

MAINE STATE LEGISLATURE

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

Daily Edition

Second Regular Session

beginning January 3, 2018

beginning at page H-1216

ONE HUNDRED TWENTY-EIGHTH LEGISLATURE
SECOND REGULAR SESSION
33rd Legislative Day
Wednesday, April 11, 2018

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

Prayer by Reverend Elizabeth J. Bachelder Smith, Lisbon United Methodist Church, Lisbon Falls.

National Anthem by Amie Giles, Shapleigh.

Pledge of Allegiance.

Doctor of the day, Linda Stone, M.D., Lamoine.

The Journal of yesterday was read and approved.

COMMUNICATIONS

The Following Communication: (H.C. 500)

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

April 10, 2018

The 128th Legislature of the State of Maine

State House

Augusta, Maine

Dear Honorable Members of the 128th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 630, "An Act To Prohibit Third Parties From Facilitating Transfers of Moose Permits for Consideration."

I am opposed not only to allowing moose permits to be exchanged for different zones but also to asking the department to assist in facilitating such an exchange or having the department adopt rules to implement an exchange of permits.

Moose permits are granted in the State by virtue of a lottery system. The Oxford Dictionary defines a lottery as "a situation whose success or outcome is governed by chance." These elements of chance include the location and timing of when and where the hunt will take place.

Both the number of permits and the types of permits are determined each year by the Department of Inland Fisheries and Wildlife to help the department achieve its herd size goals, namely, to ensure the long-term health and vitality of Maine's moose population across the state.

Those who apply for a permit do so with the anticipation of being able to hunt moose somewhere in Maine during the season. They do so with the full knowledge and understanding that they may need to travel to take advantage of the opportunity should they be successful in winning a permit in the lottery.

For these reasons, I return LD 630 unsigned and vetoed. I strongly urge the Legislature to sustain it.

Sincerely,

S/ Paul R. LePage

Governor

READ and ORDERED PLACED ON FILE. Sent for concurrence.

The accompanying item An Act To Prohibit Third Parties from Facilitating Transfers of Moose Permits for Consideration (H.P. 446) (L.D. 630) (C. "C" H-660)

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

Representative **DUCHESNE**: Thank you, Madam Speaker, Men and Women of the House. This is the third time I've gotten to explain a bill, and I appreciate the opportunity. I'm trying to line up the Chief Executive's veto letter with the facts, and it's not going well.

The SPEAKER: The House will be in order. The Representative may proceed.

Representative **DUCHESNE**: I guess we can just review the letter. The Chief Executive is opposed to allowing moose permits to be exchanged for different zones. You can do that now. You've always been able to do it, and whether this veto is sustained or not, you can still do it, so this veto doesn't actually change anything.

The Chief Executive is opposed to asking the Department to assist in facilitating exchanges. They do that now, and there's nothing in this amended bill that asks the Department to adopt rules or do anything differently. The Chief Executive believes permits should be granted by a lottery system. We do that now. The Chief Executive believes you should only hunt in the zone that you win by lottery. You can already exchange with another permit holder. The Chief Executive appears to be complaining about current law, which the veto would keep in place. The Chief Executive observes that the number and location of permits are set by the Department for proper management of the moose herd. This bill doesn't change that. In fact, it doesn't even mention it.

I honestly don't know what bill the Chief Executive was reading, but it doesn't seem to be this one. So, let me explain what this bill does. You've always been able to exchange permits. Some permits are better than others, and you've always been able to sweeten that deal a little bit in exchange to balance out any differences. But then people started abusing that, and we started to see brokers be a third party and make money off these exchanges, and that violates a fundamental principle of Maine law, that we don't commercialize game.

About three years ago, the Committee tried to fix that. We banned exchanges for a consideration -- not exchanges, but exchanges where consideration is thrown in, but that just punished the hunters when the brokers were the actual problem; so this bill was intended to correct that mistake, and now it bans brokering and holds the brokers accountable. So, if you decide to sustain this veto, here's what happens: if you exchange moose permits and throw in a case of Bud Light, you've committed a Class E offense punishable by a fine of up to \$2,000 and a year of jail; and the broker who's making the money off this walks away. So, I would urge you to override this veto. Thank you, Madam Speaker.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, it's always a tough act to follow my good friend from Hudson, but I will try.

As Representative Duchesne mentioned, I also truly believe that the Chief Executive is confusing LD 630, this legislation, with another piece of legislation that was before us earlier in this session. Having worked at IF&W for several years, and having resided in Aroostook County all of my life, I know a little something about moose, their habitats, and how the Department manages the moose population. The Chief Executive's veto message states that he is opposed to allowing moose permits to be exchanged for different zones. However, the Department already allows swaps for zones and sex for

moose, and the Department already facilitates swaps on permits. This legislation does not, I repeat, it does not change what the Department has historically been doing.

The veto letter also states that both the number of permits and types of permits are determined each year by the Department to help the Department achieve its herd size goals, namely to ensure long-term health of the Maine moose population. I agree. However, LD 630 will have no effect on goals set by the Department, because the number of permits per zone or sex harvest goals do not change; again, do not change. In other words, this bill will not increase the number of permits established by the Department. The bill actually helps the Department to ensure long-term health on moose population by allowing hunters in the zones desired and for sex desired. This bill is just about accommodating hunters' travel desires. Why not accommodate to taxpayers and hunters if everyone benefits? In closing, Madam Speaker, unlike what the Chief Executive's veto suggests, moose do not herd. Again, I would ask you to vote yes, vote green, and follow my light. Thank you, Madam Speaker.

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

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

ROLL CALL NO. 589V

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Collings, Cooper, Corey, Craig, Daughtry, DeChant, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Espling, Farnsworth, Farrin, Fay, Fecteau, Foley, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Haggan, Hamann, Handy, Hanington, Hanley, Harrington, Harvell, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Lockman, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, Melaragno, Monaghan, Moonen, O'Connor, O'Neil, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Prescott, Reckitt, Reed, Riley, Rykerson, Sampson, Sanborn, Schneck, Seavey, Sheats, Simmons, Sirocki, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Turner, Vachon, Wadsworth, Wallace, Warren, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Harlow, Sanderson.

ABSENT - Battle, Cebra, Chapman, Fredette, Grignon, Guerin, Head, Kinney M, McLean, Nadeau, Ordway, Pouliot, Sherman, Ward, White.

Yes, 134; No, 2; Absent, 15; Excused, 0.

134 having voted in the affirmative and 2 voted in the negative, with 15 being absent, and accordingly Veto was **NOT SUSTAINED**. Sent for concurrence.

The Following Communication: (S.C. 979)

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

April 9, 2018

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

Dear Clerk Hunt:

Senate Paper 431, Legislative Document 1279, "An Act To Ensure Patient Protections in the Health Insurance Laws," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?" 17 voted in favor and 16 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

The Following Communication: (S.C. 980)

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

April 9, 2018

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

Dear Clerk Hunt:

Senate Paper 130, Legislative Document 389, "An Act To Promote Access to Financial Institutions by Entities That Are Authorized under State Law," having been returned by the Governor, together with objections to the same, pursuant to Article IV, Part Third, Section 2 of the Constitution of the State of Maine, after reconsideration, the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

14 voted in favor and 19 against, and accordingly it was the vote of the Senate that the Bill not become a law and the veto was sustained.

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

READ and ORDERED PLACED ON FILE.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Louis A. Waterhouse III, of Biddeford, owner of L.A.W. Calibration, LLC, which has been named the Maine Veteran Owned Business of the Year by the United States Small Business Administration. We extend to Mr. Waterhouse our congratulations and best wishes;

(HLS 1117)

Presented by Representative O'NEIL of Saco.

Cosponsored by Senator DESCHAMBAULT of York, Representative SEAVEY of Kennebunkport, Representative FECTEAU of Biddeford, Representative GROHMAN of Biddeford.

On **OBJECTION** of Representative O'NEIL of Saco, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, this Expression of Legislative Sentiment and all accompanying papers were **INDEFINITELY POSTPONED.**

In Memory of:

Marie Lancaster-Hale, of Norridgewock. Ms. Lancaster-Hale, who worked at Sappi North America for 20 years and Madison Paper Industries for 10 years, was a very active volunteer who loved to work with people and put them first. She was a sewer, cook, crafter, carpenter, logger, activist for women and union member. Ms. Lancaster-Hale will be long remembered and sadly missed by her friends and family;

(HLS 1119)

Presented by Representative AUSTIN of Skowhegan.

Cosponsored by Senator WHITEMORE of Somerset, Representative FARRIN of Norridgewock.

On **OBJECTION** of Representative AUSTIN of Skowhegan, was **REMOVED** from the Special Sentiment Calendar.

READ.

The **SPEAKER**: The Chair recognizes the Representative from Skowhegan, Representative Austin.

Representative **AUSTIN**: It's with great regret that we heard of Marie's passing, and I didn't know her well, but knew that whenever I saw her she was always smiling and was a wonderful mother to her son. Thank you.

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass** on Bill "An Act To Amend the Workers' Compensation Laws Governing Affiliated Self-insurance Groups"

(S.P. 721) (L.D. 1888)

Signed:

Senators:

WHITEMORE of Somerset
CARSON of Cumberland
DOW of Lincoln

Representatives:

LAWRENCE of Eliot
BROOKS of Lewiston
COLLINGS of Portland

CRAIG of Brewer
FOLEY of Wells
PICCHIOTTI of Fairfield
PRESCOTT of Waterboro
SANBORN of Portland
WALLACE of Dexter

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

Signed:

Representative:

MELARAGNO of Auburn

Came from the Senate with the Majority **OUGHT TO PASS** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED.**

READ.

On motion of Representative LAWRENCE of Eliot, **TABLED** pending **ACCEPTANCE** of either Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1315) (L.D. 1882) Bill "An Act To Exempt from Taxation Sales to Certain Nonprofit Organizations Supporting Veterans" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-741)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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

UNFINISHED BUSINESS

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

HOUSE REPORT - **Ought to Pass pursuant to Joint Order 2017, H.P. 1241** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act Regarding Rules Governing the Medical Use of Marijuana Program"

(H.P. 1256) (L.D. 1811)

TABLED - January 30, 2018 (Till Later Today) by Representative GOLDEN of Lewiston.

PENDING - ACCEPTANCE OF COMMITTEE REPORT.

Subsequently, on motion of Representative HYMANSON of York, the Bill and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

Resolve, To Amend Authorization To Sell Certain Property in Augusta

(H.P. 1107) (L.D. 1604)
(C. "A" H-587)

TABLED - February 22, 2018 (Till Later Today) by Representative POULIOT of Augusta.
PENDING - **FINAL PASSAGE.**

Subsequently, on motion of Representative MARTIN of Sinclair, the Resolve and all accompanying papers were **INDEFINITELY POSTPONED** and sent for concurrence.

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

SENATE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (S-445)** - Committee on **VETERANS AND LEGAL AFFAIRS** on Bill "An Act To Broaden Educational Opportunities for Members of the Maine National Guard"

(S.P. 635) (L.D. 1736)

- In Senate, Unanimous **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-445).**

TABLED - April 10, 2018 (Till Later Today) by Representative LUCHINI of Ellsworth.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE.** **Committee Amendment "A" (S-445)** was **READ** by the Clerk.

Representative FARRIN of Norridgewock **PRESENTED House Amendment "A" (H-743) to Committee Amendment "A" (S-445),** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Norridgewock, Representative Farrin.

Representative FARRIN: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'd just like to clarify exactly what this amendment is. We've added for the great work that's been done for our soldiers and airmen in the State of Maine by adding private institution as well, but this amendment will include the Maine Criminal Justice Academy to the list of institutions where members of the Maine National Guard may receive a tuition benefit. Thank you, Madam Speaker.

Subsequently, **House Amendment "A" (H-743) to Committee Amendment "A" (S-445)** was **ADOPTED.**

Representative LUCHINI of Ellsworth **PRESENTED House Amendment "B" (H-748) to Committee Amendment "A" (S-445),** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Luchini.

Representative LUCHINI: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, like the previous amendment, this was something we discussed in Committee. For the sake of time we reported it out. This makes a change to the funding source for both programs that are in this bill, so that it will be funded from the General Fund and will have to go to the Appropriations table. So, thank you.

Subsequently, **House Amendment "B" (H-748) to Committee Amendment "A" (S-445)** was **ADOPTED.**

Committee Amendment "A" (S-445) as Amended by House Amendments "A" (H-743) and "B" (H-748) thereto was **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-445) as Amended by House Amendments "A" (H-743) and "B" (H-748)** thereto in **NON-CONCURRENCE** and sent for concurrence.

Resolve, To Establish a Task Force To Examine Agricultural Issues (EMERGENCY)

(S.P. 646) (L.D. 1747)

(H. "A" H-690 to C. "A" S-388)

TABLED - April 9, 2018 (Till Later Today) by Representative HERBIG of Belfast.

PENDING - **FINAL PASSAGE.**

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

Representative FREDETTE: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This particular task force, my understanding is, is a task force that does not require any state funds. There are no legislators on it. It has a very broad latitude in terms of areas that it wants to look at, and certainly agricultural issues in rural Maine are critical to our economy and to our family structures and our culture. So, to the extent that this particular task force can look at the farming -- issues regarding milk today, which I think are critically important, blueberries, potatoes, that very broad array, I think is something that's positive and I will look forward to supporting this, and ask that you follow my light.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

Resolve, To Establish a Pilot Project To Save Lives and Support People with Substance Use Disorder in Washington County

(S.P. 257) (L.D. 812)

(C. "A" S-444)

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

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Perry.

Representative PERRY: Thank you, Madam Speaker and Members of the House. I really get up to talk about this bill. This is a bill that has been worked at by the communities in Washington County to come up with what we might find a solution that'll bring us some help with the opioid addiction that we have, not only in the county but in the state. Washington County has the highest --

The SPEAKER: The Representative will defer. Once again today, Wednesday, a reminder to Members of the House to please take your conversations outside the chamber while another member is speaking. The Representative may proceed.

Representative **PERRY**: Thank you. Washington County has the highest death rate from opiate overdoses in the state. What this bill does is it works at setting up a system that can well work for rural counties. The hub and spoke model, because we don't have a hub in rural counties, does not necessarily work. This is a pilot project. We're looking at getting -- at applying for federal funding to do this. If this works, it is my hope that we will have something that will work for our rural counties to bring people to recovery and treatment and help with this significant problem that we're dealing with. So, I ask you to vote for this emergency. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from East Machias, Representative Tuell.

Representative **TUELL**: Thank you, Madam Speaker. I also rise in favor of the pending motion and the bill before us. When this bill was brought forward last year, it had a lot more in it than what it does now, but it's a credit to those who worked on it, I know I was privileged to co-sign it along with many others in our delegation. I confess I don't know everything about the opiate crisis, or even a lot, but I know this brought some folks together in the nonprofit world, at the state, who truly do, and who tried to reduce duplicative -- say that word ten times -- duplicative services, and tried to bring forward a solution that might have some impact on Washington County. You know, one of the things we hear down home every day is that when is so-and-so going to do such-and-such about the opiate crisis. And I sometimes bristle when I hear that, because we are honestly trying to find solutions to the opiate crisis. I know there's no one magic bullet, but this might -- this might be part of the solution. I know we've done others, but this might also be part of the solution, so I would encourage you to support the motion before us. Thank you, Madam Speaker.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 18 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act To Strengthen Requirements for Water Testing for Schools

(S.P. 20) (L.D. 40)
(S. "A" S-429 to C. "A" S-406)

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

Representative **HERBIG** of Belfast **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

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

The **SPEAKER**: 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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 590

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Bates, Beebe-Center, Berry, Blume, Brooks, Bryant, Cardone, Casas, Collings, Cooper, Corey, Daughtry, DeChant, Denno, Devin, Doore, Duchesne, Dunphy, Espling, Farnsworth, Fay, Fecteau, Fredette, Frey, Fuller, Gattine, Ginzler, Golden, Grant, Grohman, Haggan, Hamann, Handy, Harlow, Herbig, Herrick,

Hickman, Higgins, Hogan, Hubbell, Hymanson, Jorgensen, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mastraccio, McCrea, McCreight, Melaragno, Monaghan, Moonen, O'Neil, Parker, Perry, Pickett, Pierce T, Pouliot, Reckitt, Riley, Rykerson, Sampson, Sanborn, Schneck, Sheats, Spear, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Vachon, Wallace, Warren, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Black, Bradstreet, Campbell, Chace, Craig, Dillingham, Farrin, Foley, Gerrish, Gillway, Hanington, Hanley, Harrington, Harvell, Hawke, Hilliard, Johansen, Kinney J, Lockman, Lyford, Mason, McElwee, O'Connor, Parry, Perkins, Picchiotti, Pierce J, Prescott, Reed, Sanderson, Seavey, Simmons, Sirocki, Skolfield, Stetkis, Stewart, Strom, Sutton, Theriault, Timberlake, Tuell, Turner, Wadsworth, White, Winsor, Wood.

ABSENT - Battle, Cebra, Chapman, Grignon, Guerin, Head, Kinney M, McLean, Nadeau, Ordway, Sherman, Ward.

Yes, 91; No, 48; Absent, 12; Excused, 0.

91 having voted in the affirmative and 48 voted in the negative, with 12 being absent, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Acts

An Act To Amend the Maine Life and Health Insurance Guaranty Association Act

(S.P. 718) (L.D. 1875)
(C. "A" S-442)

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

Resolves

Resolve, To Support Home Health Services

(H.P. 591) (L.D. 842)
(C. "B" H-728)

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-744)** on Bill "An Act To Clarify the Prescribing and Dispensing of Naloxone Hydrochloride by Pharmacists" (EMERGENCY)

(H.P. 1325) (L.D. 1892)

Signed:

Senators:

VOLK of Cumberland
BELLOWS of Kennebec
LANGLEY of Hancock

Representatives:

FECTEAU of Biddeford
AUSTIN of Gray
BATES of Westbrook
DOORE of Augusta

HANDY of Lewiston
MASTRACCIO of Sanford
SYLVESTER of Portland
VACHON of Scarborough

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

Signed:

Representatives:

LOCKMAN of Amherst
STETKIS of Canaan

READ.

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

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

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

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

Representative **CHACE**: Thank you, Madam Speaker. I wasn't planning to stand to plan to say I wasn't going to speak, so, here I am. With all due respect to everyone here, this is, you know, we need to move forward with this bill. This is a good piece of legislation. We need to give the Board of Pharmacy a chance to finally finish with their rulemaking. This is going to facilitate their process by removing an age restriction that really just shouldn't be there. I need to correct the press. I'm not saying that it's a false representation, but naloxone will not be over-the-counter. It is not over-the-counter. It is still a prescription drug, and it will require somebody to go through a pharmacist or other licensed medical provider to get it, and within the rules of the Board of Pharmacy they are going to be explaining to these recipients exactly what this drug will and won't do. It is not a fun drug. If you're looking to try to carve a fine edge on your opiate use, it doesn't help. If you don't have somebody there to administer it, it doesn't help. This bill is really important for us to increase access. As the CDC stated last week, it is time for us to act. There is no reason for us to withhold the availability of this product to our needy folks out there who really need to get this drug. So, I stand for life today, I've always stood for life, and I hope you follow my light.

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

Representative **TURNER**: Thank you, Madam Speaker, Men and Women of the House. I'll be very brief. I wasn't going to speak on this, but I am adamantly opposed to lifting the age restriction. I think that this definitely needs to keep the 21 and above. I do not think that we should be allowing those under 21 to purchase this. Thank you.

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

Representative **VACHON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, who in this body, if faced with a person who was dying of anything, would not want to do anything in their power to save a life? Most of us are keenly aware that if a person is suffering from a heart attack, immediately giving them an aspirin could save their life. It would be horrific to think that if this were happening to -- somebody would judge this person unworthy because he was overweight, didn't take care of himself and was a regular

at Burger King, chowing down on Whoppers. Would anyone say, "Not going to give him aspirin because I know he's going to go right back to Burger King?" No, we wouldn't; and, who are we to judge? Are any of us perfect? Would any one of us want an opportunity to have a second, third, fourth, or even a fifth chance to get our life on a better track? It's kind of hard to experience the power of redemption when you are dead. Madam Speaker, naloxone is a safe drug. It is safer than aspirin. There aren't age -- stringent age restrictions on purchasing aspirin, and there shouldn't be age restrictions on purchasing naloxone, either. Madam Speaker, just six days ago, Surgeon General Jerome Adams released a public health advisory urging more Americans to carry the life-saving drug naloxone, that can reverse the effects of an overdose. We must protect the sanctity of human life. Please follow my light. Thank you, Madam Speaker.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just wanted to provide some information for folks who might be concerned that, by passing this legislation, we are usurping the work of the Pharmacy Board. It's really important that, at the public hearing, we asked whether or not, if this bill passed, the rulemaking process would have to be started -- would have to restart and begin again. That is not the case. This bill, if this bill passes and is enacted into law, it will just give the Pharmacy Board direction on the age, the age part of the rulemaking, not anything else. So, the rulemaking will continue as it relates to training pharmacists to prescribe and dispense, and all the other rules that are currently before the Pharmacy Board, and that are being dealt with through public hearing and the commenting period. So, this bill will not affect anything else except for the age requirement. That's all.

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

Representative **FREDETTE**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is an issue, over my time in the Legislature, which has, I probably would have to use the word evolved. I think early on I was a skeptic, quite frankly, of having this being available, encouraging folks to continue to use and whatnot. And I think once you have the opportunity to go out and visit some of these facilities, recently in Washington County, talking to some folks up there, there is a point in time when people that are in crisis decide that it's time to get better, and nobody knows when that time is going to be, and maybe it never happens. But the reality is, is that for some folks, they are going to make that decision and they are going to come back into society, they're going to come into people's lives and they can become productive. Now, it's a tragedy in our society today that we have to have this conversation, but it's a reality that this country is losing more people today on an annual basis than died in the entire Vietnam War. We are in a crisis. We're in a crisis in Maine, and we're in a crisis in this country, dealing with addiction.

I don't believe that this is the best answer, but it's the answer that we have today. And if it's an issue of age and whether or not we're going to provide something for someone who's at a certain age level, and we're going to give someone a second chance, maybe even it's a third chance; but that's a human life, and if you believe in the sanctity of life, we have an opportunity to help preserve that life. It may be for someone who has a very tough time in their life, has had a crisis as a child. Maybe it's someone who's very young and has got some PTSD and they turn to addiction. Or maybe it wasn't even that,

maybe it was just someone who had a simple operation. It's recognition of where we are today, and I think my position on this has evolved as I continued to learn about it, and I'm going to be voting in favor of this; and I hope that we don't have to have these kinds of continuing conversations, that we can actually fix this problem in Maine. But we're not there yet, and this is a bridge to get us there, and so I'm going to be voting in favor of this, and I'm going to ask that you follow my light.

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

Representative STEWART: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. As one of the members of the House that served on the task force to address the opioid crisis in Maine, where part of this bill's recommendation came from, I feel compelled to at least bring up this scenario, particularly as it relates to the ages of folks who might require access to this particular drug, given the fact that over 70% of heroin addictions actually start at the doctor's office. And so the scenario is not only probable, but it's happening frequently in Maine, where you get a young person who is either an athlete that gets hurt in a game and is requiring surgery, or is having their wisdom teeth removed in their teenage years, and they are prescribed a drug legally that then leads to an addiction shortly after that. And, so, to that end, Madam Speaker, I think it makes a lot of sense to have this substance available for those folks for that reason, that we do have a lot of young people that need, desperately, access to this lifesaving medication. Thank you very much.

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

ROLL CALL NO. 591

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Bailey, Bates, Beebe-Center, Berry, Bickford, Black, Blume, Bradstreet, Brooks, Bryant, Campbell, Cardone, Casas, Chace, Collings, Cooper, Corey, Craig, Daughtry, Denno, Devin, Dillingham, Doore, Duchesne, Dunphy, Farnsworth, Farrin, Fay, Fecteau, Foley, Fredette, Frey, Fuller, Gattine, Gerrish, Gillway, Ginzler, Golden, Grant, Grohman, Haggan, Hamann, Handy, Hanley, Harlow, Harrington, Harvell, Hawke, Herbig, Herrick, Hickman, Higgins, Hilliard, Hogan, Hubbell, Hymanson, Johansen, Jorgensen, Kinney J, Kornfield, Kumiega, Lawrence, Longstaff, Luchini, Lyford, Madigan C, Madigan J, Malaby, Marean, Martin J, Martin R, Mason, Mastraccio, McCrea, McCreight, McElwee, McLean, Melaragno, Monaghan, Moonen, O'Connor, O'Neil, Parker, Parry, Perkins, Perry, Picchiotti, Pickett, Pierce J, Pierce T, Pouliot, Prescott, Reckitt, Riley, Rykerson, Sampson, Sanborn, Sanderson, Schneck, Seavey, Sheats, Simmons, Skolfield, Spear, Stanley, Stearns, Stetkis, Stewart, Strom, Sutton, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Timberlake, Tipping, Tucker, Tuell, Vachon, Wadsworth, Wallace, Warren, Winsor, Wood, Zeigler, Madam Speaker.

NAY - Espling, Hanington, Lockman, Reed, Sirocki, Turner, White.

ABSENT - Battle, Cebra, Chapman, DeChant, Grignon, Guerin, Head, Kinney M, Nadeau, Ordway, Sherman, Ward.

Yes, 132; No, 7; Absent, 12; Excused, 0.

132 having voted in the affirmative and 7 voted in the negative, with 12 being absent, and accordingly the Majority **Ought to Pass as Amended Report was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (H-744) 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-744)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 720) (L.D. 1885) Bill "An Act To Implement the Recommendations of the Task Force To Address the Opioid Crisis in the State Regarding Increased Access to Drug Courts" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 658) (L.D. 1771) Bill "An Act To Stabilize Vulnerable Families" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-449)**

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

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

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Improve Compliance with the Maine Tree Growth Tax Law"

(S.P. 722) (L.D. 1891)

Signed:

Senators:

DOW of Lincoln
CHENETTE of York

Representatives:

TIPPING of Orono
BICKFORD of Auburn
COOPER of Yarmouth
GRANT of Gardiner
HILLIARD of Belgrade
POULIOT of Augusta
STANLEY of Medway
TEPLER of Topsham
TERRY of Gorham

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

Signed:

Senator:

CUSHING of Penobscot

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

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

On motion of Representative VACHON of Scarborough, the House adjourned at 1:14 p.m., until 10:00 a.m., Thursday, April 12, 2018, in honor and lasting tribute to Marie Lancaster-Hale, of Norridgewock and Merton G. Henry, of Scarborough.

Ought to Pass as Amended

Report of the Committee on **TAXATION** on Bill "An Act To Clarify the Sales Tax Exemption for Vehicles Used in Interstate or Foreign Commerce"

(S.P. 633) (L.D. 1734)

Reporting **Ought to Pass as Amended by Committee Amendment "A" (S-438)**.

Came from the Senate with the Report **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED**.

The Report was **READ**.

Representative TIPPING of Orono moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Orono, Representative Tipping.

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, this -- I normally don't stand up to Indefinitely Postpone unanimous Committee reports, but the language that's in this bill was in also another bill that passed this body and the other body and is now out of our hands, so this particular vehicle for this language is no longer necessary.

Subsequently, the Bill and accompanying papers were **INDEFINITELY POSTPONED** in concurrence.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Require Room Remarketers and Operators of Transient Rental Platforms To Be Registered for the Collection and Reporting of Sales Taxes"

(H.P. 1201) (L.D. 1721)

Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-711)** in the House on April 4, 2018.

Came from the Senate with the Unanimous **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION** **READ** and the Bill and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

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

CONSENT CALENDAR

First Day

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

(H.P. 491) (L.D. 700) Bill "An Act To Give Flexibility to Employees and Employers for Temporary Layoffs" Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-749)**

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

There being no objection, the House Paper was **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

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