

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

Daily Edition

First Regular Session
beginning December 7, 2016

pages 1 -

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST REGULAR SESSION
62nd Legislative Day
Friday, June 23, 2017

The Speaker resumed the Chair.

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

Prayer by Honorable Christopher W. Babbidge, Kennebunk.

National Anthem by Sammie Angel, Dixfield.
Pledge of Allegiance.

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

The Journal of yesterday was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 592)

ORDERED, the House concurring, that, notwithstanding Joint Rule 353, the Task Force on Health Care Coverage for All of Maine, referred to in this order as "the task force," is established as follows.

1. Purpose. It is the intent of the Legislature to ensure that all residents of the State have access to and coverage for affordable, quality health care. It is the intent of the Legislature to study the design and implementation of options for a health care plan that provides coverage for all residents of the State; and be it further

2. Appointments; composition. The task force consists of members appointed as follows:

A. Four members of the Senate, appointed by the President of the Senate, including 2 members of the party holding the largest number of seats in the Senate and 2 members of the party holding the 2nd largest number of seats in the Senate, of whom at least one member is a member of the Joint Standing Committee on Insurance and Financial Services and at least one member is a member of the Joint Standing Committee on Health and Human Services;

B. Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including 2 members of the party holding the largest number of seats in the House of Representatives and 2 members of the party holding the 2nd largest number of seats in the House of Representatives, of whom at least 3 members are members of the Joint Standing Committee on Insurance and Financial Services or the Joint Standing Committee on Health and Human Services;

C. One member representing the interests of hospitals, appointed by the President of the Senate;

D. One member representing the interests of health care providers, appointed by the Speaker of the House of Representatives;

E. Two members representing the interests of health insurance carriers, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives;

F. Two members representing the interests of consumers, one appointed by the President of the Senate

and one appointed by the Speaker of the House of Representatives;

G. One member representing the interests of employers with fewer than 50 employees, appointed by the Speaker of the House of Representatives; and

H. One member representing the interests of the employers with 50 or more employees, appointed by the President of the Senate.

The President of the Senate and the Speaker of the House of Representatives shall invite to participate as members of the task force the Commissioner of Health and Human Services or the commissioner's designee and the Superintendent of Insurance or the superintendent's designee.

3. Chairs. The first-named Senator is the Senate chair of the task force, and the first-named member of the House of Representatives is the House chair of the task force. Notwithstanding Joint Rule 353, the chairs may appoint, as nonvoting members, individuals with expertise in health care policy, health care financing or health care delivery. Any additional members appointed pursuant to this section are not entitled to compensation or reimbursement under section 6.

4. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

5. Duties; design options. The task force shall propose at least 3 design options, including implementation plans, for creating a system of health care that ensures all residents of the State have access to and coverage for affordable, quality health care. The design options must meet the principles and goals outlined in this order. The proposals designed under this order must contain the analysis and recommendations as provided for in this section.

A. The proposal must include the following design options:

(1) A design for a government-administered and publicly financed universal payer health benefits system that is decoupled from employment, that prohibits insurance coverage for the health services provided by the system and that allows for private insurance coverage of only supplemental health services;

(2) A design for a universal health benefits system with integrated delivery of health care and integrated payment systems for all individuals that is centrally administered by State Government or an entity under contract with State Government; and

(3) A design for a public health benefits option administered by State Government or an entity under contract with State Government that allows individuals to choose between the public option and private insurance coverage and allows for fair and robust competition among public and private plans.

Additional options may be designed by the task force, taking into consideration the parameters described in this section.

Each design option must include sufficient detail to allow the task force to report back to the Legislature to enable the Legislature to consider the adoption of one design and to

determine an implementation plan for that design during the First Regular Session of the 129th Legislature, including the submission of any necessary waivers pursuant to federal law.

B. In creating the design options under paragraph A, the task force shall review and consider the following fundamental elements:

(1) The findings and reports from previous studies of health care reform in the State, including the December 2002 document titled "Feasibility of a Single-Payer Health Care Model for the State of Maine" produced by Mathematica Policy Research, Inc., and studies and reports provided to the Legislature;

(2) The State's current health care reform efforts;

(3) The health care reform efforts in other states, including any efforts in other states to develop state innovation waivers for universal health coverage plans as an alternative to the federal Patient Protection and Affordable Care Act;

(4) The federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and the Medicare program, the Medicaid program and the State Children's Health Insurance Program under Titles XVIII, XIX and XXI, respectively, of the federal Social Security Act; and

(5) The health care systems adopted in other countries.

C. Each design option under paragraph A must maximize federal funds to support the system and must be composed of the following components:

(1) A payment system for health services that includes one or more packages of health services providing for the integration of physical and mental health services; budgets, payment methods and a process for determining payment amounts; and mechanisms for cost reduction and cost containment;

(2) Coordinated regional delivery systems;

(3) Health system planning and regulation and public health;

(4) Financing and estimated costs, including federal financing. Each design option must provide:

(a) An estimate of the total costs of the design option, including any additional costs for providing access to and coverage for health services to the uninsured and underinsured, any estimated costs necessary to build a new system and any estimated savings from implementing a single system;

(b) Financing proposals for sustainable revenue, including by maximization of federal revenues or by reductions from existing health care programs, services, state agencies or other sources necessary for funding the cost of the new system;

(c) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of Titles XVIII, XIX and XXI of the federal Social Security Act, if necessary, to align the federal programs with the proposals contained within the design option in order to maximize federal funds or to promote the simplification of administration, cost containment or promotion of health care reform initiatives; and

(d) A proposal to the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services to waive provisions of the federal Patient Protection and Affordable Care Act, if necessary, to

implement the proposals contained within the design option in order to maximize federal funds;

(5) A method to address compliance of the proposed design option with federal law. Unless specifically authorized by federal law, the proposed design option must provide coverage supplemental to coverage available under the Medicare program of the federal Social Security Act, Title XVIII and the federal TRICARE program, 10 United States Code, Chapter 55;

(6) A benefit package or packages of health services that meet the requirements of state and federal law and provide for the integration of physical and mental health care, including access to and coverage for primary care, preventive care and wellness services; specialty care; chronic care and chronic disease management; acute episodic care; palliative and end-of-life care; hospital services; prescription drugs and durable medical equipment; maternity, newborn and pediatric care; laboratory services; mental health and substance use disorder services; and dental, vision and health care;

(7) A method for administering payment for health services, which may include administration by a government agency, under an open bidding process soliciting bids from insurance carriers or 3rd-party administrators, through a private nonprofit insurer or 3rd-party administrator, through private insurers or from a combination of methods;

(8) Enrollment processes;

(9) Integration of pharmacy best practices and cost control programs and other mechanisms to promote evidence-based prescribing, clinical efficacy and cost containment, such as a single statewide preferred drug list, prescriber education and utilization reviews;

(10) Appeals processes for decisions made by entities or agencies administering coverage for health services;

(11) Integration of the workers' compensation system;

(12) A recommendation for budgets and payment methods and a process for determining payment amounts. Payment methods for mental health services must be consistent with mental health parity. The design option must consider:

(a) Recommending a global health care budget when it is appropriate to ensure cost containment by a health care facility, a health care provider, a group of health care professionals or any combination of these entities. Any recommendation must include a process for developing a global health care budget, including circumstances under which an entity may seek an amendment of its budget;

(b) Payment methods to be used for each health care sector that are aligned with the goals of this section and provide for cost containment, provision of high-quality, evidence-based health services in a coordinated setting, patient self-management and healthy lifestyles; and

(c) What process or processes are appropriate for determining payment amounts with the intent to ensure reasonable payments to health care professionals and providers and to eliminate the shift of costs between the payers of health services by ensuring that the amount paid to health care professionals and providers is sufficient. Payment amounts must be sufficient to provide reasonable access to health services, provide uniform payments to health care professionals and assist in creating financial stability for health care professionals. Payment amounts

for mental health services must be consistent with mental health parity;

(13) Mechanisms for cost reduction and cost containment and for oversight to ensure accountability and transparency of all financial transactions;

(14) A regional health system that ensures that the delivery of health services to the residents of the State is coordinated in order to improve health outcomes, improve the efficiency of the health system and improve patients' experiences of health services; and

(15) An overall approach to funding that is broadly based to ensure financial stability.

D. The proposal must include a method to address compliance of the proposed design options under paragraph A with federal law, if necessary, including the federal Patient Protection and Affordable Care Act or any other successor federal legislation; the federal Employee Retirement Income Security Act of 1974, as amended; and Titles XVIII, XIX and XXI of the federal Social Security Act.

E. The proposal must include an analysis of:

(1) The impact of each design option on the State's current private and public insurance system;

(2) The expected net fiscal impact of each design option;

(3) The impact of each design option on the State's economy;

(4) The benefits and drawbacks of alternative timing for the implementation of each design option, including the sequence and rationale for the phasing in of the major components; and

(5) The benefits and drawbacks of each design option and of not changing the current system.

6. Compensation. The legislative members of the task force are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, and reimbursement for travel and other necessary expenses related to their attendance at authorized meetings of the task force. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the task force.

7. Quorum. A quorum is a majority of the voting members of the task force, including those members invited to participate who have accepted the invitation to participate.

8. Staffing. The Legislative Council shall provide staff support for the task force. To the extent needed when the Legislature is in session, the Legislative Council may contract for such staff support if sufficient funding is available.

9. Consultants; additional staff assistance. The task force may solicit the services of one or more outside consultants to assist the task force to the extent resources are available. Upon request, the Department of Health and Human Services, the Department of Professional and Financial Regulation, Bureau of Insurance and the University of Maine System shall provide any additional staffing assistance to the task force to ensure the task force and its consultant or consultants have the information necessary to create the design options required by this order.

10. Reports. The task force may submit an initial report, including suggested legislation, prior to January 1, 2018. No later than November 1, 2018, the task force shall submit a final report that includes its findings and recommendations,

including suggested legislation, for introduction to the First Regular Session of the 129th Legislature.

11. Additional funding; sources. The task force may apply for and receive funds, grants or contracts from public and private sources to support its activities. No General Fund appropriations may be used to support its activities.

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

On motion of Representative HERBIG of Belfast, the Joint Order was placed on the Special Study Table pursuant to Joint Rule 353 pending **PASSAGE**.

Non-Concurrent Matter

Bill "An Act To Prohibit Female Genital Mutilation"

(H.P. 525) (L.D. 745)

House **INSISTED** on its former action whereby the Report "B" (3) **OUGHT TO PASS AS AMENDED** 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 "B" (H-484)** in the House on June 21, 2017.

Came from the Senate with Report "A" (7) **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-483) AS AMENDED BY SENATE AMENDMENT "B" (S-298)** thereto 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 Lebanon, Representative Gerrish.

Representative **GERRISH**: Good morning. Thank you, Madam Speaker, Men and Women of the House. I rise in support of the pending motion this morning. This bill before us includes an amendment involving a community-based education and outreach program relating to female genital mutilation. I am hopeful that this amended version, with a focus on prevention, will be well received and gain the support of everyone in the chamber. Thank you.

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

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

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

The Chair ordered a quorum call.

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

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. 382

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Denno, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Gillway, Ginzler, Grant, Grignon, Guerin, Haggan, Hanington, Hanley,

Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Mason, McElwee, O'Connor, Ordway, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Spear, 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, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Devin, Harvell, Sanderson, Tipping.
Yes, 73; No, 74; Absent, 4; Excused, 0.
73 having voted in the affirmative and 74 voted in the negative, with 4 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

Non-Concurrent Matter

Bill "An Act To Prohibit the Privatization of State Correctional Facilities and the State's Forensic Hospitals" (H.P. 893) (L.D. 1296)

Majority (8) **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-486)** in the House on June 13, 2017.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act Regarding Possession of a Firearm on School Property"

(S.P. 327) (L.D. 988)

Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in the House on June 22, 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 **CRIMINAL JUSTICE AND PUBLIC SAFETY** in **NON-CONCURRENCE**.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Provide an Exemption from Road Association Payments for Landowners Whose Primary Access Is Not over the Road"

(H.P. 381) (L.D. 537)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on June 22, 2017.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-531)** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (S.C. 547)

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

June 21, 2017

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

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

Upon the recommendation of the Committee on Environment and Natural Resources, Eric P. Ward of Greenville Jct. for appointment to the Outdoor Heritage Fund Board.

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

READ and **ORDERED PLACED ON FILE**.

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

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 40)

ORDERED, that Representative Kevin J. Battle of South Portland be excused June 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Henry John Bear of the Houlton Band of Maliseet Indians be excused June 14, 15 and 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Russell J. Black of Wilton be excused June 9 for personal reasons.

READ and **PASSED**.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Michael J. Poulin, of Winslow, on his retirement after 37 years of service with the State's Department of Audit. Mr. Poulin started as a staff auditor and rose to the position of Director of Audit and Administration. He was instrumental in transitioning the department from conducting agency audits to performing the single audit for the State. He has been a mentor and advisor to many individuals who started at the department and went on to responsible positions throughout the State. We extend to Mr. Poulin our appreciation for his long service to the State and people of Maine and offer him our congratulations and best wishes;

(HLS 600)

Presented by Representative NADEAU of Winslow.

Cosponsored by Senator CYRWAY of Kennebec.

On **OBJECTION** of Representative NADEAU of Winslow, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Mike Poulin and I have known each other since junior high school. Mike and his wife Kathy have worked for the State of Maine their entire professional career. Mike has worked for the Department of Audit for 37 years. As stated, he was a state auditor and, over the years, rose to the position of director. He was instrumental in transitioning the Department from conducting agency audits to performing the single audit of the State of Maine. During this time, which is no surprise to me, he was a mentor and advisor to many individuals who started their careers with this department, and later on, went on to other departments to work. Mike is known and well respected, and that I have no doubt. Also, as many of you know, I presented two years ago a sentiment recognizing Mike's journey with multiple myeloma. To quote his wife Kathy, "There have been many times in Mike's cancer journey that he wasn't sure that he would ever live to see retirement." Yet, here we are, and today we are honoring Mike's accomplishments for 37 years of devoted service to the State of Maine. I thank you, Mike, as do all my friends here at the House of Representatives. Go, enjoy those grandkids, and live life to the fullest, my friend. Thank you for allowing me to be part of this amazing 37 years of service celebration. You will be missed here.

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

In Memory of:

Vaughn Pierce, of Weeks Mills, a veteran of the United States Navy. After graduating from Erskine Academy in 1940, Mr. Pierce joined the Civilian Conservation Corps and built roads and fought forest fires in New Hampshire and Vermont. During the Second World War, he served in the Navy as a 3rd Class Gunners Mate and as a Military Policeman. After his service, he worked at Bath Iron Works as a welder before working for the State as a mechanic. He helped his father maintain the Weeks Mills Water District, helped start the Weeks Mills Volunteer Fire Department and the Weeks Mills Little League team, which he coached, and worked to preserve the Weeks Mills School House. He was a charter member of the American Legion Post #179 as well as the Dirigo Masonic

Lodge #104. Mr. Pierce will be long remembered and sadly missed by his family and friends;

(HLS 602)

Presented by Representative PIERCE of Dresden.

Cosponsored by Senator KATZ of Kennebec, Representative THERIAULT of China.

On **OBJECTION** of Representative PIERCE of Dresden, was **REMOVED** from the Special Sentiment Calendar.

READ and **ADOPTED** and sent for concurrence.

The following item was taken up out of order by unanimous consent:

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.

Expression of Legislative Sentiment Recognizing the DaPonte String Quartet, of Damariscotta

(HLS 357)

TABLED - May 11, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - PASSAGE.

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

Representative **JORGENSEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise this morning to bring to the attention of the body one of Maine's most unusual organizations, The DaPonte String Quartet. At the end of this session, when there are a lot of stressful and divisive issues before us, this is something I have no question we can all get behind, because this organization really is unlike any other in our state. Not long after forming in Philadelphia about 25 years ago, the string quartet surprised the musical world by moving from its big city home to rural Maine, namely, the beautiful coastal community of Damariscotta. Musicians and critics alike wondered why would the DSQ move to Maine where, as the *New York Times* noted, they create an experience which is "like watching the Celtics play in the local gym." I'd guess that they moved to Maine because they have roots here. I know they moved here because, as we all know, it's a great place to live, and they knew that Maine people would respond to them, and respond they have. "Few string quartets can boast such a devoted following. The people of Maine warmly embraced the DaPonte, which has become an integral part of the state's musical life. When the quartet debuted at Carnegie Hall, a large contingent of Maine fans travelled to New York to hear and cheer them there. The *Times* wrote in amazement: 'Let it not be said that the DaPonte String Quartet enters New York musical life without friends, Weill Hall was packed!' This support enables the DSQ to perform a wide-ranging and varied repertoire, one that spans the entire history of music, from 17th century works on original instruments to cutting-edge contemporary quartets like the one written for them by Pulitzer Prize-winning composer David Del Tredici." The DaPonte String Quartet is now in its 25th season and its members Dino Liva, Lydia Forbes, Myles Jordan and Kirsten Monke are still proud to call Maine home. I would also like to acknowledge the work of their Executive Director, Amy MacDonald, and their board chair, a former member of this body, the one and only Les Fossel. I'd hope that all legislators will keep their eyes out for an opportunity to see this organization in person in their communities, where you will have the rare opportunity to

witness something in which home town and world class truly can appear in the same sentence. Congratulations to the quartet as they celebrate their 25th anniversary. May the next 25 years be just as successful. Thank you, Madam Speaker.

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

REPORTS OF COMMITTEE

Divided Reports

Seven Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-265)** on Bill "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer" (S.P. 329) (L.D. 990)

Signed:

Senators:

ROSEN of Hancock
CYRWAY of Kennebec

Representatives:

COREY of Windham
GERRISH of Lebanon
GROHMAN of Biddeford
HERRICK of Paris
MAREAN of Hollis

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

Signed:

Representatives:

WARREN of Hallowell
LONGSTAFF of Waterville
RECKITT of South Portland
TALBOT ROSS of Portland

Two Members of the same Committee report in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-266)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

Representative:

NADEAU of Winslow

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-265)**.

READ.

On motion of Representative HERBIG of Belfast, **TABLED** pending **ACCEPTANCE** of any Report and later today assigned.

Eight Members of the Committee on **HEALTH AND HUMAN SERVICES** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-146)** on Bill "An Act To Reduce Youth Access to Tobacco Products" (S.P. 391) (L.D. 1170)

Signed:

Senator:

CHIPMAN of Cumberland

Representatives:

HYMANSON of York
CHACE of Durham
DENNO of Cumberland
HAMANN of South Portland
HEAD of Bethel
MADIGAN of Waterville
PARKER of South Berwick

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

Signed:

Senators:

BRAKEY of Androscoggin
HAMPER of Oxford

Representatives:

MALABY of Hancock
SANDERSON of Chelsea

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-147)** on same Bill.

Signed:

Representative:

PERRY of Calais

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-146) AS AMENDED BY SENATE AMENDMENT "B" (S-306)** thereto.

READ.

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

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

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

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

Representative **GUERIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This bill will undoubtedly help some Maine citizens avoid the horrors of living with, and ultimately dying from, cigarette-induced lung disease. The research shows that 95 percent of all smokers start smoking before the age of 21. Our hospitals and nursing homes are full of former teenage smokers who are desperately wishing that they had never started smoking. The societal, monetary, and emotional costs are astounding. Today, you and I can make a difference. There are thousands of stories; I'll tell you my family's. My dad started smoking at age 13 because he thought it made him look grown-up and cool. I, being an only child, was the apple of my dad's eye. I went everywhere with him: to the dump, to the post office, to the store, down to the garden, and to our favorite spot, Baxter State Park and Grassy Pond. Dad would backpack a rubber raft down into the pond and foot pump the rubber raft until it was inflated, and we would spend the day fishing until we had caught our limit in trout. Then, the cigarettes took dad's ability to carry the backpack down into the pond away, so we'd fish from the shore, and we still had fun. Then the cigarettes took dad's ability to hike away, so he'd wait in the campground and I'd

bring the trout to him. As the years passed, dad's ability to go camping ended too, and then his ability to leave his home ended and I'd go to his home and visit. He'd be on oxygen. Then dad's lungs got so bad that he had to have a tracheotomy in his throat which prevented him from talking. The only way he could talk was to have a doctor remove the tracheotomy, and he could gasp out a few words, and then put it back in. So, when you think about those 95 percent of Mainers who start smoking before age 21, you can think of my dad; and boy, did he wish he hadn't started smoking, but it was cool then, and he had access to them. So if we can keep one Maine family from repeating this story, wouldn't that be a wonderful thing, to help our families not to have to have that memory? Not to have their loved one die in a condition where they couldn't even speak anymore and couldn't teach their grandchildren how to fish. I think passing this bill is the right thing to do. We already allow for the age of 21 for marijuana smoking and for alcohol. Allow these teenage brains to develop a little further, to make good choices that will give them happy stories of hiking and camping and enjoying their families into old age. Thank you.

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

Representative **CHACE**: Thank you, Madam Speaker. I feel compelled to rise today because of a career choice I've made for the last several years. I come from a family of heavy smokers. You know, in the pharmacy world, you know, we don't see 16 to 20 people a day, we see several hundred people a day; and when you're talking about 30 or 40 percent smokers out there, you're talking about a significant number of people that have a problem. You've got to be 21 to drink alcohol. There are many of us in this room that consume alcohol, and we do it in a very casual manner and we're capable of maintaining control of that process. Nicotine is not like that. I know very few people who can casually smoke, once in a while, and walk away from it. There are a few, but there are very, very few. Since 1983, I've been working in the pharmacy world, and even though I'm not a healthcare practitioner, I have certainly brought a lot of people out of that tailspin, including myself, including family members. I have watched thousands of people, thousands and thousands of people on inhalers, with COPD and quality of life issues; and I'm at the right age that I remember when we changed alcohol to 20 years of age. It went to 20, then it went to 21 and there was a grandfathering. And, you know, being younger, in high school when it was still 18, alcohol was more available, it was more prevalent, and after the age limit changed, it dried up. And even though we're not going to get to everybody, and we've got the people that are always going to skirt the system and try to do what they can to do, we have got to do what we can to marginally improve the lives of our citizens. Smoking has been very costly to folks in the State of Maine. Extremely costly. Smoking, I'm ashamed to admit that we gain so much revenue out of things that do so much harm to people. I don't care if there's a fiscal note. The right thing for us to do is to strengthen our citizens, not find ways to weaken them. I don't disagree with any of my counterparts on the age of 18 of adulthood. I think maybe it's time we start to rethink what adulthood is. You know, the 18-year-olds of 30 years ago are, I think, far more mature than the 18-year-olds of today are, and I think that maybe we start moving a lot of these other items to the age of 21. Lifespan is increasing. This is a serious issue. There are several hundred municipalities across the country who have enforced 21 years of age. I can sleep at night knowing that I could push that bar just a little bit farther out of

the reach of some who are susceptible and need help to avoid this situation. So, for that reason, Madam Speaker, I am going to vote in favor of this motion.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Ordway.

Representative **ORDWAY**: Thank you, Madam Speaker, Colleagues in the House. I rise in opposition to this pending motion. I think that, well, I certainly myself know the struggles of trying to quit smoking; and I will tell you one way not to do it is replace Marlboros with Twinkies, as my issue is. But we certainly respect an 18-year-old enough to have the knowledge to make a decision to vote for all of us. Let's respect that 18-year-olds are adults. Thank you.

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

Representative **RECKITT**: Madam Speaker, other members of the House, I rise today because I'm one of those people: I started smoking when I was 15 because I was playing field hockey, and it was cool and the whole team smoked, and it was the biggest mistake I ever made in my life. I smoked for 20 years. I watched my mother smoke herself into a lung cancer death. I watched my father die from the same condition; and today I sleep on a CPAP machine, and I'm one of those people with COPD that uses inhalers, and I continue to regret that decision I made at age 15. I'm happy that my wife spent several years as a nicotine narc for the State of Maine, trying to entrap retailers who are selling to kids under 18, sorry under 16. But still, it just can't be; we have to do things that will protect people. Brains are not fully developed at 18. I wish they were; but we have to help with this problem, and it's one that I continue to live through every day. And I have great empathy for Representative Guerin, and I appreciate her remarks today, and I felt compelled to rise from this side of the aisle to add my own story to the tale; and so I thank you all and I hope that we will indeed do this today. Thank you.

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. 383

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Foley, Frey, Fuller, Gattine, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Harlow, Head, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Parry, Perkins, Perry, Pickett, Pierce T, Pouliot, Reckitt, Reed, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Sylvester, Talbot Ross, Tepler, Terry, Timberlake, Tucker, Tuell, Vachon, Wallace, Ward, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Casas, Cebra, Craig, Dillingham, Espling, Fecteau, Fredette, Gerrish, Hanley, Harrington, Hawke, Johansen, Kinney J, Kinney M, Lockman, Malaby, Mason, O'Connor, Ordway, Picchiotti, Pierce J, Prescott, Riley, Sirocki, Stetkis, Strom, Sutton, Theriault, Turner, Wadsworth, White, Winsor, Wood.

ABSENT - Devin, Harvell, Sanderson, Tipping.

Yes, 113; No, 34; Absent, 4; Excused, 0.

113 having voted in the affirmative and 34 voted in the negative, with 4 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-146)** was **READ** by the Clerk.

Senate Amendment "B" (S-306) to **Committee Amendment "A" (S-146)** was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-146) as Amended by Senate Amendment "B" (S-306) 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-146) as Amended by Senate Amendment "B" (S-306)** thereto in concurrence.

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

ENACTORS
Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine Authorizing the Legislature, or Electors through Direct Initiative, To Enact Legislation To Determine the Winner of Elections for the Offices of State Senator, State Representative and Governor

(S.P. 577) (L.D. 1624)
(C. "A" S-300)

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

Representative HERBIG of Belfast **REQUESTED** a roll call on **FINAL PASSAGE**.

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

The **SPEAKER**: The Chair recognizes the Representative from Yarmouth, Representative Cooper.

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This resolution is not about whether you think ranked choice voting is a good idea. It is not about whether you think that it will bring the benefits that its advocates hope it will bring. It is not about whether or not you agree with the Maine Supreme Judicial Court's decision regarding ranked-choice voting. Rather, it is about whether or not you respect the referendum process and respect the vote of the people of Maine on this matter. This resolution will give the people of Maine the opportunity to fully implement the referendum that they adopted by a large margin just last November. So, if you believe that the people's vote means something, you will support this resolution. Thank you.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise in strong support of the pending motion. The people have spoken. A majority of voters, more than 383,000 of them across the state, have told us loud and clear that they want ranked-choice voting, a different process for electing our state and federal Representatives, our Governor, and our President. Madam Speaker, the Maine Supreme Judicial Court has also

spoken. It has issued an Advisory Opinion suggesting that ranked-choice voting for choosing members of the Legislature and the Governor would run afoul of the plurality clause of Maine's Constitution. Right now, in this moment, we have an opportunity to address the concerns of the Law Court and uphold the will of the voters at the same time. Now, I will not address the merits of ranked-choice voting here today, for those arguments were considered during the debate on Question 5 over the past several months. The election results have settled that debate, and what we must do here today is respect those results and move this election reform forward. The Constitution of Maine has been amended 172 times since 1820; and by the way, one of those constitutional amendments, after a contentious election in 1880 that lead to all sorts of drama, replaced the word majority with plurality, which brings us to the matter before us now. By upholding the will of the voters, we must send them a resolution to amend the Constitution one more time, because the voters cannot do so themselves; and this way the people can have what they have told us they want. I believe, Madam Speaker, that it is incumbent upon each and every one of us here today, no matter how our individual districts may have voted on the matter last November, no matter how each one of us may have voted on this matter last November, to return to the people another referendum that would allow them to ratify this amendment, in order for ranked-choice voting to be fully implemented. It is as simple as that. Now, make no mistake: it is entirely possible that the voters may change their minds, but we mustn't assume that they will, nor must we assume that they won't. Instead, we must uphold the validity of their first vote and send this resolution to the ballot box for ratification, so that the voters have the last word. I believe that anything less is a dereliction of our duty. The people have spoken, Madam Speaker. We must listen. I urge this body to vote unanimously to send this resolution to the ballot box, and let the people say yes.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, I fully concur with the previous remarks, to the effect that this is about letting the people vote, wherever we stand on the issue of ranked-choice voting. But I just need to say for the record, as well, that for many of us, ranked-choice voting is simply a better system, and it is also a reason to vote in favor of the pending motion. For me, Madam Speaker, this is not about a recent past election, the 2014 election or the 2010 election. This is an issue that I've been working on for 10 years, at least. It was, in fact, the first bill that I put in when I was first elected to the Legislature 10 years ago; and I worked with the Representative from Livermore, Representative Knight, at the time, a Republican, on a bill that would have brought ranked-choice voting to the gubernatorial elections of Maine at that time. We worked on it together because we felt that ranked-choice voting was a system that allowed people to vote their hopes and not their fears. We worked on it together because we felt that it was a system that let people choose the best person for the job and not the lesser of two evils. And so, I will be voting in favor of the pending motion for that reason, in addition to those that have been stated, and knowing that we have 400,000 people, 400,000 Mainers, the second-highest number that have voted for any referendum question in history, that want us to implement ranked-choice voting and look forward to the opportunity to vote on the Constitutional Amendment. Thank you, Madam Speaker.

The **SPEAKER**: The Chair will remind members, all members to please direct their comments through the Chair. The Chair recognizes the Representative from Waterboro, Representative Prescott.

Representative **PRESCOTT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I feel that the people have been misled. The commercials clearly say everyone gets elected by majority vote. If you look at the section on ties, it's drawn by lot. The people don't vote at all. If you look at the section on modifications, a list may be limited to no less than six. Doesn't answer the question of what happens if there's less than six. I don't feel it's the will of the people when they are not fully informed on what's on page two and three of these documents. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker, Men and Women of the House. When Mainers vote, they do so deliberately. They don't just wander in to the polling place wondering what's going on. Most often, they arrive at the voting booth with an opinion formed, and that's of course why they're there. Maine voters are traditional, they are not frivolous. They're not going to support something unless the value of it is clear and certain. And so, in November, Maine voters voted in favor of a change in the way that their votes are counted. There was certainly enough information and campaigning on both sides of the issue in the lead up to that vote. If voters, the people who carved out time to stand in line and, in some cases, for a long time, stand in line for a long time, if those voters determined they wanted to express their support for this process, then the results of those votes should be acknowledged. Who are we to disregard that time and effort? In fact, you know, every member of this body serves at the pleasure of voters. In a Democracy, it's the voters who are in charge. In fact, for the House of Representatives of the State of Maine to function in this building, we've agreed to abide, every one of us, to abide by the results of votes. Votes count. Like them or not. It's interesting; has anyone ever wondered why it is that last November we had so many citizens' initiatives on the ballot? I'd say it's because the people of Maine are not being heard by their Legislature. If this motion were not to pass today, it would deny the outcome of a referendum. It could deny the outcome of a referendum, and certainly it would give fodder to those who say that our system of government is rigged. I'm confused, Madam Speaker, I'm confused, for it makes no sense for duly elected officials to say that the voters didn't understand the questions on the ballot that elected them last November. In this building, we are expected to be a government of the people, by the people, for the people, so that our government "shall not perish from the earth," as President Lincoln once said. As legislators, we may not like the outcomes of the voting process, but we can certainly honor the will of Maine voters who purposefully and with clear intent voted for ranked-choice voting. If there are technical issues needing clarification for constitutionality, we can support the measure that's in front of us today, and ask the voters again their opinion on ranked-choice voting. It seems to me that this is the next logical step for implementing this process. What we cannot do, what we cannot do, Madam Speaker, is turn our backs on a legal and binding decision made in a sacred place: the Maine voting booth. Now more than ever, those who claim to be part of our democratic republic must act to defend and support it by honoring the vote. It's our duty as Representatives of the people of Maine. Why would we set a different standard for citizens' initiatives?

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

Representative **ESPLING**: I just feel that the Representative is questioning the motives of those who may disagree.

On **POINT OF ORDER**, Representative ESPLING of New Gloucester objected to the comments of Representative ACKLEY of Monmouth because he was questioning the motives of other members of the House.

The **SPEAKER**: The Chair would reply the Representative from Monmouth is drawing dangerously close to impugning the character of members in this chamber, and the Chair would advise you to please make sure you stay away from remarks that do so. The member may proceed with that warning.

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

Representative **ACKLEY**: Forgive me, Madam Speaker. Thank you. Let me conclude. If there might be a problem with this referendum question, here's the solution: the matter before us today. The remedy is to hold another referendum question to correct the Constitution, restore the Constitution to its original language, not to short-circuit the constitutional rights of the Maine people who put this matter before us today. Thank you.

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

Representative **GINZLER**: Thank you, Madam Speaker. Madam Speaker, this past fall or summer, I can't remember exactly, but I attended a forum to discuss the issue of ranked-choice voting, and the point was made during this forum, it might have been in response to a question, but certainly it was made very emphatically, that there was nothing about the referendum, and indeed ranked-choice voting, that conflicted with the Maine State Constitution. Well of course, now we know that that's not true. The Maine Supreme Judicial Court has ruled that, in fact, it does conflict with the Maine State Constitution. So therefore, Madam Speaker, it is not proper and it's unwise for us to support this measure, because we really have to go back to the voters and give them the real story here. Thank you.

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

Representative **DeCHANT**: Thank you, Madam Speaker and thank you for the opportunity to add my voice to the support of the amendment. I'd like to submit that life is about a journey and not about a destination. The next step in the journey of ranked-choice voting is to go back to the voters as was mentioned by the previous speaker. It is not too hard. It is not too complex. It is not too confusing. We can do this, but we can only do this if the people of Maine vote for it and we send it back to them. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Newport, Representative Fredette and inquires as to his point order.

Representative **FREDETTE**: Actually, I suspect that the Chair was going to start indicating exactly what I think she was going to do so, thank you.

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

This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken.

ROLL CALL NO. 384

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

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

ABSENT - Devin, Harvell, Sanderson, Skolfield, Tipping.
Yes, 78; No, 68; Absent, 5; Excused, 0.

78 having voted in the affirmative and 68 voted in the negative, with 5 being absent, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

An Act To Conform State Law to Federal Law While Promoting Safe Working Environments for Minors

(S.P. 548) (L.D. 1564)
(C. "A" S-251; S. "A" S-279)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 137 voted in favor of the same and 1 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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.

An Act To Create Veteran-friendly Workplaces
(H.P. 996) (L.D. 1441)
(C. "A" H-369)

TABLED - June 22, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

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

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

Representative **FREDETTE**: Thank you, Madam Speaker. If you'd had an opportunity to read the Chief Executive's letter in regards to this, I support the Chief Executive in his action in regards to sustaining this matter and I would ask you to follow my light. Thank you.

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

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

ROLL CALL NO. 385V

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, 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, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Devin, Hamann, Harvell, Sanderson, Tipping.
Yes, 77; No, 69; Absent, 5; Excused, 0.

77 having voted in the affirmative and 69 voted in the negative, with 5 being absent, and accordingly the Veto was **SUSTAINED**.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-443)** - Committee on **EDUCATION AND CULTURAL AFFAIRS** on Bill "An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit"

(H.P. 930) (L.D. 1336)

TABLED - June 8, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

Representative HERBIG of Belfast moved that the Bill and all accompanying papers be **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

Representative ESPLING of New Gloucester **REQUESTED** a roll call on the motion to **COMMIT** the Bill and all accompanying papers to the Committee on **EDUCATION AND CULTURAL AFFAIRS**.

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 Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The issue here, before the body, is the Tabling motion of this bill, which I believe, as I understand in our caucus today was actively worked quite extensively throughout the session, and so, the question on tabling of the bill and referring it back to Committee seems to

be out of order, and so I would simply ask that we vote against the pending motion.

The **SPEAKER**: The Chair would clarify that the motion is to send the item back to Committee and not a Tabling motion. The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: Thank you, Madam Speaker. I'm sorry if I implied that, but I think it has the same effect of not acting upon the bill which has gone through the Committee process, is ready to be voted on today. By, in fact, sort of, sending it back to Committee, we're essentially saying the work that the Committee has done is not ready for prime time, and I think, quite frankly, from our caucus conversations, this bill is ready for prime time. So, I would argue that the bill not be referred back to Committee, we actually take a vote on the pending piece of legislation that's been put forward by the Committee at this point. Thank you, Madam Speaker.

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

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. Couple of points to make here. This is a bill that affects districts that have been waiting already years for a decision to come from Augusta. We felt as a Committee, I thought, that there was some sort of consensus there as to what the proper course of action moving forward was, and so, I'm curious as to why we are now sending it back to Committee, forcing these districts to wait even longer, when it hasn't been explained to us why there is any sort of delay or reason to send it back. So, I would pose that question through the Chair. Thank you very much, Madam Speaker.

The **SPEAKER**: A question, the Representative from Presque Isle has posed a question through the Chair, if there's anyone who may answer. The Chair recognizes the Representative from Dover-Foxcroft, Representative Higgins.

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I believe this bill has a worth of our consideration because of the issues involved. Certainly not appropriate to talk about them now, but I would encourage you to oppose the pending motion. Thank you.

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

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

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

Representative **TURNER**: I, too, am a little confused, because back in the Committee, there is an identical bill that is sitting before the Education Committee that mirrors this bill. So, I would ask, why are we going to send back a second bill to the Committee dealing with the same issue?

Representative **PARRY** of Arundel **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 Newport, Representative Fredette. The Chair is in error. The Representative from Newport, Representative Fredette, having spoken twice, is requesting unanimous consent to address the House for a third time. Hearing no objection, the Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. Actually, my first time I think was a continuation of the second. So, I think this is actually my second, however, nonetheless, I think it's a legitimate question. I mean, I guess I'm confused here about the procedure before us. We have a, sort of a companion bill currently sitting in the Education Committee that

it sounds like in substance and form is largely like this. We have a bill that's presently before us ready to be voted on, which if I understand the Clerk came out of Committee in a unanimous fashion, and is a bill presently before this body. I think it is a legitimate question to ask: why aren't we voting on the pending bill? And I would expect to have an answer to that question.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Commit the Bill and all accompanying papers to the Committee on Education and Cultural Affairs. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 386

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harlow, Head, Herbig, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Ordway, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, 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, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Herrick, Higgins, Hilliard, Johansen, Kinney M, Lockman, Lyford, Malaby, Mason, McElwee, O'Connor, Parry, Perkins, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Devin, Harvell, Sanderson, Tipping.

Yes, 81; No, 66; Absent, 4; Excused, 0.

81 having voted in the affirmative and 66 voted in the negative, with 4 being absent, and accordingly the Bill and all accompanying papers were **COMMITTED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and sent for concurrence.

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-533)** - Report "B" (3) **Ought to Pass as Amended by Committee Amendment "B" (H-534)** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "C" (H-535)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Implement the Recommendations of the Working Group To Study Background Checks for Child Care Facilities and Providers"

(H.P. 207) (L.D. 274)

TABLED - June 22, 2017 (Till Later Today) by Representative **HYMANSON** of York.

PENDING - ACCEPTANCE OF ANY REPORT.

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

Representative **FREDETTE** of Newport **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: The Chair recognizes the Representative from Hancock, Representative Malaby.

Representative **MALABY**: Thank you, Madam Speaker, Ladies and Gentlemen. I rise in opposition to the pending motion. I found that that motion is a bit too proscriptive for daycare facilities. I think that if you have someone who comes in for a day and is under the close supervision of the staff, they do not necessarily need to be fingerprinted. Furthermore, I think if you have a vendor who comes in to work on the roof, that person does not need to be fingerprinted. I think we need less proscriptive laws. I find this particularly nettlesome to our small family-based daycare providers. Our larger facility-based places have an infrastructure of bureaucracy that can address this and keep those records. It is very difficult for small places, if they should lose a staff member, they may bring someone in. But if that staff member is being under the close supervision of one of their staff, I feel they do not need to be fingerprinted. And while you may disagree, I think there is times in which the state is much too proscriptive. I think this is one of those times, hence I rise in opposition and I support Report "B."

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

Representative **McCREIGHT**: Thank you, Madam Speaker. I just wanted to give a little background on this. Last session, we had a bill about fingerprint checking for licensed childcare providers, which was passed, and along with that we put in requests for a work group because there were questions from childcare providers; the same kinds of points that my colleague, Representative Malaby, has just mentioned. I just wanted to clarify that this does not require fingerprinting of any vendor, it's only fingerprinting for people who are left unsupervised with children. So, for example, if childcare provider's grandmother comes in to read to children, that person, if alone with the children, would be required to be fingerprinted, but if the licensed childcare provider is there, does not need to be. Roofers would not need to be fingerprinted unless you are leaving them alone with children. Plumbers do not need to be fingerprinted unless you are leaving them alone with children. The key point is safety, as was mentioned in the Committee. It only takes a second to abuse a child, so it's not, it's not about a day, it's about keeping children safe. The other issue is that this is a federal mandate, and the amendment before you follows the language of the federal mandate. If we don't comply, we lose \$800,000 a year in funds for childcare slots for our lowest income children. And, as we're trying to help families rise out of poverty, this is an excellent way to make sure that they do by making sure parents can work while their children are in good care, and good care means safe care. So, the fingerprint requirement, just as we require it of public school staff and have done for years (in fact, I was in the first class of those finger printed for those who work in public schools), this is now a mandate, that we provide fingerprint checks for our youngest, most vulnerable children, for those who work with them. A fingerprint check allows, is a federal background check. It means that you can assess whether someone is safe to be with children; because the current checks only cover the state. They cover child abuse within the state, they cover criminal background in the state, but they don't cover federal. So, without a fingerprint check, you don't know if you're hiring the person you think you are. They could be going under a different name and you're not sure that they're not having left another jurisdiction with crimes that would disqualify them. So,

I would urge support of this. It's for the safety of our children. Thank you.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. A couple of years ago, I had some folks come to me to ask to put in a bill. It had to do with a childcare center in Lyman, as I'm sure it was in the press and everything else, and doing the background research on that particular issue, I discovered that the Department of Health and Human Services had not only the responsibility for monitoring this sort of thing, but also had a lot of responsibility for making sure that there were appropriate notifications. The safety of our children is, without a doubt, the primary thing, and it is entirely possible for the operators of that now-defunct childcare center to go to another state, open up again and do the same kinds of things. That scares me, because the same thing can happen to people coming into Maine and doing that, and I just think it's really important for the safety of our children that we have an additional layer of security, in order to make sure that doesn't happen again. Thank you.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker, Men and Women of the House. I just would like to draw your attention to the fact that Maine will be an outlier. They will be the only state without fingerprint check requirements. If you want Maine to become a magnet for pedophiles, then I say let's not pass this because I believe a name-based check --

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from New Gloucester, Representative Espling and inquires as to why she rises.

Representative **ESPLING**: Again, Madam Speaker, I feel the speaker is crossing a line and impugning the motives of those of us who might disagree.

On **POINT OF ORDER**, Representative ESPLING of New Gloucester objected to the comments of Representative MASTRACCIO of Sanford because he was questioning the motives of other members of the House.

The SPEAKER: The Chair will ask the member to please, and all members to please, carefully weigh their words in the course of debate. It is, frankly, too often that I'm having to remind members to stay within the rules of decorum. The member may proceed.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker, and I apologize if I offended anyone. I feel very strongly about this. Two of the children that the previous speaker referenced, in a daycare center, were my constituents, and a background check and a fingerprint check would have protected their child. So, I think that this is something, if we want to attract young children, young families with children to the State of Maine, that we would want to join every other state in implementing fingerprint checks for licensed daycare centers. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker, Madam Speaker, Ladies and Gentlemen of the House, under the present proposal, if a daycare has a plugged toilet, and you call a plumber and he's not inspected or approved, they probably wouldn't be able, he probably wouldn't be able to

come in and repair the damage. They'd have to go out and go to an outhouse or go home. So, thank you, that's enough.

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

Representative **PRESCOTT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I know that school bus drivers are thoroughly checked. They get a state check, they get a federal check, fingerprint check, and this is all done at the office. I'm looking at this, and you want to implement the position for \$125 K for one person, and another \$53,000 for another person, when these checks are already being done by other offices without these extra personnel. Thank you.

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. 387

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

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

ABSENT - Devin, Farrin, Harvell, Sanderson, Tipping.
Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-533)** was **READ** by the Clerk.

Representative HYMANSON of York **PRESENTED House Amendment "A" (H-540) to Committee Amendment "A" (H-533)**, which was **READ** by the Clerk.

Representative FREDETTE of Newport **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-540) to Committee Amendment "A" (H-533)**.

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 Adoption of House Amendment "A" (H-540) to Committee Amendment "A" (H-533). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 388

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann,

Handy, Harlow, Herbig, Herrick, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

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

ABSENT - Devin, Farrin, Harvell, Sanderson, Tipping.
Yes, 80; No, 66; Absent, 5; Excused, 0.

80 having voted in the affirmative and 66 voted in the negative, with 5 being absent, and accordingly **House Amendment "A" (H-540) to Committee Amendment "A" (H-533)** was **ADOPTED**.

Committee Amendment "A" (H-533) as Amended by House Amendment "A" (H-540) 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" (H-533) as Amended by House Amendment "A" (H-540)** thereto and sent for concurrence.

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

An Act To Amend the Marijuana Legalization Act Regarding Retail Marijuana Testing Facilities (EMERGENCY) (H.P. 1132) (L.D. 1641)

TABLED - June 22, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - **PASSAGE TO BE ENACTED**.

Subsequently, this being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

Bill "An Act To Allow a Wrongful Death Cause of Action for the Death of a Viable Fetus"

(H.P. 241) (L.D. 327)

- In House, Majority (8) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** on June 9, 2017.

- In Senate, Minority (5) **OUGHT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED IN NON-CONCURRENCE**.

TABLED - June 21, 2017 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - FURTHER CONSIDERATION.

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

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

Representative **ESPLING**: Thank you, Madam Speaker. Again, I ask the Ladies and Gentlemen of the House to consider this bill. I do believe it's important. I believe it brings economic justice to the families and women across the state, who cannot avail themselves of this at this time in this manner, and I hope that you will support the Recede and Concur Motion. Thank you.

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: 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. 389

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

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

ABSENT - Devin, Farrin, Harvell, Perkins, Sanderson, Tipping.

Yes, 71; No, 74; Absent, 6; Excused, 0.

71 having voted in the affirmative and 74 voted in the negative, with 6 being absent, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

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

Bill "An Act Regarding Possession of a Firearm on School Property"

(S.P. 327) (L.D. 988)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending **FURTHER CONSIDERATION**.

Representative HERBIG of Belfast moved that the House **INSIST**.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Madam Speaker, I have an amendment that's being distributed and it has not yet been received, so I ask someone to Table it until later today.

On motion of Representative MARTIN of Eagle Lake, **TABLED** pending the motion of Representative HERBIG of Belfast to **INSIST** and later today assigned.

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.

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

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

- In House, House **INSISTED** on its former action whereby the Report "C" (2) **OUGHT NOT TO PASS** of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** was **READ** and **ACCEPTED** on June 20, 2017.

- In Senate, Report "B" (3) **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 "B" (H-512)** in **NON-CONCURRENCE**.

TABLED - June 22, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - FURTHER CONSIDERATION.

On motion of Representative LONGSTAFF of Waterville, the House voted to **RECEDE**.

On further motion of the same Representative, Report "B" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "B" (H-512)** was **READ** by the Clerk.

Representative LONGSTAFF of Waterville **PRESENTED House Amendment "A" (H-547)** to **Committee Amendment "B" (H-512)**, which was **READ** by the Clerk.

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

Representative **LONGSTAFF**: Thank you, Madam Speaker. The other body has taken, I think, a very important step forward with the way they have acted on this bill and returned it to us, and I'm presenting this amendment in an attempt to refine what the other body has done just a little bit further. To say just a word about my own background, I have served as a volunteer firefighter in two Maine communities and an on-call firefighter in one of the other cities in Maine. I have served as an advanced EMS responder with Delta Ambulance, one of the largest services in central Maine. So, while I haven't seen it all, I have seen a lot of what first responders actually see in the streets. And this amendment seeks to address what

is the real problem, I think, faced by first responders who, in the course of their work, face potential exposure to dangerous bloodborne pathogens. It is not so much the need to make it a criminal offense, we have lots of laws on the books already that do that. But, what first responders need to know more than anything else is whether they have been exposed to anything dangerous, and if they have, whether it is important that they seek medical treatment as soon as possible; as well as the need to know for their own peace of mind. This amendment gives those first responders the ability to know in a timely manner while, at the same time, ensuring the privacy and the protection of all of the parties involved. The amendment, if you were to have it in front of you, the amendment simply says that when a first responder has been exposed to a person's bodily fluids in the course of the first responder's official duties, the first responder, or the first responders' designee, may ask the person whose bodily fluids were the source of the exposure to submit to a blood test. If that person refuses, then the first responder may petition the court. If that happens, and this is one of the things we talked about in our earlier discussion, if that happens, this bill provides that upon receipt of such a request, the District Court must schedule a hearing to be held within 72 hours of the filing of the petition, and any appeal of the District Court's decision must be filed no later than 24 hours after that decision was rendered. So, the fear that many, I'd even say many of us have, is that, you know, a process that could take weeks, leaving the first responder in doubt and unsure of, you know, their own safety and so forth. This bill does address that by putting a very timely response. So, these are basically the main elements of this amendment. I hope that it will have support on both sides of the aisle. I think it does exactly what's needed, or at least takes us a giant step in the right direction, in providing that protection for our first responders. Thank you, Ladies and Gentlemen, for your attention.

Subsequently, **House Amendment "A" (H-547) to Committee Amendment "B" (H-512) was ADOPTED.**

Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) 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.**

Representative HERBIG of Belfast **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) thereto.**

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

Representative FREDETTE of Newport moved that the Bill be **TABLED** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) thereto.**

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) thereto.**

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 **Table** until later in today's session pending **Passage to be Engrossed as Amended by Committee Amendment "B" (H-512) as Amended by House**

Amendment "A" (H-547) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 390

YEA - Austin S, Battle, Bickford, Black, Bradstreet, Campbell, Casasi, Cebra, Chace, Corey, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Grignon, Grohman, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herrick, Higgins, Hilliard, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, Marean, Martin J, Mason, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, 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, 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 R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Devin, Farrin, Harvell, Perkins, Sanderson, Seavey, Tipping.

Yes, 71; No, 73; Absent, 7; Excused, 0.

71 having voted in the affirmative and 73 voted in the negative, with 7 being absent, and accordingly the motion to **TABLE** until later in today's session pending **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) thereto FAILED.**

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

Representative GILLWAY: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'll be very brief because we're late on a Friday, but I haven't had a lot of time to study this amendment and to see what the ramifications are, but, it's kind of sad that we took out the main reason for having this bill. I think a lot of the EMS personnel, maybe even some of the fire personnel, exposed to bloodborne pathogens would be able to get that information from routine sources. I've held a law enforcement certificate in the State of Maine for 32 years, although I don't practice common, funny to call it practice, I don't work the streets much anymore other than a few occasional shifts. I've been in the situation that the bill tried to resolve in the first place. I've had the blood thrown in my face. I've had people gesture to me and tell me they wish I was dead. It didn't happen a lot, but it happened enough that it sticks in your mind and you'll never forget it. And I think it's sad that we've watered this down enough that we're not actually dealing with the actual bill, and people haven't had a chance to put together thoughtful speeches and things to respond to it; but I want to say I'm not really happy with moving something forward so quickly that people don't get a chance to adequately respond to it, and I supported the original bill. I don't know as I can support this. Thank you.

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

Representative HARRINGTON: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd like to echo the sentiment from the good Representative from Searsport. I

had about 20 minutes to look this over, and I am going to support this and I would ask that my colleagues all do as well. But, you know, we have a committee process for a reason, and I think this is a big change from where the bill originated, and I have some concerns because it really undoes what the purpose of this bill was. The purpose of this bill was to get immediate testing to put that officer or paramedic at ease, and this is no longer going to do that. This is going to put us right back where we were, where you can wait almost a week with the appeal process to get a finding, so you're going to have to go through the treatments as if this bill never existed, really. But at least it does put in statute a timeframe, which is something, so I will be supporting it. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. If this happens to someone, as I mentioned before, I worked around people with communicable diseases like this, and blood, and blood that gets places where you don't want it, and you don't understand if a person has an infectious disease or not. It doesn't matter if you have the person whose blood it was tested immediately, because the person has to be treated anyway. There's a turnaround time for the results, and the person may be infected but the bloodwork may be negative, and so the presumption is always that if a person is at risk and their blood contaminates you, then you have to be treated, because there's an uncertainty in the blood testing. So having a delay in order to ensure due process would not change the fact that the person who had the blood exposure would have to be treated, and also tested repetitively: even if the person turned out to have negative test, the person who is exposed would have to be repetitively tested. So I just wanted to make that point. Thank you.

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

Representative **GINZLER**: Thank you, Madam Speaker. I was wondering if I could pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **GINZLER**: Thank you. My question concerns the impact on the court docket for this amendment. I, too, am just listening to this for the first time, and it has been my experience that that prompts a fiscal note. This would certainly clog up the court docket, so I was wondering if there was a fiscal note.

The SPEAKER: The Representative from Bridgton has posed a question to anyone who might be able to answer. The Chair recognizes the Representative from South Portland, Representative Battle.

Representative **BATTLE**: Madam Speaker, Ladies and Gentlemen of the House, now's the time to show our support. Please vote for this. Thank you.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker, and I just want to say that, Ladies and Men of the House, that my concerns about this particular bill have been answered. I was worried about the constitutional rights of my constituents, and I think that requiring an expeditious court hearing within 72 hours kind of answers the fact that they would at least have to go to court. But it addresses the issue of getting the results back, because I want to support first responders, and I understand how scary and awful that must be to be in that position; so I'm satisfied that this addresses the concerns that I had with this bill. Thank you, Madam Speaker.

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

Representative **FREDETTE**: Thank you, Madam Speaker. If I could pose a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. My understanding, the good Representative from Sanford, Representative Harrington is the sponsor of this bill, and the bill has now been amended; and I would just like to ask the question through the Chair, if I can, if the sponsor of the amendment had an opportunity to speak to the sponsor of the bill before he sponsored the amendment to the bill?

The SPEAKER: The Representative from Newport has posed a question to the Representative from Waterville should he care to answer. The Chair recognizes the Representative from Waterville, Representative Longstaff.

Representative **LONGSTAFF**: Thank you, Madam Speaker. I saw the thing from the other body and knew that time was short. I did not have a chance to have that conversation.

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

Representative **GRANT**: Thank you, Madam Speaker. An answer to the question about the fiscal note: according to the documents there is no additional fiscal note.

The SPEAKER: A roll call having been previously ordered, the pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 391

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Chapman, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Harlow, Harrington, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiaga, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Connor, O'Neil, Ordway, Parker, Parry, Perry, Picchiotti, Pierce J, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Sherman, Simmons, Skolfield, Spear, Stanley, Stearns, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tucker, Tuell, Vachon, Wadsworth, Wallace, Ward, Warren, Wood, Zeigler, Madam Speaker.

NAY - Craig, Dillingham, Gerrish, Gillway, Ginzler, Hanington, Hanley, Lockman, Lyford, Malaby, Mason, Pickett, Prescott, Reed, Sirocki, Stetkis, Turner, White, Winsor.

ABSENT - Devin, Farrin, Harvell, Herrick, Perkins, Sanderson, Tipping.

Yes, 125; No, 19; Absent, 7; Excused, 0.

125 having voted in the affirmative and 19 voted in the negative, with 7 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "B" (H-512) as Amended by House Amendment "A" (H-547)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

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

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.

Bill "An Act To Promote Workforce Participation" (EMERGENCY)

(H.P. 344) (L.D. 481)

- In House, Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-326)** on June 7, 2017.

- In Senate, Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **HEALTH AND HUMAN SERVICES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-327)** in **NON-CONCURRENCE**.

TABLED - June 12, 2017 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - FURTHER CONSIDERATION.

On motion of Representative STEWART of Presque Isle, the House voted to **RECEDE**.

The same Representative **PRESENTED** House Amendment "A" (H-548) to Committee Amendment "A" (H-326), which was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (H-326) as Amended by House Amendment "A" (H-548) thereto was **ADOPTED**.

The Bill was **PASSED TO BE ENGROSSED** as Amended by Committee Amendment "A" (H-326) as Amended by House Amendment "A" (H-548) thereto in **NON-CONCURRENCE** and sent for concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Provide Funding to the Loring Development Authority of Maine for Implementation Grants" (EMERGENCY) (H.P. 1134) (L.D. 1643)

Sponsored by Representative STEWART of Presque Isle. (GOVERNOR'S BILL)

Cosponsored by Senator JACKSON of Aroostook and Representatives: JOHANSEN of Monticello, MARTIN of Eagle Lake, MARTIN of Sinclair, McCREA of Fort Fairfield, McELWEE of Caribou, SHERMAN of Hodgdon, WHITE of Washburn, Senator: CARPENTER of Aroostook.

Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** suggested.

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

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-153)** on Bill "An Act Regarding Generic Drug Pricing"

(S.P. 432) (L.D. 1280)

Signed:

Senators:

BELLOWS of Kennebec

LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford

BATES of Westbrook

DUNPHY of Old Town

HANDY of Lewiston

LOCKMAN of Amherst

MASTRACCIO of Sanford

STETKIS of Canaan

SYLVESTER of Portland

VACHON of Scarborough

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

Signed:

Senator:

VOLK of Cumberland

Representative:

AUSTIN of Gray

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-153) AS AMENDED BY SENATE AMENDMENTS "B" (S-297) AND "D" (S-309)** thereto.

READ.

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

The Bill was **READ ONCE**. Committee Amendment "A" (S-153) was **READ** by the Clerk.

Senate Amendment "B" (S-297) to Committee Amendment "A" (S-153) was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "D" (S-309) to Committee Amendment "A" (S-153) was **READ** by the Clerk and **ADOPTED**.

Committee Amendment "A" (S-153) as Amended by Senate Amendments "B" (S-297) and "D" (S-309) 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-153) as Amended by Senate Amendments "B" (S-297) and "D" (S-309) thereto in concurrence.

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-171)** on Bill "An Act To Establish the Maine Buy America and Build Maine Act" (S.P. 311) (L.D. 956)

Signed:
Senator:
DESCHAMBAULT of York

Representatives:
MARTIN of Sinclair
BEEBE-CENTER of Rockland
BRYANT of Windham
HOGAN of Old Orchard Beach
MADIGAN of Rumford
SPEAR of South Thomaston

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-172)** on same Bill.

Signed:
Senators:
DAVIS of Piscataquis
KEIM of Oxford

Representatives:
HARRINGTON of Sanford
ORDWAY of Standish
PICKETT of Dixfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-171) AND SENATE AMENDMENT "A" (S-291)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-171)** was **READ** by the Clerk and **ADOPTED**.

Representative SPEAR of South Thomaston **PRESENTED House Amendment "A" (H-545)**, which was **READ** by the Clerk and **ADOPTED**.

Senate Amendment "A" (S-291) 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-171)**, **House Amendment "A" (H-545)** and **Senate Amendment "A" (S-291)** in **NON-CONCURRENCE** and sent for concurrence.

ENACTORS
Acts

An Act To Improve Care Provided to Forensic Patients
(H.P. 120) (L.D. 162)
(C. "A" H-482)

An Act To Provide Traffic Safety Education in Schools
(H.P. 793) (L.D. 1130)
(H. "A" H-537 to C. "A" H-469)

An Act To Promote Major Business Headquarters Expansions in Maine, Promote the Commercialization of Research and Development in Maine and Create Jobs
(S.P. 591) (L.D. 1639)
(C. "A" S-294)

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

SENATE PAPERS

The following Joint Order: (S.P. 597)

Ordered the House concurring, that when the Senate and House adjourn, they do so until Tuesday, June 27, 2017 at 10:00 in the morning.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass** on Bill "An Act To Clarify Licensing Provisions for the Manufacture and Sale of Liquor" (EMERGENCY)
(H.P. 1133) (L.D. 1642)

Signed:
Senators:
MASON of Androscoggin
CARPENTER of Aroostook
COLLINS of York

Representatives:
LUCHINI of Ellsworth
CASÁS of Rockport
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-546)** on same Bill.

Signed:
Representative:
DILLINGHAM of Oxford

READ.

On motion of Representative LUCHINI of Ellsworth, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence.

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

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

Bill "An Act Regarding Possession of a Firearm on School Property"

(S.P. 327) (L.D. 988)

Which was **TABLED** by Representative MARTIN of Eagle Lake pending the motion of Representative HERBIG of Belfast to **INSIST**.

Representative MARTIN of Eagle Lake moved that the House **RECEDE**.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, members of the House. This bill had been gone from one end to the other end at least a couple of times. It is the result of a divided report to which came out from the Education Committee; and, trying to figure out a way to make this work for those of us who live in rural Maine, I have been working on an amendment which, at the proper time, I will offer. I believe it is online now. So, if you give me the opportunity, if you vote to recede, then I will proceed to get to the amendment.

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

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

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

ROLL CALL NO. 392

YEA - Ackley, Alley, Austin B, Austin S, Bates, Battle, Berry, Bickford, Black, Bradstreet, Bryant, Campbell, Casas, Cebra, Chace, Corey, Craig, DeChant, Dillingham, Doore, Duchesne, Dunphy, Espling, Foley, Fredette, Gerrish, Gillway, Ginzler, Golden, Grignon, Guerin, Haggan, Hanington, Hanley, Harrington, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Johansen, Jorgensen, Kinney J, Kinney M, Lawrence, Lockman, Luchini, Lyford, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, McElwee, O'Connor, Ordway, Parry, Perry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Seavey, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood, Zeigler.

NAY - Babbidge, Bailey, Beebe-Center, Blume, Brooks, Cardone, Collings, Cooper, Daughtry, Denno, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Grant, Hamann, Handy, Harlow, Hubbell, Hymanson, Kornfield, Kumiega, Longstaff, Madigan C, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Moonen, Nadeau, O'Neil, Parker, Pierce T, Reckitt, Rykerson, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren.

ABSENT - Chapman, Devin, Farrin, Grohman, Harvell, Herrick, Perkins, Sanderson, Tipping, Madam Speaker.

Yes, 93; No, 48; Absent, 10; Excused, 0.

93 having voted in the affirmative and 48 voted in the negative, with 10 being absent, and accordingly the House voted to **RECEDE**.

Representative MARTIN of Eagle Lake moved that the House **ACCEPT** the Minority **Ought to Pass as Amended** Report.

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

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 DIVIDED REPORT - Majority (11) **Ought to Pass as Amended by Committee Amendment "A" (H-532)** - Minority (2) **Ought Not to Pass** - Committee on **JUDICIARY** on Bill "An Act Regarding Driver's License Suspensions for Nondriving-related Violations"

(H.P. 827) (L.D. 1190)

TABLED - June 22, 2017 (Till Later Today) by Representative MOONEN of Portland.

PENDING - ACCEPTANCE OF EITHER REPORT.

Subsequently, on motion of Representative MOONEN of Portland, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-532)** was **READ** by the Clerk.

Representative MOONEN of Portland **PRESENTED House Amendment "A" (H-550) to Committee Amendment "A" (H-532)**, which was **READ** by the Clerk

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, just briefly want to explain this bill. In the State of Maine, we often suspend someone's driver's license for failure to pay a fine, and when we do that, it only makes it harder for the person to pay that fine. For many Mainers, no driver's license means no way to get to work. No work means no income, and no income to pay the fine, and no income to reinstate their license. It can also mean that people, as we all know, operate anyway after their license was suspended, and drive anyways; and that leads to operating after suspension, arrest and prosecution, and unfortunately, if these folks are unable to pay their fines in the first place, if they are then arrested for OAS, then it leads to Indigent Legal Services costs, so, the costs just pile up to the state, one on top of the other, over and over. I want to thank the Judiciary Committee for acknowledging this problem, for being willing to find a way to tackle this problem, and to realize that we are just piling cost on top of cost for the state, then try to address it. We got to an 11-2 report in Committee. We almost had everybody there. We didn't quite get there in Committee, but I present this floor amendment that has the support of my good colleague from Glenburn, Representative Guerin, and it, I believe, will bring her support on, and also dramatically reduces the fiscal note. So, I think it's a win-win for everybody, and I thank everybody on the Committee for supporting this bill and this floor amendment, and I hope you will do the same. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-550) to Committee Amendment "A" (H-532)** was **ADOPTED**.

Committee Amendment "A" (H-532) as Amended by House Amendment "A" (H-550) 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" (H-532) as Amended by House Amendment "A" (H-550)** thereto and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-220)** - Minority (4) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Increase the Penalty for Aggravated Sex Trafficking"

(H.P. 183) (L.D. 250)

TABLED - June 7, 2017 (Till Later Today) by Representative **GOLDEN** of Lewiston.

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

Subsequently, Representative **FREDETTE** of Newport **WITHDREW** his **REQUEST** for a roll call.

Subsequently, Representative **WARREN** of Hallowell **WITHDREW** her motion to **ACCEPT** the Minority **Ought Not to Pass** Report.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-220)** was **READ** by the Clerk.

Representative **GROHMAN** of Biddeford **PRESENTED** **House Amendment "B" (H-552)** to **Committee Amendment "A" (H-220)**, which was **READ** by the Clerk.

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

Representative **GROHMAN**: Thank you, Madam Speaker. I wish to thank all the members of this body who helped with this process and the Revisor's Office and particularly the good Representative from Presque Isle, Representative **Stewart**, for his collaboration on this, and pleased that I think we got to a good outcome that addresses a real need in the criminal statutes, and thanks everyone for your help.

Subsequently, **House Amendment "B" (H-552)** to **Committee Amendment "A" (H-220)** was **ADOPTED**.

Committee Amendment "A" (H-220) as Amended by House Amendment "B" (H-552) 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" (H-220) as Amended by House Amendment "B" (H-552)** thereto and sent for concurrence.

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

SENATE DIVIDED REPORT - Report "A" (7) **Ought to Pass as Amended by Committee Amendment "A" (S-265)** - Report "B" (4) **Ought Not to Pass** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (S-266)** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Law Enforcement Officers by Creating the Crime of Aggravated Assault on an Officer"

(S.P. 329) (L.D. 990)

Which was **TABLED** by Representative **HERBIG** of Belfast pending **ACCEPTANCE** of any Report.

On motion of Representative **WARREN** of Hallowell, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-265)** was **READ** by the Clerk.

Representative **WARREN** of Hallowell **PRESENTED** **House Amendment "D" (H-551)** to **Committee Amendment "A" (S-265)**, which was **READ** by the Clerk.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, we all agree that if someone causes harm to the men and women who serve all of our communities, who protect us and the families we love, simply because they are a first responder, we should absolutely throw the book at them; and that is precisely what this amendment does. It ensures that if someone injures a first responder, which means a law enforcement officer, an emergency medical care provider, or a firefighter, simply because of their status as such, the court, in their sentencing, must consider this as an aggravating factor. Madam Speaker, we must protect those who protect us. Thank you.

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

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

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

Representative **PRESCOTT**: As I read this summary, it looks like we're removing all of the offenses to make it a crime altogether, is that correct? And it's just going to be a matter of the court deciding what's going on? As I'm reading this, it says it's removing the Class C crime, and it goes on. Am I reading this correctly?

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. If I understand the representation by the good Representative from Hallowell, the amendment here indicates that the court will consider that the person being the victim in this particular case, by their status, would be considered an aggravating factor; and I will only indicate to the body that, having practiced law now for nearly a quarter of a century, I think any time a first responder or someone such as that were involved in such an altercation, the court already de facto would take into consideration that the victim in this particular case was a first responder. And so, while I appreciate the window dressing that this amendment puts forward, it more or less guts the bill, and does what I think that courts already do, which is to take into consideration the fact that the victim is a first responder. So, I'll support the amendment, because I guess it's all we have as an option, but we ought not to be fooling ourselves that we're doing something here, because the courts are already doing it. Thank you, Madam Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dedham, Representative **Ward**.

Representative **WARD**: Thank you, Madam Speaker. With respect to the comments just made now by the Representative from Newport, Representative **Fredette**, I would agree. However, I am rising in opposition to **House Amendment "D"** being presented in favor of the bill that was sent to us. This amendment significantly waters down a major portion of the bill's intent, as already explained. Originally, this bill did two things, including, and let me read to you the paragraph that was added: "If the person intentionally, knowingly, or recklessly causes bodily injury to a law enforcement officer, and the person selected the law enforcement officer whom the person injured because of the law enforcement officer's status as a

law enforcement officer; this also applies to firefighters and to EMTs." And I would like to address this point, Madam Speaker, because this is the provision that the amendment essentially deletes, and let me explain why this is important. This provision would send a clear message to our firefighters and EMTs and police, that they would be protected and guarded against these kinds of assaults simply because they wear a badge; and all over the United States, emergency responders are under attack. Two were ambushed and murdered recently in Brooklyn. Last summer, two Baton Rouge Police Officers and a pair of Sheriffs were set up and murdered in an ambush there. In Dallas, in the single largest day of EMS loss of life since 9-11, officers were ambushed and one was killed. And in January, firefighters in Youngstown, Ohio, responding to a suspected set-up call, were shot in an ambush. Not long ago, in Webster, New York, an intentionally set house fire lured responders to the scene where a gunman opened fire and killed a firefighter and police officer and wounded two other firefighters. Such despicable and heinous events, Madam Speaker, are increasing in frequency; and shootings of police officer are up 67 percent last year, and 21 police officers were killed in ambushes last year, the highest in 10 years. And all over this country, Madam Speaker, Americans are saying loudly and clearly that this has to stop. The indiscriminate targeting of our state and municipal police, our sheriffs, our EMS providers and firefighters, attacked for simply who they are, must stop; and this loud voice is being spoken through legislation being proposed and passed all across this country. Bills similar to this have been introduced in New Mexico, New Jersey, Louisiana, New York, Delaware, Pennsylvania, Virginia, Alabama, Texas, California, Kentucky, Missouri, Tennessee, Connecticut, South Carolina, Maryland, Washington State, Illinois, and Wisconsin. It's already been passed in the Washington Senate, signed into law in Louisiana, and is awaiting signature by the governors of Kentucky and Mississippi. Twenty-two similar bills are currently in Committees and Legislatures across this country. These bills are overwhelmingly approved of by an American public tired of seeing these attacks. A recent nationwide Rasmussen poll shows a majority of voters approved of a law like this being passed in their state by a 2 to 1 margin; and, while it is hardly a scientific poll, I recently put this question out to a sponsored Facebook post here in Maine, received almost 400 comments, with 98 percent approving. In fact, I was just approached recently by the spouse of one of our own Capital Police Security Officers who protect us in this building, and she had heard of this bill and she asked me to make sure her loved one was included in it. These security personnel are our last line of defense, Madam Speaker. Now, why does this receive such widespread support? It's because people recognize that these attacks are made on our police and firefighters, these targeted ambushed attacks, which this amendment removes a protection, simply because of who they are, and that such ambushes are based on hatred and nothing more. And finally, if we pass this bill as was sent to us, it will send a message loud and clear to those who are considering an attack on our first responders, that if you target our police and sheriffs and firefighters and emergency response personnel, we are going to come down on you hard. Madam Speaker and Ladies and Gentlemen of the House, these people are the ones we call when we are in our worst moments and we need a hero. These men and women run into the flames and toward the sound of gunfire and into harm's way to protect us. Our safety and our quality of life depends on them, and when we are in desperate need, we call them and they always come. By

supporting this bill in its original form, as so many American citizens and other Legislatures are doing, we send a clear message to those, to these heroes that we have their backs because they have ours, and I urge this body to follow my light. Thank you, Madam Speaker.

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

Representative **HARRINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I too rise in opposition to this House Amendment. You know, there's a few police officers in this room, and I think I can comfortably speak for them when I say that we signed up to do a job, and I've been punched, kicked, bitten, spit on, and I'm fine with that; people trying to get away from me during the course of an arrest, whatever. That's what we signed up for and that's part of the job. But the idea that me or one of my brother or sister police officers could just be sitting in our cruiser, in a parking lot, leaving everyone alone, and that somebody will just come up and try to kill us just based on the fact that we're police officers: I think that deserves its own special statute, and I would hope that most of the people in this room would agree with that. Thank you.

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

Representative **GERRISH**: Thank you, Madam Speaker, Men and Women of the House. I too rise today in opposition of this pending motion and for good reason. It is all too common today that we hear of reports of law enforcement officers and our first responders being intentionally assaulted or murdered, all because of their chosen occupation. As we often watch the evening news, and whether it be New York, Texas, Colorado, Kentucky, or Anytown, USA, ambush or motivated-style murders of first responders are becoming our nation's new normal. I watch the news no longer in horror at these atrocities on our first responders, but more what I've come to expect in today's disturbed and dangerous society. According to Law Enforcement Memorial Fund Website facts and figures section, they provide the following statistical data over the last decade: The total number of law enforcement deaths while on duty are 1,512; 45 percent, almost half of them, a total of 681, were murdered while on duty. I've heard people say we don't need this here in Maine, we're rural, this doesn't happen here. How I wish that were true. I'll now cite from the Officer Down Memorial Page for Maine. Detective Giles Landry, Maine State Trooper was shot and killed after responding to a domestic dispute in a secluded area. Detective Landry was 36 years old. Police Officer David Payne, Lewiston PD, was shot and killed by a parolee with a .44 caliber revolver after responding to a report of a car that had gone off the road. Officer Payne was 26. Patrolman Timothy Willard, of Paris Police Department, was shot and killed after stopping a man for driving on a suspended license. Officer Willard was 22 years old. State Trooper Charles Black was shot and killed while responding to a bank robbery in South Berwick. Trooper Black was 28 years old. Sergeant Merle Niles of Bath Police Department succumbed to complications of a gunshot wound sustained while responding to a domestic call. Sergeant Niles was 51. Westbrook Police Chief, Pierre Harnois, was shot and killed during a gun battle that lasted five hours. Chief Harnois was 32. Lewiston Officer, Paul Simard, was shot and killed after responding to a report of a domestic disturbance where shots were being fired. He was confronted by a 14-year old female who shot and killed him. He was 32. Penobscot County Deputy, Claude Kimball, was shot and killed while he and another officer went to a suspect's home to arrest him for

burglary. At that time, Deputy Kimball was 58. Cumberland County Deputy Pray was shot and killed after he confronted a man that was creating a disturbance near an automotive garage in North Windham. He was 44. The list goes on. These law enforcement officers who I just named were all killed here in Maine by gunshot while on duty. There are 19 more, but I'm sure, Madam Speaker, that everyone in the body understands that it has happened here. There were nine more Maine officers killed by assault, five more by vehicular assault. One was killed by stabbing at the Maine State Prison. Law enforcement and first responders chose their profession because it is a calling, a way of life for them. They accept the risks and hazards that accompany this way of life. However, one of the most significant risks that can be improved is the increasing occurrence of violence against them and first responders. The national trend is alarming. Historically, assaults of first responders have occurred as a suspect tries to avoid arrest or escape from a crime scene. Over the past few years, though, we are seeing an increase in planned assaults against, particularly, law enforcement officers, simply based on their profession. They have become targets. We all know the job, jobs that our law enforcement and first responders have are already very dangerous ones. They are the one who arrives when we call for help. I think it's crucial for all of us to remember that while we vote on this legislation today. I ask you to oppose the pending motion and stand up in support of everyday heroes. Please follow my light.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I apologize for rising a second time. Just to be clear, the posture of this bill is such that what has been moved and adopted by this body so far is Committee Amendment "A", which, in fact, alters the charging options, I believe, for the prosecutors in regards to an assault on a first responder.

The SPEAKER PRO TEM: The member will defer. Committee Amendment "A" has not been adopted. The member may proceed.

Representative **FREDETTE**: So, what I would suggest is, the underlying bill has been adopted, is that correct?

The SPEAKER PRO TEM: The House has Accepted the Report "A" Ought to Pass as Amended Report.

Representative **FREDETTE**: Thank you. So, speaking to that issue that if this amendment is defeated, the underlying report would go forward, back to the other body, and so, if you want to oppose this particular amendment which, again in my opinion, is simply window dressing in terms of, again, understanding what this amendment does, as the good Representative from Hallowell stated, was to simply make this an aggravating factor. And again, any attorney, whether it be a prosecutor or a defense counsel, is going to recognize that if the victim in a particular case is a first responder de facto will make it an aggravating factor in the eyes of the court and/or the prosecutor. So, I would suggest that you oppose the amendment, supporting the underlying bill. Thank you, Madam Speaker.

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

Representative **WARREN**: Thank you, Madam Speaker. I'll be really brief. The amendment actually sends a very clear message in a different way to judges, who are actually the people doing the sentencing. The amendment now adds the status as a first responder to the sentencing statutes. The

judge is the person who makes the sentence. This is the most effective way to get what you want.

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

Representative **ESPLING**: Thank you, Madam Speaker. In light of the concerns that folks have regarding this House Amendment, I ask for a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "D" (H-551) to Committee Amendment "A" (S-265)**.

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

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

Representative **PRESCOTT**: Thank you, Madam Speaker, and thank you for allowing me to rise a second time. Ladies and Gentlemen of the House, I just think it's important that the people understand, and our first responders understand, this amendment, it says right here in the bill, before you get to the part where it's amended, the violation of this is a Class C crime. Then you go to the amendment, and it says the amendment removes this Class C crime. So I just want to make sure that everybody knows what's going on with this bill and this amendment. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dedham, Representative Ward.

Representative **WARD**: Thank you, Madam Speaker and I apologize for rising a second time. I'd like to clarify further the statements of my colleague, Representative Prescott. The bill, as it's presented to us, contains a provision that says that an ambush or targeted assault on a public safety officer, such as we've been describing, is elevated to a Class B crime. The amendment strips that provision and waters it down to a Class C crime. Thank you, Madam Speaker.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "D" (H-551) to Committee Amendment "A" (S-265). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 393

YEA - Ackley, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Frey, Fuller, Gattine, Golden, Hamann, Handy, Harlow, Hickman, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Warren, Zeigler.

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

ABSENT - Chapman, Collings, Devin, Farrin, Herrick, Perkins, Sanderson, Tipping, Madam Speaker.

Yes, 63; No, 79; Absent, 9; Excused, 0.

63 having voted in the affirmative and 79 voted in the negative, with 9 being absent, and accordingly **House Amendment "D" (H-551) to Committee Amendment "A" (S-265) was NOT ADOPTED.**

Representative NADEAU of Winslow **PRESENTED House Amendment "B" (H-542) to Committee Amendment "A" (S-265)**, which was **READ** by the Clerk.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Madam Speaker. This amendment, that I did speak to the sponsor on and I did work with some of my friends, this amendment makes two changes to the Committee Amendment. It removes the section making offensive physical contact of a law enforcement officer a crime. While well-intentioned as drafted, the section is simply too vague and would cause more problems than it fixes; and this is already covered under the state's assault statutes, so it's already there. So, ensuring our officers is our utmost importance. I think you all know how I feel. I would not do something that would jeopardize this bill. It also makes a minor change by removing the word "recklessly" to the new crime of intent assault on a first responder, because "recklessly" is subjective, and it only applies when --

The **SPEAKER PRO TEM**: The member will defer. The Chair would like to remind all the members that they should direct their body to the Chair while making remarks on the floor. Thank you. The Representative may proceed.

The Chair reminded all Representatives to address their comments toward the Speaker.

Representative **NADEAU**: Thank you. So, this change, taking the word "recklessly" out to the new crime of intentional assault on a first responder, makes it very clear that it applies when an individual intentionally targets a first responder. Thank you, Madam Speaker.

Subsequently, **House Amendment "B" (H-542) to Committee Amendment "A" (S-265) was ADOPTED.**

Committee Amendment "A" (S-265) as Amended by House Amendment "B" (H-542) 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.**

Representative **GOLDEN** of Lewiston **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-265) as Amended by House Amendment "B" (H-542) thereto.**

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

The **SPEAKER PRO TEM**: A roll call has been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-265) as Amended by House Amendment "B" (H-542) thereto. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 394

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Battle, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Cebra, Chace, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Foley, Fredette, Fuller, Gerrish, Gillway, Ginzler, Golden, Grant, Grignon, Grohman, Guerin, Haggan, Hamann, Handy, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Herbig, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kinney M, Kornfield, Kumiega, Lawrence, Lockman, Longstaff,

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

NAY - NONE.

ABSENT - Chapman, Collings, Devin, Farrin, Frey, Gattine, Herrick, Perkins, Sanderson, Tipping, Madam Speaker.

Yes, 140; No, 0; Absent, 11; Excused, 0.

140 having voted in the affirmative and 0 voted in the negative, with 11 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-265) as Amended by House Amendment "B" (H-542) thereto in NON-CONCURRENCE** and sent for concurrence.

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

On motion of Representative **PIERCE** of Dresden, the House adjourned at 6:31 p.m., until 10:00 a.m., Tuesday, June 27, 2017, pursuant to the Joint Order (S.P. 597) and in honor and lasting tribute to Grant A. Jones, of Norway, and Vaughn Pierce, of Weeks Mills.