House on June 20, 2017 whereby it Insisted and Joined in a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative McLEAN of Gorham
Representative GRANT of Gardiner
Representative PARRY of Arundel

Two Members of the same Committee report in Report "C" **Ought Not to Pass** on same Bill.

Signed:
Representatives:
SAMPSON of Alfred
TURNER of Burlington

UNFINISHED BUSINESS

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

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

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

- In Senate, **READ TWICE** under suspension of the rules without reference to a committee and **PASSED TO BE ENGROSSED**.

TABLED - June 19, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **FURTHER ACTION**.

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

Subsequently, under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** in concurrence.

READ.

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

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

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

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

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

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

ROLL CALL NO. 361

YEA - Ackley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, 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, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Guerin, Haggan, Hanley, Harrington, Harvell, Hawke, Head, Herrick, 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, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Alley, Grignon, Grohman, Hanington, Malaby, Tipping.

Yes, 82; No, 63; Absent, 6; Excused, 0.

82 having voted in the affirmative and 63 voted in the negative, with 6 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-522)** 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**.

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-523)** on same Bill.

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-522)** and sent for concurrence.

Majority Report of the Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-524)** on Resolve, Authorizing the Bureau of General Services within the Department of Administrative and Financial Services To Assume Ownership of the Forest City Project (EMERGENCY)

(H.P. 1121) (L.D. 1626)

Signed:

Senators:

CYRWAY of Kennebec
CARPENTER of Aroostook
WOODSOME of York

Representatives:

DUCHESNE of Hudson
ALLEY of Beals
LYFORD of Eddington
MASON of Lisbon
NADEAU of Winslow
REED of Carmel
STEARNS of Guilford
THERIAULT of China
WOOD of Greene

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-525)** on same Resolve.

Signed:

Representative:

HARLOW of Portland

READ.

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

The Resolve was **READ ONCE. Committee Amendment "A" (H-524)** was **READ** by the Clerk and **ADOPTED.**

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

Under further suspension of the rules the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-524)** and sent for concurrence.

ENACTORS

Acts

An Act Regarding Pay Equality

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

(C. "A" S-173)

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.

SENATE PAPERS
Non-Concurrent Matter

Bill "An Act To Modernize the Renewable Portfolio Standard"

(H.P. 810) (L.D. 1147)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272) in the House on May 30, 2017.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-272) AS AMENDED BY SENATE AMENDMENT "A" (S-290)** thereto in **NON-CONCURRENCE.**

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

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

Representative **STROM**: As I'm sure we've all heard, last week, the U.S.S. Fitzgerald, a U.S. Navy Destroyer that was built right here in Maine, suffered quite a tragedy, losing seven sailors on board, and basically the berthing compartments up front were completely flooded. After 20 years in the Navy myself, and being on a ship identical to that at the end of my career, I can only imagine what they went through in the middle of the night being woken up to that, and somebody had the job that nobody would want of having to close that hatch, knowing you still had shipmates down underneath there. But, there is something we can all do. The sailors on board, they pretty much lost everything, all their uniforms, everything they brought out to sea with them. But there is an organization called the Navy Marine Corps Relief Society that will be donating all new uniforms and civilian clothes to everybody on board, and they do have a website that anybody can go to and donate. Once again that is the Navy Marine Corps Relief Society. Thank you.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Talbot Ross, who wishes to address the House on the record.

Representative **TALBOT ROSS**: Thank you. Today marks the annual observance of World Refugee Day, which honors the contributions and resilience of those who are forced to flee from their homelands due to violence, conflict, persecution, human rights violations, or natural disasters. The United Nations reports that nearly 66 million people were forcibly displaced from their homes last year. One person is now displaced every three seconds. Catholic Charities Maine is partnering with other stakeholders to commemorate World Refugee Day with events in Portland and Lewiston following the end of Ramadan. Lewiston's celebration is scheduled for next Thursday, June 29th in the Simard-Payne Memorial Park, and Portland's will be on Saturday, July 8th at Cheverus High School. Both events include food, family activities, performances and art. Please join us in commemorating the resilience and courage of refugees in Maine, and all around the world.

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

Representative **CEBRA**: Thank you, Madam Speaker. I rise today, and I just want to preface what I'm going to say, that I'm not meaning to insult anyone, I'm not meaning to cast dispersions but, there's something I want, I just want to say to this body. On our calendar today is unfinished business 18. It's the Highway Fund budget, that was a unanimous report that came out of the Transportation Committee. Now, this was a budget that was worked in the Transportation Committee pretty hard in its unanimous report. I understand we're dealing with a lot of contention on the General Fund side, but folks, on the Highway Fund side, we've been able to get this budget as a unanimous report out of Committee. I think it might be a good idea for this body to get this Highway Fund budget out of here, to show the people of the State of Maine that we can actually work together on some stuff. And, I'm just saying, our chairman's done a great job, our lead's done a great job, members of the Committee have really come together on this budget; and I think if we park it here, I heard rumors in the hall, I know we're not supposed to spread rumors, but it's parked there, here, because some people want the Highway Fund to suffer if we have a shutdown. I think we need to pass this out of here, just so that people can see we are working together on some stuff. That's all I've got to say. Thank you, Madam Speaker.

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

On motion of Representative CASÁS of Rockport, the House adjourned at 1:53 p.m., until 10:00 a.m., Wednesday, June 21, 2017.