

MAINE STATE LEGISLATURE

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

Daily Edition

First Special Session

beginning October 23, 2017

beginning at page H-1188

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
FIRST SPECIAL SESSION
1st Legislative Day
Monday, October 23, 2017

This being the day designated in the proclamation of the Governor for meeting of the One Hundred and Twenty-Eighth Legislature in extra session, the members of the House of Representatives were assembled in their hall at 10:00 in the morning and were called to Order by the Speaker.

Prayer by Father Robert J. Pecoraro, S.J., President, Cheverus High School, Portland.

National Anthem by Angela Pitteroff, Augusta.

Pledge of Allegiance.

Doctor of the day, Robert Chagrasulis, M.D., Casco.

At this point, pursuant to her authority under House Rule 201, the Chair addressed the House.

Speaker **GIDEON**: Before we go any further today I want to just take a moment to remember someone dear to many of us. Here in the Legislature, no matter what we go through, at the end, we are one big family, and since we have last met we have lost a member of that family. Representative Gina Mason is not here with us today, and that loss is felt deeply by all of us. She will be remembered for her love of community, for her faith, and her commitment to her family. In this chamber, we remember her for her devotion to public service. She held many offices in Lisbon, her hometown, some elected and some voluntary. She served on the inaugural Lisbon Town Council, the Lisbon School Board, and the Lisbon Revitalization Committee. She was awarded the Maine Downtown Network's Public Official of the Year in 2010. Here, in the Legislature, we will all remember the work she did as she represented the town that she loved and cherished, with her work on the Inland Fisheries and Wildlife Committee. Many of you might remember, her most treasured moment was a visit to the bear den, a big day for members of that committee. While everyone else was with the baby cubs, Gina spent most of her time with the biologist and with the mother bear. Gina spent most of her time -- excuse me, she was always looking out for others, and this was a good demonstration of that. Words cannot express how deeply we will miss Representative Mason, and also that our hearts are with her son, who works with us in the other chamber. So let us all take a moment to honor her and reflect on her memory with a moment of silence.

At this point, the Members of the House stood and joined in a moment of silence in honor of the Honorable Gina M. Mason of Lisbon.

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

A roll call was taken. 138 out of 151 members answered to their names and accordingly the Chair declared a quorum present.

Those absent were:

Representative **BABBIDGE** of Kennebunk

Representative **BICKFORD** of Auburn

Representative **DEVIN** of Newcastle

Representative **PECTEAU** of Biddeford

Representative **GILLWAY** of Searsport
Representative **GRIGNON** of Athens
Representative **HERRICK** of Paris
Representative **HILLIARD** of Belgrade
Representative **McLEAN** of Gorham
Representative **MOONEN** of Portland
Representative **SEAVEY** of Kennebunkport
Representative **TALBOT ROSS** of Portland
1 Vacancy

Pursuant to her authority under House Rule 401, Section 12, the Chair excused Representative **DEVIN** of Newcastle from all House deliberations and roll calls from Monday, October 23, 2017, until further notice.

The Following Proclamation: (H.C. 332)

**STATE OF MAINE
PROCLAMATION**

WHEREAS, the Legislature of this State should meet in special session to consider legislation to correct an issue in LD 725, "An Act to Recognize Local Control Regarding Food Systems" which was passed by the Legislature and signed into law during the last legislative session and is scheduled to go into effect on November 1, 2017 and to appropriate to state agencies funding for the Maine Office of Geographic Information Systems (MEGIS); and

WHEREAS, the proposed legislative changes to LD 725 is designed to promote the continued inspection of meat, poultry, fish and milk by federal and state inspectors to ensure compliance with federal and state food safety laws, rules and regulations; and

WHEREAS, compliance with federal and state food safety laws, rules and regulations promotes the public health and welfare of all people in the State of Maine and prevents negative economic impacts to the economy of the State of Maine; and

WHEREAS, the budget passed by the Legislature to end the government shutdown did not allocate money from the general fund to state agencies for the MEGIS program, and the program has been operating with funds that were carried over from the previous fiscal year of 2017; and

WHEREAS, MEGIS provides critical services at the state, regional and local level across Maine in support of economic development activities and public safety; and

WHEREAS, State Agencies have funding until November 2017 and without appropriations from the Legislature, MEGIS and the State's ability to adequately provide Geographic Information System services will be in extreme jeopardy,

NOW, THEREFORE, I, Paul R. LePage, Governor of the State of Maine, by the virtue of the power vested in me as Governor by Article V, Part 1, Section 13 of the Constitution of the State of Maine, convene the Legislature of this State, hereby requiring the Representatives and the Senators to assemble at ten o'clock in the morning in their respective chambers at the Capitol in Augusta on, Monday, October 23, 2017, in order to receive communications, and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

In testimony whereof, I have caused the Great Seal of the State to be hereunto affixed GIVEN under my hand at Augusta this Twenty-ninth Day of September Two Thousand Seventeen.

S/ Paul R. LePage
Governor

S/Dorothy A. Canelli
Chief Deputy Secretary of State
READ and ORDERED PLACED ON FILE.

ORDERS

On motion of Representative HERBIG of Belfast, the following House Order: (H.O. 45)

ORDERED, that a Committee of ten be appointed to wait upon His Excellency, Governor Paul Richard LePage, and inform him that a quorum of the House of Representatives was assembled in the Hall of the House for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed the following Members to the Committee to wait upon the Governor and inform him that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House:

Representative DUNPHY of Old Town
Representative MARTIN of Sinclair
Representative O'NEIL of Saco
Representative BLACK of Wilton
Representative McELWEE of Caribou
Representative KINNEY of Knox
Representative SKOLFIELD of Weld
Representative CHAPMAN of Brooksville
Representative ACKLEY of Monmouth
Representative HIGGINS of Dover-Foxcroft

On motion of Representative GOLDEN of Lewiston, the following House Order: (H.O. 46)

ORDERED, that a message be conveyed to the Senate that a quorum of the House of Representatives was present for the consideration of such business as may come before the House.

READ and PASSED.

The Speaker appointed Representative HERBIG of Belfast to inform the Senate that a quorum of the members of the House of Representatives had assembled in the Hall of the House for the consideration of such business as may come before the House.

Subsequently, Representative DUNPHY of Old Town reported that the Committee had delivered the message with which it was charged.

Subsequently, Representative HERBIG of Belfast reported that she had delivered the message with which she was charged.

At this point, a message was received from the Senate, borne by Senator CUSHING of Penobscot of that body, announcing a quorum present and that the Senate was ready to transact any business that might properly come before it.

COMMUNICATIONS
The Following Communication: (H.C. 333)
STATE OF MAINE
OFFICE OF THE SECRETARY OF STATE
AUGUSTA, MAINE 04333-0148

September 28, 2017

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Governor LePage has set Tuesday, November 7, 2017, as the date for the Special Election to be held in District 56.

Please find enclosed a certified copy of the Governor's Proclamation. Please contact the Division of Elections at 624-7650 if you have any questions regarding this election.

Sincerely,

S/Matthew Dunlap
Secretary of State

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

The Following Communication: (H.C. 338)
STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0001

October 6, 2017

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

Dear Speaker Gideon:

This is to inform you that, pursuant to Title 3 M.R.S.A., §154, I am withdrawing my nomination of Wilson G. Hess Ph.D. of Freedom for reappointment as a member of the State Board of Education.

This nomination is currently pending before the Joint Standing Committee on Education and Cultural Affairs.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage
Governor

READ and ORDERED PLACED ON FILE.

The Following Communication: (H.C. 334)
STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333-0002

October 23, 2017

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority, I have appointed and reappointed the following members to serve on committees, commissions, groups and task forces:

Task Force on Health Care Coverage for All of Maine, Joint Order 2017, Senate Paper 592, effective September 20, 2017:

Representative Heather B. Sanborn of Portland as a member of the House of Representatives serving on the Committee on Insurance and Financial Services and House Chair

Representative Anne C. Perry of Calais as a member of the House of Representatives serving on the Committee on Health and Human Services

Representative Robert A. Foley of Wells as a member of the House of Representatives serving on the Committee on Insurance and Financial Services

Representative Paul B. Chace of Durham as a member of the House of Representatives serving on the Committee on Health and Human Services

Francis McGinty of Portland to represent the interests of health care providers

Mr. Kevin Lewis of Community Health Options in Lewiston to represent the interests of health insurance carriers

Patricia Riley of Brunswick, Executive Director of the National Academy for State Health Policy to represent the interests of consumers

Daniel Kleban of Freeport, Co-founder and Brewer at Maine Beer Company to represent the interests of employers with fewer than 50 employees

Special Education Cost Drivers and Innovative Approaches to Services, Public Law 2017, Chapter 26, effective August 29, 2017:

Representative Richard R. Farnsworth of Portland as a member of the House of Representatives and Co-chair

Mr. Jerry Nault of Sheepscot Valley RSU 12 in Somerville as a member of a school board representing the Maine School Boards Association

Ms. Jennifer McGee of Atwood Primary School in Oakland as a principal representing the Maine Principals' Association

Ms. Carrie Woodcock of the Maine Parent Federation in Farmington as a parent of a student with special needs representing a statewide association of parents of students with special needs

Ms. Andrea Disch, Business Manager of MSAD 11 in Gardiner as a school business manager

Working Group to Improve the Provision of Indigent Legal Services, Public Law Chapter 284, Sec. UUUU-17, effective August 3, 2017:

Representative Barbara A. Cardone of Bangor as House Chair
Representative Roger L. Sherman of Hodgdon

Commission To Streamline Veterans' Licensing and Certification, Resolve 2017, Chapter 27, effective August 29, 2017:

Representative Jared F. Golden of Lewiston as a member of the House of Representatives, a veteran of military service, and House Chair

Representative Louis J. Luchini of Ellsworth as a member of the House of Representatives serving on the Committee on Veterans and Legal Affairs

Representative Bradlee T. Farrin of Norridgewock as a member of the House of Representatives serving on the Committee on Veterans and Legal Affairs and a veteran of military service

Dr. Monika Bissell, President of the Maine College of Health Professions of Lewiston as an individual working at an educational institution with programming that results in licensing or certification

Matthew Jabaut of Lewiston as an individual with prior military service

Right To Know Advisory Committee, Title 1, MRSA, Chapter 13, Subchapter 1, §411-2, effective August 31, 2017:

Mr. James Campbell of Searsport, President of the Maine Freedom of Information Coalition to represent a statewide coalition of advocates of freedom of access.

Maine HIV Advisory Committee, Title 5, MRSA, Part 23, Ch. 501, §19202.2-B, effective August 8, 2017:

Representative Ryan M. Fecteau of Biddeford as a member of the House of Representatives

Advisory Committee on Family Development Accounts, Title 10, MRSA, Part 2, Ch. 110, Subchapter 4-A, §1079-1, effective September 7, 2017:

Ms. Jean Dempster of New Ventures Maine to represent a community development organization

State Education and Employment Outcomes Task Force, Title 20-A MRSA, Part 5, Chapter 437, §12901, effective September 7, 2017:

Representative Seth A. Berry of Bowdoinham as a member of the House of Representatives as House Chair

Representative Paul A. Stearns of Guilford as a member of the House of Representatives

Mr. Derek Langhauser of Cumberland Foreside, President of the Maine Community College System, as a representative of the Maine Community College System

Maine Children's Growth Council, Title 5, MRSA, Part 30, Chapter 621, §24001.3-B, effective October 11, 2017:

Ms. Anastasia Hicks of Brunswick as a parent

Please contact my office if you have any questions regarding these appointments.

Sincerely,

S/Sara Gideon

Speaker of the House

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

The Following Communication: (H.C. 335)

**MAINE STATE LEGISLATURE
OFFICE OF PROGRAM EVALUATION AND
GOVERNMENT ACCOUNTABILITY**

TO: Honorable Michael Thibodeau, President of the Senate
Honorable Sara Gideon, Speaker of the House
and Democratic and Republican Leaders

FROM: S/Beth L. Ashcroft, Director

DATE: August 28, 2017

RE: Pine Tree Development Zones

Attached please find the final report from the Office of Program Evaluation and Government Accountability on the Pine Tree Development Zones. The report is also available on our website at <http://legislature.maine.gov/opega/opega-reports/9149>. The public comment period on this Report has been scheduled for Monday, September 25, 2017 at 1:00 p.m. in Room 220 Cross Building.

If you have questions, please feel free to contact me.

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

The Following Communication: (H.C. 336)

WASHINGTON COUNTY DEVELOPMENT AUTHORITY

August 21, 2017

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

Honorable Michael D. Thibodeau
President of the Senate
3 State House Station
Augusta, Maine 04333

Dear Speaker Gideon and President Thibodeau:

Pursuant to 5 M.R.S.A., Section 12023, please consider this the letter of transmittal for the required report from the Washington County Development Authority due by September 1, 2017.

The WCDA was incorporated in 2003 with the purpose of redeveloping the former Navy Base in Cutler. Several private developers have attempted to redevelop the commercial side of the base but were unsuccessful. In 2015, Cutler North, LLC gifted the commercial side to the WCDA. The Authority is working to bring the facility back into productive use.

Please contact me with any questions or concerns. Thank you.

Sincerely,
S/Betsy Fitzgerald
Chair

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

The Following Communication: (H.C. 337)

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

October 23, 2017

Honorable Robert B. Hunt
Clerk of the House
2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

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

On September 20, 2017

Honorable MaryGay Kennedy of Brunswick, Honorable Ann M. Murray of Bangor and Honorable Robert E. Murray, Jr. of Bangor for reappointment as Justices to the Maine Superior Court.

Pursuant to Article V, Part First, §8, of the Maine Constitution, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

Judge Susan E. Oram of Auburn and Judge Bruce A. Jordan for reappointment as District Court Judges.

Pursuant to Title 4 MRSA §157, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Judiciary.

On September 27, 2017

Randall D. Davis of Smithfield for appointment as a Commissioner to the Public Utilities Commission.

Pursuant to Title 35-A, MRSA §105, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

Donald C. Lewis, Jr. of Brewer for reappointment to the Efficiency Maine Trust Board.

Pursuant to Title 35-A, MRSA §10103, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Energy, Utilities and Technology.

On September 28, 2017

Stacey L. Morrison of Gardiner for reappointment to the Maine Governmental Facilities Authority.

Pursuant to Title 4, MRSA §1602, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on State and Local Government.

Lawrence J. Davis of Hallowell for reappointment to the State Liquor and Lottery Commission.

Pursuant to Title 5, MRSA §283-A, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Veterans and Legal Affairs.

Douglas Kelley Young, Esq. of Portland for appointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA §151-D, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

Honorable Richard A. Nass of Acton for reappointment to the Maine Board of Tax Appeals.

Pursuant to Title 36, MRSA §151-D, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Taxation.

On September 29, 2017

Alexander E. Porteous of Portland for appointment as Commissioner, Department of Administrative and Financial Services.

Pursuant to Title 5, MRSA §281, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Appropriations and Financial Affairs.

Honorable Gary W. Reed of Falmouth for reappointment to the State Harness Racing Commission.

Pursuant to Title 8, MRSA §261-A, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Honorable Michael J. Timmons of Cumberland for appointment to the State Harness Racing Commission.

Pursuant to Title 8, MRSA §261-A, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

Stanley K. Millay of Appleton for reappointment to the Maine Milk Commission.

Pursuant to Title 7, MRSA §2952, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

David C. Adams of Mapleton for appointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA §1471-B, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Agriculture, Conservation and Forestry.

On October 3, 2017

James G. Howard of Topsham and James P. Violette of Waterville for reappointment to the Finance Authority of Maine.

Pursuant to Title 10, MRSA §965, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Amie M. Parker of Lewiston, Carl A. Guignard of Lewiston and Dennis E. Welch of Windham for reappointment to the Maine Labor Relations Board.

Pursuant to Title 26, MRSA §968, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Kevin P. Joseph of Oakland and Lincoln J. Merrill, Jr. of North Yarmouth for reappointment as Commissioners of the Maine State Housing Authority.

Pursuant to Title 30-A, MRSA §4723.2, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Albert Ricker Hamilton, Jr. for appointment as Commissioner, Department of Health and Human Services.

Pursuant to Title 22-A, MRSA §204, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Health and Human Services.

On October 4, 2017

John G. Shattuck of Newcastle and Michelle S. Ames of Portland for reappointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, these reappointments are contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Terry L. Morrell of Gorham for appointment to the School Board of the Governor Baxter School for the Deaf.

Pursuant to Title 20-A, MRSA §7406, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

James Douglas Wellington, Esq. of Castine for reappointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Ande A. Smith of North Yarmouth for appointment to the Board of Trustees, Maine Maritime Academy.

Pursuant to P&SL 1975, Chapter 771 §428, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Jay M. Hibbard of Portland for appointment to the Board of Trustees, Maine Public Broadcasting Corporation.

Pursuant to PL 367, S.P. 592, L.D. 1551 §2, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Elizabeth M. Timm of Falmouth for appointment to the Board of Trustees, University of Maine System.

Pursuant to P&SL 1967, Chapter 229, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Wilson G. Hess, Ph.D. of Freedom for reappointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Honorable Wendy L. Ault of Wayne for appointment to the State Board of Education.

Pursuant to Title 20-A, MRSA §401, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Patricia A. Duran of Hermon for reappointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Emily G. Smith of Presque Isle for appointment to the Maine Community College System Board of Trustees.

Pursuant to Title 20-A, MRSA §12705, this appointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Education and Cultural Affairs.

Jennifer J. Duddy, Esq. of Cape Elizabeth for reappointment to the Maine Unemployment Insurance Commission.

Pursuant to Title 26, MRSA §1081, this reappointment is contingent on the Maine Senate confirmation after review by the Joint Standing Committee on Labor, Commerce, Research and Economic Development.

Sincerely,
S/Sara Gideon
Speaker of the House

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

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

The Following Communication: (H.C. 339)

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

October 23, 2017

Honorable Robert B. Hunt
Clerk of the House

2 State House Station
Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that pursuant to Title 3 M.R.S.A., §154, Governor Paul R. LePage has withdrawn the following nominations:

On October 20, 2017

Honorable MaryGay Kennedy of Brunswick, Honorable Ann M. Murray of Bangor and Honorable Robert E. Murray, Jr. of Bangor for reappointment as Justices to the Maine Superior Court.

Judge Susan E. Oram of Auburn and Judge Bruce A. Jordan of Veazie for reappointment as District Court Judges.

These nominations are currently pending confirmation before the Senate.

Sincerely,
S/Sara Gideon
Speaker of the House

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

The Following Communication: (H.C. 340)

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

October 23, 2017

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Please be advised that, Governor Paul R. LePage rescinded his October 20, 2017 withdrawal of the following nominations:

On October 23, 2017

Honorable MaryGay Kennedy of Brunswick, Honorable Ann M. Murray of Bangor and Honorable Robert E. Murray, Jr. of Bangor for reappointment as Justices to the Maine Superior Court.

Judge Susan E. Oram of Auburn and Judge Bruce A. Jordan of Veazie for reappointment as District Court Judges.

These nominations are currently pending confirmation before the Senate.

Sincerely,

S/Sara Gideon

Speaker of the House

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Delay Further the Implementation of Certain Portions of the Marijuana Legalization Act" (EMERGENCY)

(H.P. 1140) (L.D. 1651)

Sponsored by Representative FREDETTE of Newport. (GOVERNOR'S BILL)

Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** suggested.

On motion of Representative FREDETTE of Newport, **TABLED** pending **REFERENCE** and later today assigned.

ORDERS

On motion of Representative LONGSTAFF of Waterville, the following House Order: (H.O. 47)

ORDERED, that Representative Susan M. W. Austin of Gray be excused June 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Karen A. Gerrish of Lebanon be excused July 20 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Chad Wayne Grignon of Athens be excused July 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Scott M. Hamann of South Portland be excused June 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew A. Harrington of Sanford be excused July 1 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jonathan L. Kinney of Limington be excused July 20 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Richard S. Malaby of Hancock be excused July 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald G. Marean of Hollis be excused July 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Andrew J. McLean of Gorham be excused July 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Matthew G. Pouliot of Augusta be excused March 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Lois Galgay Reckitt of South Portland be excused August 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Beth Peloquin Turner of Burlington be excused July 20 and August 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Karleton S. Ward of Dedham be excused June 13 for legislative business and June 27 for personal reasons.

READ and PASSED.

REPORTS OF COMMITTEE

Divided Report

Five Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-567)** on Bill "An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance"

(H.P. 1137) (L.D. 1646)

Signed:

Senator:

CARPENTER of Aroostook

Representatives:

CASÁS of Rockport

HICKMAN of Winthrop

MONAGHAN of Cape Elizabeth

SCHNECK of Bangor

Four Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-568)** on same Bill.

Signed:

Senator:

COLLINS of York

Representatives:

DILLINGHAM of Oxford

FARRIN of Norridgewock

HANINGTON of Lincoln

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

Signed:

Senator:

MASON of Androscoggin

Representative:

WHITE of Washburn

One Member of the same Committee reports in Report "D" **Ought to Pass as Amended by Committee Amendment "C" (H-569)** on same Bill.

Signed:

Representative:

LUCHINI of Ellsworth

READ.

Representative LUCHINI of Ellsworth 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 Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, as you recall...I rise today to support the measure. As you recall, ranked-choice voting became law by way of Citizen's Initiative last November. When 388,000 Mainers voted for this new election process, what they said was that from now on, the majority rules. From now on it will take a majority of votes to win an election. In light of the solemn occasion, where three of the ten last -- three of the ten election types were identified as being possibly inconsistent with the Constitution, what this bill does is it pauses them until such time as the voters have an opportunity to consider whether they want to change the Constitution. The other seven races, as enacted by the Citizen's Initiative, would begin in June of 2018. There have been numerous objections to ranked-choice voting, and it is my hope that by the end of today we will have ample information to answer all of the questions that have been raised over many years. I'll begin by answering five.

The issue of constitutionality is the first. The Maine Supreme Judicial Court had no problem with seven of the races identified in my bill that came to us from the Citizen's Initiative.

Administrative authority: There has been some unresolved debate regarding whether the existing authority to administer elections of our Secretary of State is enough for him to implement ranked-choice voting. And though I am not yet convinced that there is a real need for it, this bill includes explicit delegation of rule-making authority to the Secretary of State for that very purpose, so that there can be no question in anyone's mind that the Secretary of State of Maine is responsible, and authorized, to implement ranked-choice voting with minor technical rule-making authority.

Third is cost, and it has not gone unnoticed that the fiscal note currently associated with this bill is \$1.5 million. How it is that a bill that proposes to remove, or pause, three elections has a \$1.5 million price tag is beyond me, but it is what it is. We are actually reducing the number of elections from current statute and the fiscal note says \$1.5 million. Even the \$1.5 million has some highly questionable assumptions built in to that projection. In fact, third-party analysis of the fiscal impact of this bill, in testimony in Committee, demonstrated that that figure is about five times too high. Data from comparable states using similar equipment indicates that we could expect ranked-choice voting to be completely implemented for somewhere between \$196,000 to \$273,000, realizing that we have a budget that exceeds \$7 billion, Madam Speaker. We ended the year putting \$36 million into a rainy day fund whose balance exceeds \$193 million. It will be tough for anyone to

keep a straight face while saying that we can't afford \$273,000 to implement a law that the citizens of Maine told us to put in place.

Time has been questioned. Some have theorized that it could take years to implement ranked-choice voting, and yet the State of North Carolina took exactly 86 days. There is plenty of time to implement by June of 2018, particularly because we are not the first in the country to do it. Certainly we'll have the advantage of learning from elsewhere.

Complexity has been an objection. The suggestion that Maine voters are just not up to the task of understanding how to use ranked-choice voting in the voting booth does not measure up. We've used multiple voting methods in municipal elections for centuries. The experience with ranked-choice voting in other states and municipalities, some here in Maine, show that it is easy, that it is doable, and that well over 95% of the voters who use it like it. If there is any additional voter education needed, it should be noted that this is exactly what the voters of the State of Maine have asked for.

That brings me to my final point, Madam Speaker, which is the most important one. My friend, Secretary Dunlap, and I agree on one very important point. He said recently, voting, and I quote, "Voting is a sacred altar. This is the cornerstone of the democratic principle of self-governance." Ranked-choice voting was enacted by Citizen's Initiative. That's the process that is enshrined in the Maine State Constitution, the document that every Legislature, every legislator in this room, has sworn to uphold. What drives democracy is the trust that each voter has that their vote is counted, and that their vote actually counts. If we let the fear of change result in a delay or an override of the method that the voters of Maine have told us to use, we will be undermining the voters' faith and their power -- their faith in the power of their vote, their faith in self-government, and we will be stoking the flames of fear and cynicism that might take our state to a darker place. From now on, Madam Speaker, it should take a majority to win an election. That's what the voters said. Candidates should not choose voters. Voters should get to choose from many candidates. We, as legislators, have an obligation to be reasoned and to be reasonable. This bill respects the will of the Maine voters and the Maine Constitution. Thank you, Madam Speaker.

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

Representative **CHAPMAN**: Thank you, Madam Speaker. Friends and Colleagues of the House, I rise to discuss a few matters involved with ranked-choice voting, and, in particular, to answer some points of misinformation that are widely circulating.

The first, I want to note that, whether or not the citizens understood what they were voting for and the implications and the consequences of what they were voting for, I would remind members that, at the same time, they were deciding on which candidate to elect to sit here, today, and I will tell you that I am absolutely certain, in my district at least, the citizens were better informed about the question -- the referenda questions, including ranked-choice voting, than they were about the candidates, including myself; and I find it disturbing that we would accept their decision, however ill-informed, for ourselves, and not accept their decision on a referenda -- on any of the referenda questions, including this one.

On the matter of constitutionality, let it be clearly understood that the laws that are passed, enacted by this Legislature, or laws that are enacted by the citizens, as ranked-choice voting has been, are constitutional, by definition,

unless and until the court renders a decision that changes the law. Let me just repeat that. The laws, the ranked-choice voting law that is on the books right now that the citizens enacted, is constitutional and will remain so.

Now, the next point is a little bit subtle. Maine Supreme Judicial Court has not issued a decision, they have not issued a ruling, they have not even issued an opinion. They have not issued any advice. And if you are concerned that I might be inaccurate, I invite you to read the 51 pages which is the opinion of the justices of the Supreme Judicial Court, it's not an opinion of the court. And to that point, the justices themselves on page 11 say, and I'll quote, just taking out a few of the extraneous citations, "Advisory opinions represent the advice of the individual justices. They are not binding on the justices individually, or together, in any subsequent case that may come before the law court, and they have no precedential value or conclusive effect." That means an advisory opinion of the justices do not set precedent, and the advisory opinion of the justices have no conclusive effect, meaning it doesn't change law. Therefore, ranked-choice voting, the law in the State of Maine today, is constitutional and will be unless and until the court, not the justices, but the court, decide otherwise. Now, that gets us to a slightly sticky matter, which is why would the justices of the court offer the opinion of advice to the other body that they have in these 51 pages, and I cannot know that answer, so I'm going to speculate merely for the sake of understanding what they might have intended, wanted us to do. And I put myself in their shoes for a moment in thinking about, would I like a case to come before me if I were a sitting justice in which my decision, at the end of the day, will select the winner of an election, as the US Supreme Court did in the year 2000? And the answer is no. If I were sitting in their -- standing in their shoes I would not want to be in that position, simply because whatever selection I made would be damaging to the reputation of the court, as I believe the selection in the year 2000 was damaging to the reputation of the US Supreme Court; and there's no way around that. Whatever the decision is will be met with disapproval by a great number of people. On the other hand, it's not our job to protect the court from an uncomfortable position they may find themselves in in the future.

Now, another reason why the justices may have issued this advisory opinion, when it was asked for by the other body, would be clearly to encourage us to fix a potential problem; and there are two ways of fixing that potential problem. One is to clarify the Constitution by a Constitutional Amendment, and we've chosen not to do that yet; and the other way is to overturn the citizens' enacted law, which we have not done yet either. And I'm suggesting that the more appropriate approach is to clarify it with a constitutional change than overturning the citizens' will, in spite of the fact that we've done that a couple times already.

So, in the matter of dealing with the constitutional issue, the other way that we can deal with it is simply move ahead and, as the law requires, hold our next elections by ranked-choice voting, and then, if a case should come before the court, deal with the outcome of the decision when that decision is made. Now, it's interesting: within these 51 pages, the way I read it, and admittedly I may be putting my own interpretation on it, but I see the justices, in issuing their advisory opinion, laying out the pathway of argument for why, in fact, the current law is constitutional. The justices actually point out that a majority is a plurality, for example.

Okay, let me move on beyond the constitutionality question and the opinions of the justices of the Supreme Judicial Court,

not the advice -- it was not advice of the court but of the justices. There are some complications with ranked-choice voting in some people's minds. Every voting system has its attributes, some of those attributes are beneficial, some of those attributes are perhaps detrimental. Our former system of election had some attributes that people find beneficial: its relative simplicity, for example; and have some attributes that are seen largely as detrimental, such as a spoiler effect, a race to the bottom, a vote for the least worst of the worst rather than the best of the best, etc. And I won't go into those details, except to indicate that one of the potential complications of ranked-choice voting that has been mentioned is that there would be a delay in finding out who won; and there is no reason why there should be a delay unless, of course, it's so close that there's some -- a recount is necessary, which is the situation that we used to have as well. The reason why there is no need for a delay is there is no need for, and it's actually undesirable, to collect the ballots in one location. I understand the fiscal note was drawn up as though that would be a requirement. It certainly is not a requirement. It's an unfortunate mistake by the Attorney General's office, in a letter issued by them, that suggested that there was a requirement that ballots be centrally collected. There is no such requirement and, as I say, it would be very undesirable to do so. I'm concerned that people may not take my word for pointing out that it is both best and possible to have the ballots locally tabulated and the information merely sent to the Secretary of State's office, as was done in our former election system, under ranked-choice voting. So, I want to take a moment to illustrate why that is the case. I'm going to simplify this a little bit, but we're going to assume three candidates, and under our former election system a local ballot clerk team would count the ballots and determine the number of votes for Candidate A, B, and C, and transmit those three numbers by fax, telephone, or email, or some communication mechanism, to the Secretary of State's office. Under ranked-choice voting what would happen, instead, is the ballot clerks look to see what the permutations are of the voters, that is to say the ordering, and in the case of three there's six. It's either A-B-C, A-C-B, B-A-C, B-C-A, or C-A-B or C-B-A. And so those six numbers get transmitted to the Secretary of State's office rather than the three. Obviously, ranked-choice voting could be done by paper and pencil and the additions of the permutations, just as the additions of the number of votes in the older system could be done by paper and pencil, but they won't be. They'll be done by a spreadsheet or perhaps even a slightly fancier spreadsheet to run the algorithms, but they can all be checked by hand, that's the transparency benefit; and there is no need to transport any ballots unless, as in the former system, there is a need for a recount. Now, some may say, well, there are more opportunities for a recount with the multiple iterations that go through determining the winner in a ranked-choice voting system. And yes, that's true, but that doesn't mean the probability of recounts goes up, because most of those recount possibilities that happen in between the iterations of the process would not affect the outcome and don't have to be resolved. So there is no added problem with recounts.

Now, finally, I want to get to the matter of the Secretary of State's office and their ability to handle the job that the citizen-enacted law requires of them. I, like many of us in this chamber, were -- I was concerned about the possibility that the task might be a bit on the daunting side for an election office that is accustomed to our former election system and unfamiliar with our new and present election system. And so I

put in a bill earlier in the first regular session of this term, to establish a task force to help implement ranked-choice voting. And the reason I bring it up only is that the Secretary of State's office, in the person of the deputy of the department that handles elections, many of you know Ms. Julie Flynn, testified on behalf of the Secretary of State's office that they did not need any help, they understood exactly how to implement it, they had the resources to implement, they had the ability to implement it, they knew how to implement it, and, quite frankly, in my private conversations with Ms. Flynn after her public testimony, I'm quite convinced that she's well aware of many of the subtle details that come into play, and has been for, by now, six months. The citizens enacted this law in November of last year. There was plenty of time then, there was plenty of time in April when they indicated that they did not need the Legislature's help in working through the details, and there's even plenty of time now for the Secretary of State's office to deal with the details of the implementation of ranked-choice voting. Now, having gone through all of those things, I apologize for taking so much time, Madam Speaker, but I thought it important that we clarify those matters. I thank you very much.

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

Representative **SIROCKI**: Thank you, Madam Speaker. I heard a few things mentioned here, today, that I think might need a little clarification as well. My source is from Public Broadcasting System, PBS.org, an article entitled "How ranked-choice voting could make voters more open to third-party candidates." The State of North Carolina was mentioned here, and in the research of this article...it's best if I read this. "Legislators in states with traditional runoffs are more likely to consider instant runoffs. In Georgia, where primary runoff turnout has been as low as 12 percent of eligible voters, Republican state Rep. Buzz Brockway proposed a commission to study ranked-choice voting -- and hit a wall. 'What in the world are you doing?' his colleagues said. 'I think we ought to at least sit down and talk about it,' he said. Even if states were ready to switch to instant runoffs, though, they face a practical obstacle in technology. 'Policymakers often think it's the right way to go but then they hit the bump into reality,' said Rob Richie, executive director of FairVote, a nonpartisan election reform group that advocates for ranked-choice voting. 'Their current voting equipment can't do it.' When North Carolina tried ranked-choice voting for a judicial election in 2010" -- just judicial election, we're not talking the very broad measure that was passed by the voters here in the State of Maine -- "state elections officials had to sort ballots manually." You can't push one button and have everything work. What we had in North Carolina was a workaround."

I'd also like to respond to the notion that ranked-choice voting offers a true majority. With ranked-choice voting, ballots are exhausted, they're discarded, they're thrown away, so what ranked-choice voting does is offers a majority of the leftover ballots and, again, in quotes here, "a 2014 academic study concluded that an instant runoff...does not ensure that the winning candidate will have received a majority of all votes cast, only a majority of all valid votes in the final round of tallying." 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. 468

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

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

ABSENT - Babbidge, Bickford, Fecteau, Gillway, Grignon, Herrick, Hilliard, Malaby, Mason, Moonen, Seavey, Talbot Ross.

Yes, 74; No, 64; Absent, 12; Excused, 1.

74 having voted in the affirmative and 64 voted in the negative, with 12 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-567)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-567)** and sent for concurrence.

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

At this point, the Speaker recognized the Representative from Biddeford, Representative FECTEAU and he was added to the roll call of the First Special Session of the 128th Legislature.

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

COMMUNICATIONS

The Following Communication: (S.P. 607)

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

October 19, 2017

Honorable Michael D. Thibodeau

President of the Senate

128th Legislature

Honorable Sara Gideon

Speaker of the House

128th Legislature

Dear President Thibodeau and Speaker Gideon:

On October 12, 2017, one bill was received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, this bill was referred to a Joint Standing Committee on October 12, 2017, as follows:

Agriculture, Conservation and Forestry

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry (EMERGENCY) (S.P. 604) (L.D. 1647) (Sponsored by Senator JACKSON of Aroostook) (Cosponsored by Representative MARTIN of Sinclair and Representative WHITE of Washburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.)

On October 13, 2017, two bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 308.2, these two bills were referred to a Joint Standing Committee on October 13, 2017, as follows:

Agriculture, Conservation and Forestry

Bill "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations" (EMERGENCY) (GOVERNOR'S BILL) (S.P. 605) (L.D. 1648) (Sponsored by Senator JACKSON of Aroostook)

Appropriations and Financial Affairs

Bill "An Act To Provide Funding for Geographic Information System Services" (EMERGENCY) (GOVERNOR'S BILL) (S.P. 606) (L.D. 1649) (Sponsored by Senator HAMPER of Oxford)

Sincerely,

S/Heather J.R. Priest

Secretary of the Senate

S/Robert B. Hunt

Clerk of the House

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

READ and **ORDERED PLACED ON FILE** in concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 606) (L.D. 1649) Bill "An Act To Provide Funding for Geographic Information System Services" (EMERGENCY) Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** reporting **Ought to Pass**

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

There being no objection, the Senate Paper was **PASSED TO BE ENGROSSED** in concurrence.

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

(S.P. 604) (L.D. 1647) Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry (EMERGENCY) Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-343)**

(S.P. 605) (L.D. 1648) Bill "An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations" (EMERGENCY) Committee on **AGRICULTURE,**

CONSERVATION AND FORESTRY reporting **Ought to Pass as Amended by Committee Amendment "A" (S-342)**

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

There being no objection, the Senate Papers were **PASSED TO BE ENGROSSED as Amended** in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Bring Maine's Ranked-choice Voting Law into Constitutional Compliance"

(H.P. 1137) (L.D. 1646)

Report "A" (5) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-567)** in the House on October 23, 2017.

Came from the Senate with Report "B" (4) **OUGHT TO PASS AS AMENDED** of the Committee on **VETERANS AND LEGAL AFFAIRS READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-568)** in **NON-CONCURRENCE**.

Representative ACKLEY of Monmouth moved that the House **INSIST**.

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

Representative HERBIG of Belfast **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER: 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. 469

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

NAY - Ackley, Alley, Austin B, 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, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCreia, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Schneck, Sheats, Spear, Stanley, Sylvester, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 61; No, 77; Absent, 12; Excused, 1.

61 having voted in the affirmative and 77 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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

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

ROLL CALL NO. 470

YEA - Ackley, Alley, Austin B, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Farnsworth, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Herbig, Hickman, Higgins, Hogan, Hubbell, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Reckitt, Rykerson, Sheats, Spear, Stanley, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Gerrish, Ginzler, Grant, Guerin, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Hymanson, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, Mastraccio, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Schneck, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 59; No, 79; Absent, 12; Excused, 1.

59 having voted in the affirmative and 79 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **INSIST FAILED**.

Subsequently, Representative HERBIG of Belfast moved that the House **RECEDE**.

Representative ACKLEY of Monmouth **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.

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

The SPEAKER: That motion is out of order at this time as Recede has a higher precedence.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

The SPEAKER: 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.

The Chair recognizes the Representative from Turner, Representative Timberlake, and inquires why the Representative rises while the vote is open.

Representative **TIMBERLAKE**: I guess I'm trying to understand what this vote does, and I got confusion, and I

think as I look at the board there may be other confusion there along with me, and I'm looking for an explanation.

The SPEAKER: The Chair would reply to the Representative, the motion to Recede takes the House back to the previous report which was passed by this body, Report "A." So the motion to Recede -- voting for the motion to Recede -- the motion that is before us right now, is voting to take us back to the Report "A." The Chair recognizes the Representative from Portland, Representative Sylvester, and inquires why he rises, and reminds him that the vote is currently open.

Representative **SYLVESTER**: Thank you, Madam Speaker. I believe that the confusion has spread, but I believe that this vote, and you can tell me if I'm wrong, is to Recede on our earlier vote of "A," so to nullify our earlier vote of "A," is that incorrect?

The SPEAKER: The Chair would answer in the negative. The Recede motion is a motion to take the House back to the report that we previously voted on and passed, that is Report "A." That is what the Recede motion does.

The House will be in order, and first of all the Chair would like to apologize to every member for my answering these two questions and not being clear, so let me attempt to be clear now, because I just -- to the Representative from Portland, my answer was stated incorrectly. The motion in front of us to Recede takes us back so that -- it's not that it nullifies a vote that was previously taken by this body, but it takes us back to a place where the body does not have -- is not in Acceptance of Report "A." So I did say that incorrectly. I hope that is clear and I trust that someone will raise their hand again if it is not. The Chair recognizes the Representative from Sinclair, Representative Martin.

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

The SPEAKER: The Representative may proceed.

Representative **MARTIN**: Thank you, Madam Speaker. My question would be, assuming that the pending motion passes, would it not allow a member of this body to make another motion to potentially move another report?

The SPEAKER: The Chair would answer in the affirmative.

Representative **MARTIN**: Thank you.

The SPEAKER: The House would be in a posture, should the Recede motion pass, the House would be in posture for another member to offer another report.

The Chair recognizes the Representative from Arundel, Representative Parry, and inquires as to why he rises.

Representative **PARRY**: Thank you, Madam Speaker. I'll follow up with what Representative Timberlake said on a little bit of confusion here. In being in my seventh year here, when we had a bill come from the other body and we Recede, that's always then to amend the bill that has come from the other body. So I guess I'm just confused, because a Recede and Concur motion would mean we agree with the bill, and every time that I can recall that we have done a Recede motion, we have taken the bill that has come from the other body and amended it and sent it back. So that's why I'm a little bit confused on how this posture gets us back to the original bill. In a Recede motion, I would think that we're receding with the other body, and then we would amend that at that point if an amendment was to be brought forward.

The SPEAKER: Okay, so the Chair would answer the Representative from Arundel, you are correct, the Recede and Concur motion is taking a step back to agree with the other body. However, a Recede motion is taking a step back, and

there, at that point, could be an amendment or there could be a different report offered.

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. 471

YEA - Alley, Austin B, Bailey, Bates, Battle, Blume, Cardone, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Hamann, Handy, Herbig, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Longstaff, Luchini, Madigan C, Madigan J, Martin J, Martin R, Mastraccio, McCrea, Nadeau, Perry, Pierce T, Riley, Rykerson, Sanborn, Schneck, Spear, Stanley, Tepler, Tipping, Tucker, White, Madam Speaker.

NAY - Ackley, Austin S, Beebe-Center, Berry, Black, Bradstreet, Brooks, Bryant, Campbell, Casas, Cebra, Chace, Chapman, Collings, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Grohman, Guerin, Hanington, Hanley, Harlow, Harrington, Harvell, Hawke, Head, Hickman, Higgins, Johansen, Kinney J, Kinney M, Lawrence, Lockman, Lyford, Malaby, Marean, McCreight, McElwee, McLean, Melaragno, Monaghan, O'Connor, O'Neil, Ordway, Parker, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reckitt, Reed, Sampson, Sanderson, Sheats, Sherman, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Terry, Theriault, Timberlake, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, Warren, Winsor, Wood, Zeigler.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 53; No, 85; Absent, 12; Excused, 1.

53 having voted in the affirmative and 85 voted in the negative, with 12 being absent and 1 excused, and accordingly the motion to **RECEDE FAILED**.

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

Representative ACKLEY of Monmouth moved that the House **ADHERE**.

The SPEAKER: That motion is out of order at this time.

Subsequently, the Chair **RULED** that the motion was **OUT OF ORDER**.

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. 472

YEA - Austin S, Black, Bradstreet, Campbell, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Farrin, Fecteau, Foley, Fredette, Gerrish, Ginzler, Grant, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Malaby, Marean, Martin J, Martin R, McCrea, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reed, Sampson, Sanborn, Sanderson, Sherman, Simmons, Sirocki, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Bailey, Bates, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno,

Doore, Farnsworth, Fay, Frey, Fuller, Gattine, Golden, Grohman, Hamann, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Mastraccio, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Reckitt, Riley, Rykerson, Schneck, Sheats, Spear, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 73; No, 65; Absent, 12; Excused, 1.

73 having voted in the affirmative and 65 voted in the negative, with 12 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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 To Delay Further the Implementation of Certain Portions of the Marijuana Legalization Act" (EMERGENCY) (H.P. 1140) (L.D. 1651)

Which was **TABLED** by Representative FREDETTE of Newport pending **REFERENCE**.

Representative GOLDEN of Lewiston moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

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

Representative **FREDETTE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, so where we find ourselves with the issue before us in terms of this bill, which is to extend the moratorium on the underlying referendum question on the passage of the legalization of marijuana, the purpose of this bill was to allow for time for the committees and for the Legislature to fully sit down and look at the language of the bill and where we were at in terms of trying to pass measures to make this effective. First and foremost and fundamentally, we have a referendum process in our Constitution which allows for the citizens' initiative to bring forward pieces of legislation, and they have done that in this process and it passed by a very slim margin, essentially 50.2 percent to 49.8 percent, so we had an underlying referendum question which had a very tight majority vote in the state. So, in and of itself, it's a contentious issue. We then had, if you can recall, a passage of a bill where we delayed and inserted a moratorium until February 1, 2018, for the process to move forward, and over time, when the committee, the Implementation Committee was created and met, much of the time that they had to do their work, I would suggest, was sort of swallowed up during the end of session when we had much discussion about the budget process, and I think a lot of that work got done during the summertime, which brings us to where we are today, in terms of the underlying bill which is now before the body. And as you can recall, the Chief Executive is the one and who is the one who exercised his constitutional authority to bring us back into session. And if you read his communication in the calendar, the purpose of us to come back into session was twofold, two of those matters that we actually just dealt with. Both of those matters were just put on the Consent Calendar, one of them being food sovereignty and

the other was an Appropriations matter dealing with a funding issue. Both of those matters were solved unanimously and subsequently, I suspect, will be successfully passed and will become law. This issue here was not on the original letter from the Chief Executive in regards to the work that we would be doing here. And as the last week, week and a half, two weeks has unfolded, the process of the work of the Marijuana Legalization Committee sort of came forward with essentially what ended up being an 81 page bill, much of it very complex, much of it dealing with issues dealing with tax policy, some of it dealing with essentially appropriation policy because there is some of that money that goes into different pots and will be shared amongst different communities, and there are issues in regards to the enforcement of it, measurements of how we measure if somebody is impaired, and I believe it's the responsible thing to do at this point in time. We already have a moratorium in effect and that moratorium is February 1, 2018. I believe that this bill allows us the opportunity to extend that moratorium and this particular bill goes to January 1, 2019, allows us, as a body, to come back in, in January, when everybody is here, when everybody can sit down and say and input into what is going on, to look at this bill and to come together with a consensus bill that might be passed. My concern is is that the worst case scenario is that if we don't pass a bill today that can pass muster and that we essentially then are stuck with the original bill and a moratorium of February 1. So the purpose of this bill and why I would be asking you to support this bill would be, is that we come back in January and that we are allowed to sit down as a body, working through the committee, to create a consensus bill. I think there are some concerns on our side of the aisle of some very specific pieces of the proposed legislation, and so I would ask that you support this so that we are allowed to be able to do that and come back in. And, Madam Speaker, I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers.

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 Indefinite Postponement of the Bill and all accompanying papers. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 473

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

NAY - Austin S, Black, Bradstreet, Campbell, Chace, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanington, Hanley, Hawke, Head, Johansen, Kinney J, Kinney M, Lockman, Lyford, Malaby, McElwee, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Sherman, Simmons, Sirocki,

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

ABSENT - Babbidge, Bickford, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Talbot Ross.

Yes, 85; No, 53; Absent, 12; Excused, 1.

85 having voted in the affirmative and 53 voted in the negative, with 12 being absent and 1 excused, and accordingly the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

DIVIDED REPORT

Fifteen Members of the Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** report in Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96** on Bill "An Act To Amend the Marijuana Legalization Act" (EMERGENCY)

(H.P. 1139) (L.D. 1650)

Signed:

Senators:

KATZ of Kennebec
 DESCHAMBAULT of York
 DION of Cumberland
 MAKER of Washington
 ROSEN of Hancock

Representatives:

PIERCE of Falmouth
 ACKLEY of Monmouth
 BICKFORD of Auburn
 BLUME of York
 FREY of Bangor
 HARVELL of Farmington
 JORGENSEN of Portland
 MAREAN of Hollis
 MONAGHAN of Cape Elizabeth
 PERKINS of Oakland

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (H-570) pursuant to Joint Order 2017, H.P. 96** on same Bill.

Signed:

Representative:

COREY of Windham

One Member of the same Committee reports in Report "C" **Ought Not to Pass pursuant to Joint Order 2017, H.P. 96** on same Bill.

Signed:

Representative:

HICKMAN of Winthrop

READ.

Representative PIERCE of Falmouth moved that the House **ACCEPT** Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96**.

The **SPEAKER**: The Chair recognizes the Representative from Falmouth, Representative Pierce.

Representative **PIERCE**: Thank you, Madam Speaker. Ladies and Gentlemen of the House, I stand today in support

of LD 1650 and to ask for your support of this bill. A vote in support of 1650 today is not an endorsement of the legalization of marijuana. A vote in support of 1650 is a vote to establish a highly structured regulatory system for this new industry in Maine. Last November, Mainers were faced with a choice to legalize, or not, recreational marijuana for adults, and a majority of Mainers voted to do so. Once that decision had been made, it was time for the Legislature to decide how to best implement the will of the voters. To that end, the Joint Select Committee on Marijuana Legalization Implementation was formed to develop a regulatory structure for the adult-use marijuana industry for our state. The 17-member committee is comprised of democrats, republicans, and an independent. Members cover the ideological spectrum in regards to marijuana. There are members who voted against legalization and members who supported it. Over the last nine months, those 17 members have spent countless hours together, listening to public input from town officials, law enforcement, citizens wanting to legally use this substance, and parents concerned for their children's safety. In the end, we voted 15 to 2 on a comprehensive bill, which represents the will of the voters while also recognizing the close nature and outcome of the referendum vote. The committee heard concerns from town officials and town staff, citizens, and their message was clear: respect the long tradition of Maine's local control and give our towns clear guidelines, and we have done so in LD 1650. Towns are free to decide whether they want to participate or not. Exactly like Maine's long-standing liquor laws, towns have the choice to opt in to the new marijuana industry. They are free to decide how many, if any, and what types of facilities to allow. They are allowed to create their own licensing procedure and write their own ordinances. The Committee heard concerns about keeping marijuana out of the hands of children, and we have done so in LD 1650. We have banned marketing practices that target underage Mainers. We've banned animal-shaped products which attract children. We've made child-safe and tamper-proof packaging a requirement. We have allocated money for youth prevention and public safety campaigns, and we have said facilities are not allowed within 1,000 feet of schools.

The Committee heard from law enforcement and public safety officials who asked us to provide clear guidelines on what's allowed and what's not, and to help them prepare for the new challenges they'll face in the adult use marijuana industry, and we have done so in LD 1650. We've allocated money to be spent on training law enforcement across the state on becoming drug recognition experts. We've clearly defined what's allowed and what's not with regard to home cultivation. We've limited the number of marijuana plants allowed on property to simplify law enforcement and to stem off diversion attempts. And we've heard from Maine entrepreneurs and small business owners, caregivers, and dispensaries. They've asked us to make entering the market for small farmers and small businesses financially feasible, and to give them a slight head start before out-of-staters enter the market, and we have done so in LD 1650. To obtain a license, an individual must be a Maine resident for at least two years, and the smallest of our cultivation tiers is a mere 30 plants, allowing small farmers to open up businesses similar to the craft brewing industry we see today. These are just a few of the highlights of this bill before us. I want to be clear about what happens if we do not act today, if we fail to pass 1650. If we do nothing or delay the process, our towns, our schools, our law enforcement, our state agencies will have no guidance from the Legislature. Failure to pass this bill will result in the

continuation and potential escalation of the black market. The best way to deter an illicit market is to allow a strictly regulated market to exist. We have had a responsibility to implement 1650 which will establish a well-regulated industry to dissuade the black market in Maine. Failure to pass this bill will revert us back to confusing, and at times contradictory, referendum language that is currently law. Towns will have less control, law enforcement will have less clarity and direction, and children will be more apt to gain access to marijuana. Failure to pass this bill will open up the state back to the possibility of marijuana drive-up windows, internet sales, home deliveries, which are all prohibited in LD 1650. The distance marijuana establishments should be from schools would not exist, and the moratorium we put in place for social clubs would be in jeopardy.

From the very beginning, despite our differing views, the committee has worked on this omnibus bill that would create a highly structured regulatory system for the marijuana industry in Maine. I am proud of the work our Committee has done over the last nine months. A vote in support of LD 1650 today is to establish the highly structured regulatory system for this industry, a regulatory system that will allow legal adults to safely purchase marijuana, will provide an entrepreneurial edge to Mainers and small Maine businesses, will embrace Maine's system of local control, and will give law enforcement the tools they need to ensure their communities, and will protect the health and well-being of our children. A vote in support of LD 1650 is in support of these efforts. I ask you, urge you, to follow my light and join me in voting in support of LD 1650. Thank you, Madam Speaker.

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

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

The SPEAKER: The member may proceed.

Representative **FREDETTE**: Thank you, Madam Speaker. Is it my understanding this is a piece of emergency legislation which requires 101 votes of the body?

The SPEAKER: The Chair would answer in the affirmative. On final Enactment this would require 101 votes on the final Enactment.

Representative **FREDETTE** of Newport **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96**.

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 Windham, Representative Corey.

Representative **COREY**: Thank you, Madam Speaker. Men and Women of the House, I rise today in opposition to the pending motion. While I believe it is time to pass a bill that regulates and taxes adult-use marijuana, I strongly feel that LD 1650 falls short in both respects.

Throughout this process we've also followed our charge to deal solely with the adult-use marijuana program and leave medical program alone, until the very last day when the committee allowed comingling of facilities between both programs. Speaking about last-day decisions, it is important to take note of the excise tax built into LD 1650. If you look at the fiscal note, you will see that in fiscal year 2020 to 2021, the bill finally generates more revenue than paying for itself, but at that point we are only talking about \$2.8 million. We all know that that won't get very far under this roof, and that it would be nice to be generating enough revenue in the out years to offset the expenses of setting up the program in the first place. The late

inclusion of an excise tax scheme fails to capture an effective tax rate of 10% on cultivation activities, and I'll explain this as it wasn't until days later that I realized how this tax was built. The bill levies a 10% sales tax plus an excise tax, which is a fixed dollar amount to weight on marijuana flower, trim, plants for sale, and seeds. To explain the excise tax I will focus on the marijuana flower, i.e. the bud, as each of the mentioned items receives a different amount, established in the bill.

The excise tax will be \$130 per pound of flower. Where does this come from? The committee wanted to find a way to levy an excise tax that approximated 10% of the average market rate, the AMR, of raw, unfinished marijuana or plants. The AMR came from Colorado's system, which calibrates the cost of flower at \$1,300 a pound today. This is a snapshot of today. Thus the bill puts an excise tax on AMR at \$130 per pound of flower; however, the bill does not take into consideration that AMR fluctuates with the market, which is why Colorado recalibrates it four times a year. There is no such mechanism in the bill to achieve 10% of AMR, only a flat \$130 a pound of flower regardless of future market fluctuations. Yes, we would actually have to change the bill in order to keep up with what the marijuana is actually worth. This is based on a snapshot of time in Colorado's market, and Maine's will likely be different. Keep in mind that Colorado's market has been up and running for a few years. In January of 2015, when their market was in its infancy, the flower...

The SPEAKER: The member will defer. The Chair will remind members behind the glass to please take their conversations outside. The member may proceed and I apologize for the interruption.

Representative **COREY**: Thank you, Madam Speaker. So keep in mind that Colorado's market has been up and running for a few years, and in January of 2015 when the market was in its infancy, the flower rate was at \$2,007 per pound, so an effective tax rate of 10% would have generated over \$200 per pound. I feel that it will be a few years before this bill's tax scheme generates an effective tax rate of 10%. It doesn't do it now. A 10% excise tax on cultivation also leaves money on the table, as value will be added to the product as it moves from cultivators to storefronts. Another consideration of the 10/10 method in this bill is the way that revenue would flow to municipalities. In the Majority -- well, in the bill, 5% of the total revenue of the 10% excise tax on cultivation activities in the municipality will be returned to that municipality. While I'm not necessarily concerned that these municipalities will be receiving money for activities that occur within their jurisdictions, I am concerned that cultivators will be showing up with large sums of cash at town offices. Let's say that a cultivator harvests 1,763 pounds of marijuana flower, which wouldn't be impossible given our largest tier of 30,000 square feet of canopy space. Given the \$130 a pound excise tax on flower in this bill and the 5% remittance to towns, conceivably that cultivator could walk into the town office with \$11,460 in cash. This doesn't factor in additional excise taxes paid on trim. If we are returning a tax to municipalities that have cultivation facilities using an excise tax, I would prefer that the state take in the revenue then remit payment to the participating municipalities.

Another substantial concern is how this bill regulates plant cultivation within each tier, with an eye on uniformity, regulatory ease, and revenue and market forecasting. The bill asks for a cultivation plan that specifies how each square foot of canopy space is used for different plants at various stages in their life cycles. Each cultivator could use this space differently, causing regulators, revenue forecasters, and the

licensing authority to have to look at each one of these grows on a case-by-case basis, rather than being able to make basic assumptions established on a constant. Trying to regulate marijuana cultivation at each individual stage of plant growth is unworkable and not necessary in a licensed facility. Not only does it create a lot more work for inspectors, it creates a situation where cultivators could easily fall out of compliance. The mature plants alone are the cash crop, and certain assumptions regarding yield can be made based on how much space they are being used to grow in, and of course this is key in projecting revenue and determining if we are meeting market demands.

We should look at both California and Oregon with respect to how these spaces are managed. Adult-use marijuana in those states came after Washington and Colorado said they could evaluate licensing and cultivation practices in other markets. We would be wise to follow in their footsteps.

It's been very clear that the MLI Committee's charge has been to focus solely on adult use marijuana industry and leave medical marijuana alone. We did this despite Colorado's recommendation that we look at both industries and consider each. The Chief Executive rightly harped on this in his LD 1641 veto letter. On the very last day the Committee met, and before the vote, proposals were made that we allow commonly owned facilities in various parts of the industries to collocate, thus sharing some assets. This brings forward a host of concerns that I don't believe were discussed in detail, including separate licensing bodies, separate inspectors and regulations, and security in access. Do we want to send the message that one's medicine is also a recreational drug? In the case of nonprofit dispensaries, I also have questions regarding sharing assets between for and nonprofit entities.

Again, I believe it is important that we pass a bill that regulates and taxes adult-use marijuana. That said, the bill in front of this body is not ready to do that. Above all else, the excise tax scheme does not raise adequate revenue and there is no way of knowing this, and there was no way of knowing this until the fiscal note was published last Friday afternoon. Maine's people are watching. I'm positive that their expectation is that we pass a bill that generates more revenue than what it takes in to run the program. I encourage you to join me in opposing the pending motion. We need to fix this bill. Thank you.

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

Representative **SANBORN**: Thank you, Madam Speaker. I rise really briefly just as one of the only people in the room who pays excise tax on a monthly basis on a highly regulated product. When Representative Pierce presented the bill to me and explained that there was an excise tax as well as a sales tax, I was actually really thrilled. Because what excise tax allows, and what's different about excise tax, is that it allows small business producers that might charge a premium price for their product to not have a higher effective tax rate than their corporate competitors who are growing in a bigger scale and producing at -- able to sell, therefore, at a lower retail cost. So what it does is to allow not all of the tax burden to be a factor of the retail selling price of the product, and by doing that it allows for small business to compete against bigger entities. That's how it works in beer, where we're taxed by the gallon, and I believe that having an excise tax for marijuana would work out in a similar way, and so I encourage you to pass this bill, as the Committee has done excellent work to get that right.

The SPEAKER: The Chair recognizes the Representative from Hollis, Representative Marean.

Representative **MAREAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I am a proud member of the MLI Committee. I spent several months, missed only one meeting in all the efforts that we made. I want to compliment the Committee on working together, 17 people, not all in the room at the same time every day, but lots of times that there were, we worked well together. Did we get the bill 100% correct? I'm sure we did not, and I've heard it over and over today, and a few days ago, but we need to start someplace. This is a start. I do not want to go home and tell my constituency that I voted against regulating marijuana, which is a federally prohibited Schedule 1 drug. This vote is not to legalize marijuana, we've already done that. This vote is to regulate it. I ask you to consider when you do vote, can you explain to your constituencies if you vote against regulating it. Thank you, Madam Speaker.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in opposition to the pending motion. I, too, sat proudly on the Marijuana Legalization Implementation Committee, and it was a pretty high honor to be able to voice my opinion about a product that has destroyed the lives of many of the people that I know simply because they possessed it. Individual liberty, private property rights, and personal responsibility are the foundational principles of a free society. When the people passed the law at the ballot box, they allowed, in my opinion, for an individual who is an adult over the age of 21 to be self-sufficient when it comes to their cannabis needs. It also allowed a private property owner to allow permission for another adult to cultivate cannabis on their property. By amending the law the people passed to restrict a parcel or tract of land to only 12 plants, no matter how large or small, does two things at once. It constrains people who do not have property from maybe finding a place to grow their own cannabis, and it infringes upon the private property owner's rights to do with their property, within the law, whatever they see fit, so long as it does not harm anyone. We have had no proof in the state of Maine that our home cultivation law, which is short and young, or the personal use law, has caused any harm, and so I cannot cross a line where I infringe upon a private property right or restrict an individual liberty that the people passed less than one year ago, and for that reason I cannot support the Committee's report. Thank you, Madam Speaker.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I also serve on the Marijuana Implementation Committee, and I just want to say really briefly, if we vote no on this bill, you are voting to allow drive-through windows, internet sales, and home delivery. Keep that in mind when you make this vote. Thank you.

At this point, the Speaker recognized the Representative from Auburn, Representative BICKFORD and he was added to the roll call of the First Special Session of the 128th Legislature.

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

Representative **FREDETTE**: Thank you, Ladies and Gentlemen, Speaker of the House. The bill before us today is a bill, it's an emergency bill, it requires 101 votes, and it is a bill that people should recognize that there is a moratorium in effect until February 1, 2018, and so voting no on this bill does not mean A, B, and C are going to happen. We have time in January to come in and work on the bill, make improvements to the bill, and fix the bill. And so I'm going to suggest... I will be voting no on this and recognizing that we still have lots of work to do, and we come in and do that in January, and, quite frankly, my guess is we're still going to have to look at, fundamentally, at the end of the day, extending a moratorium on this. So please join me in voting no. Thank you.

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

Representative **HYMANSON**: Thank you, Madam Speaker. I wanted to dovetail on the comments from the Representative from Hollis that we need to start someplace, and I'll remind the body that medical marijuana was voted in in 2011, and every year since then we've had numerous bills that have offered changes, and we've debated them in Committee. Some have made it to the floor, some have not, and that will be what happens with this bill as well. So I wanted to remind the body that there was a lot of hard work that went into creating this bill, crafting it so that bad things didn't happen. The final vote was 15 out of 17 people in the affirmative, supporting this motion, and I will be supporting this motion, and I wanted to remind the body that every year offers an opportunity to make this bill better.

The SPEAKER: The Chair will remind members to please address comments through the Chair. The Chair recognizes the Representative from Monmouth, Representative Ackley.

Representative **ACKLEY**: Thank you, Madam Speaker. Men and Women of the House, I rise to support the motion. I've heard some suggestions that perhaps we should delay and take our time and think about things and answer some hard questions, and it's been my impression as a participant and a member of the Committee that that is exactly what we did all summer long. I am still wrestling with my better half about repaying the debt that I owe to her about the time that I spent sitting in the Committee this summer. If we were to delay and consider this some more, it is my understanding that what we would be foregoing is about \$80 million of potential revenue a year. That is what we are expecting this bill to generate, eventually, when we get to a mature marketplace here in Maine for adult use. But on top of that, there's something much more important; because the testimony that we heard as a Committee was, especially regarding public health, was eye-opening. Today, when we don't have regulated adult-use sales that can legitimately happen here in the State of Maine, today, 50% of Maine high school students report that they have no problem getting marijuana. 50 percent. And the other 50%, if they were anything like the kind of high school student I was, they were probably just not answering the survey. The reality is, it is easy for kids to get marijuana if we allow the illicit marketplace to continue, and that is what we will be doing if we wait; if we wait and ponder and think about things. I'll be supporting today's measure, and I would urge my colleagues to do the same, because what this measure does is it begins the process of taking marijuana in Maine out of the hands of kids. It begins the process of seeing cash that doesn't flow into the pockets of criminals, and it begins a process of fully funding our law enforcement folks who keep us safe, every one of us, on the roads. And for that reason I'll be supporting this measure, and I thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass pursuant to Joint Order 2017, H.P. 96. All those in favor will vote yes, those opposed will vote no. 85 having voted in the affirmative and 53 in the negative, accordingly Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96** 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 following items were taken up out of order by unanimous consent:

ENACTORS
Emergency Measure

An Act To Amend the Law Recognizing Local Control Regarding Food Systems and Require Compliance with Federal and State Food Safety Regulations

(S.P. 605) (L.D. 1648)
(C. "A" S-342)

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. 129 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act To Provide Funding for Geographic Information System Services

(S.P. 606) (L.D. 1649)

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. 119 voted in favor of the same and 2 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Pursuant to the Constitution
Public Land – Emergency

Resolve, Authorizing Certain Land Transactions by the Bureau of Parks and Lands within the Department of Agriculture, Conservation and Forestry

(S.P. 604) (L.D. 1647)
(C. "A" S-343)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 6 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Report "A" (15) **Ought to Pass** - Report "B" (1) **Ought to Pass as Amended by Committee Amendment "A" (H-570)** - Report "C" (1) **Ought Not to Pass** – Joint Select Committee on **MARIJUANA LEGALIZATION IMPLEMENTATION** on Bill "An Act To Amend the Marijuana Legalization Act" (EMERGENCY)

(H.P. 1139) (L.D. 1650)

The SPEAKER: I want to thank everyone for their patience today. I know that we've stopped and started a lot, and each time it has been for a longer time than anticipated, and we've also had a couple of technical glitches in between. We have just experienced another one of those technical glitches, and staff here was working really, really hard to try to fix it, and it is something that is not able to be fixed. So we find ourselves in the unusual situation where the last roll call vote that we took was not recorded. People's votes were not recorded. We have the final tally. This was on LD 1650, which was Roll Call No. 474. We do have the final tally. I read it into the record. The final tally was 85 to 53. However, we do not have a record of people's votes on this bill, so we are going to take this roll call over again. Now, this is an unusual situation, and there may be members who voted who are -- who have left. So I have two things. One, my request, which I don't expect I need to ask of you, in that this is what everybody will be doing anyways, is to vote in the same way that you voted on your first vote when the roll call was not recorded, and the record will have to reflect that there were 85 members who voted in favor and 53 opposed on the previous vote, and that if the numbers do not match exactly it is because not all members might still be present. We have tried to think about how we can exactly re-create this again in another scenario, and we have not come up with a better way to do this. So the record shall so reflect. The Chair recognizes the Representative from Turner, Representative Timberlake.

Representative **TIMBERLAKE**: I've got it here on my iPad, 85-53 vote, recorded.

The SPEAKER: So the Chair would inquire, is that -- is it Roll Call No. 4 -- can you read the roll call number on that, Representative Timberlake?

Representative **TIMBERLAKE**: LD 1650, Roll Call No. 473.

The SPEAKER: The Chair thanks the Representative from Turner, and we will need a couple more minutes here to further explore. I just want to thank you all for your patience. I know it's not easy to be here in October, or to be here this late at night. Thank you.

The House will be in order. I feel like this is a highly unusual day. I'm just going to preface what I say next with that. So, I thank Representative Timberlake for bringing forward that roll call, and upon further examination, just to double check and make sure, LD 1651 is the roll call recorded as Roll Call No. 473, and the roll call missing is Roll Call No. 474, which is LD 1650. So just to clarify, LD 1651, for which we have a recorded roll call, was Representative Fredette's bill, the Governor's Bill Representative Fredette put in, and we do have the roll call on that. The Roll Call No. 474, which is LD 1650, is the roll call that is missing. It just so happened that those votes, the tallies were exactly the same, 85 to 53. So we are going to actually roll call and re-record a vote on LD 1650, which was the bill from the MLI Committee. We'll take that up now and record the roll call. And then just to give people a sense of what to expect here, we are going to do that; we have the enactor for ranked-choice voting out and distributed at this

point, so we will run that, and then we are going to take a break while the other body works on the marijuana bill that we will be finally sending them. People can go have dinner and come back. The AFA Committee is going to meet briefly to exempt some of the other things that we worked on today, then we'll come back, finish those items up, hopefully very quickly, and send everyone home for the night. So the good news is that we're going to do these two votes here and then people can have some dinner. I hope that makes people feel a little better.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of Report "A" Ought to Pass pursuant to Joint Order 2017, H.P. 96. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 474

YEA - Ackley, Alley, Austin B, Bailey, Battle, Beebe-Center, Berry, Bickford, Blume, Brooks, Bryant, Cardone, Cebra, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Hamann, Handy, Harrington, Harvell, Head, Herbig, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Casas, Chace, Chapman, Corey, Craig, Dillingham, Espling, Farrin, Foley, Fredette, Gerrish, Ginzler, Guerin, Hanington, Hanley, Harlow, Hawke, Hickman, Johansen, Kinney M, Lockman, Lyford, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bates, Campbell, Gillway, Grignon, Haggan, Herrick, Hilliard, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 84; No, 52; Absent, 14; Excused, 1.

84 having voted in the affirmative and 52 voted in the negative, with 14 being absent and 1 excused, and accordingly Report "A" **Ought to Pass pursuant to Joint Order 2017, H.P. 96** was **ACCEPTED**.

The SPEAKER: I just want to explain the final vote and the difference, because we have determined what the difference is; so the final vote when we retook this vote was 84 in favor and 52 opposed. That is different from the previous vote. The previous vote was 85 in favor, 53 opposed. We have determined that there were two members who were here for the previous vote who voted on opposite sides from each other. So the Representative from Orrington, who was not present for the second vote, his absence brought the number 85 down to 84; and the Representative from Hodgdon, who was here for the first vote but not the second vote, his absence brings the number opposed down from 53 to 52. We are not going to take up another item right now. We are going to make sure that our machines are functioning correctly.

The Chair recognizes the Representative from Newport, Representative Fredette.

Representative **FREDETTE**: So, I would first of all just caution everyone -- first of all, computers sometimes have problems and we recognize that, you know, the computers

have problems. Sometimes when our kids say, you know, I did that homework assignment and the computer ate it, well, maybe that's true. So, that being said, I think it's very important to recognize, I think, that the work that was done recognizes, I think, a fairly accurate representation of the vote that was taken. I don't think it substantively changes the outcome. What I would say is, I think our work is not done, and it's very important the matters that we do have left, that we come back and finish this work so that we don't have to come back another day, and so, I would urge all of you to come back.

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

**ENACTORS
Acts**

An Act To Implement Ranked-choice Voting in 2021
(H.P. 1137) (L.D. 1646)
(C. "B" H-568)

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

On motion of Representative CHAPMAN of Brooksville was **SET ASIDE**.

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

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

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I rise simply to say that ranked-choice voting is an idea whose time has come. It's an idea that many of us, here in this chamber, have worked on since well before 2007, when I was first elected. At the end of the day, I think that ranked-choice voting is really about allowing voters to vote their hopes and not their fears. It was the second-highest number of voters that voted for this referendum, of any referendum in Maine history, and so I hope, Madam Speaker, that today we can vote down the Enactment of this bill, and allow the law enacted by voters of Maine to stand. Thank you, Madam Speaker.

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

Representative **HICKMAN**: Thank you, Madam Speaker. Women and Men of the House, in recent days I've been here a lot, and on this very important issue I heard at least four hours of testimony from the people of the state saying, "do not delay, do not repeal." The Enactment vote before us delays and repeals; and we wonder why people come before our committees and look at us as though they want to throw daggers in our eyes. When we do not listen to the people who express their will at the ballot box, and we do not give them the opportunity to have what they ask for, when it comes to the most important thing that we do in a free society, which is have elections. I think that it is incumbent upon us and it's responsible of us in the truest way, to vote this down and at least give the people the Constitutional Resolution that they deserve, in order to amend the Constitution in the way that would allow them to have the election reform that they have told us they want to have; and so I hope, in good conscience, that the members of this body will reject this Enactment vote and do the right thing. Thank you.

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

ROLL CALL NO. 475

YEA - Austin S, Black, Bradstreet, Campbell, Cardone, Cebra, Chace, Corey, Craig, Dillingham, Duchesne, Dunphy, Espling, Foley, Fredette, Gerrish, Grant, Guerin, Hanington, Hanley, Harrington, Harvell, Hawke, Head, Hubbell, Johansen, Kinney J, Kinney M, Lockman, Luchini, Lyford, Marean, Martin J, Martin R, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Riley, Sampson, Sanborn, Sanderson, Simmons, Sirocki, Skolfield, Stearns, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Ward, White, Winsor, Wood.

NAY - Ackley, Alley, Austin B, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Casas, Chapman, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grohman, Handy, Harlow, Herbig, Hickman, Higgins, Hogan, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Madigan C, Madigan J, Mastraccio, McCrea, McCreight, McLean, Melaragno, Monaghan, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Rykerson, Schneck, Sheats, Spear, Stanley, Sylvester, Tepler, Terry, Tipping, Warren, Zeigler, Madam Speaker.

ABSENT - Babbidge, Bailey, Bates, Bickford, Farrin, Gillway, Ginzler, Grignon, Haggan, Hamann, Herrick, Hilliard, Malaby, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 68; No, 63; Absent, 19; Excused, 1.

68 having voted in the affirmative and 63 voted in the negative, with 19 being absent and 1 excused, 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**.

**SENATE PAPERS
Non-Concurrent Matter**

Bill "An Act To Amend the Marijuana Legalization Act" (EMERGENCY)

(H.P. 1139) (L.D. 1650)

PASSED TO BE ENGROSSED in the House on October 23, 2017.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-345) in NON-CONCURRENCE**.

Speaker GIDEON of Freeport 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 Newport, Representative Fredette.

Representative **FREDETTE**: Yes, thank you, Madam Speaker. If I could just clarify for my understanding, if I could ask a question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **FREDETTE**: So, my understanding would be, Madam Speaker, is that the Emergency Enactor was taken

off this bill in the other body, the other end of the body, is that correct?

The SPEAKER: The Chair would answer in the affirmative. Representative **FREDETTE**: Thank you.

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. 476

YEA - Ackley, Alley, Austin B, Battle, Beebe-Center, Berry, Blume, Brooks, Bryant, Campbell, Cardone, Cebra, Collings, Cooper, Daughtry, DeChant, Denno, Doore, Duchesne, Dunphy, Farnsworth, Fay, Fecteau, Frey, Fuller, Gattine, Golden, Grant, Grohman, Handy, Harrington, Harvell, Head, Herbig, Higgins, 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, Nadeau, O'Neil, Parker, Perry, Pierce T, Reckitt, Riley, Rykerson, Sanborn, Sanderson, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Vachon, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Black, Bradstreet, Casas, Chace, Chapman, Corey, Craig, Dillingham, Espling, Foley, Fredette, Gerrish, Guerin, Hanington, Hanley, Harlow, Hawke, Hickman, Johansen, Kinney M, Lockman, Lyford, McElwee, O'Connor, Ordway, Parry, Picchiotti, Pickett, Pierce J, Pouliot, Prescott, Reed, Sampson, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Turner, Wadsworth, Wallace, Ward, White, Winsor, Wood.

ABSENT - Babbidge, Bailey, Bates, Bickford, Farrin, Gillway, Ginzler, Grignon, Haggan, Hamann, Herrick, Hilliard, Malaby, Mason, Moonen, Perkins, Seavey, Sherman, Talbot Ross.

Yes, 81; No, 50; Absent, 19; Excused, 1.

81 having voted in the affirmative and 50 voted in the negative, with 19 being absent and 1 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

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

Non-Concurrent Matter

An Act To Encourage Regional Planning and Reorganization

(H.P. 242) (L.D. 328)

PASSED TO BE ENACTED in the House on May 18, 2017. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-150) AS AMENDED BY SENATE AMENDMENT "A" (S-344)** thereto in **NON-CONCURRENCE**.

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

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

ENACTORS

Acts

An Act To Amend the Marijuana Legalization Act
(H.P. 1139) (L.D. 1650)
(S. "A" S-345)

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

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

SENATE PAPERS

The following Joint Order: (S.P. 608)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider objections of the Governor.

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

READ and **PASSED** in concurrence.

ENACTORS

Acts

An Act To Encourage Regional Planning and Reorganization

(H.P. 242) (L.D. 328)
(S. "A" S-344 to C. "A" H-150)

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

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

On motion of Representative CHACE of Durham, the House adjourned at 10:25 p.m., until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business or consider objections of the Governor, pursuant to the Joint Order (S.P. 608) and in honor and lasting tribute to the Honorable Gina M. Mason of Lisbon.