

MAINE STATE LEGISLATURE

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

Daily Edition

First Regular Session
beginning December 5, 2018

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ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Wednesday, May 8, 2019

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

Prayer by Honorable Thomas R. W. Longstaff, Waterville.
National Anthem by Honorable Gay M. Grant, Gardiner.
Pledge of Allegiance.
The Journal of yesterday was read and approved.

The House recessed for the purpose of conducting Welcome Back Day Ceremonies.

(After Recess)

The House was called to order by the Speaker.

COMMUNICATIONS

The Following Communication: (H.C. 165)

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

May 8, 2019

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

Dear Clerk Hunt:

Please be advised that pursuant to her authority, Governor Janet T. Mills has nominated the following:

on May 6, 2019

James W. Gorman, Jr. of Freeport for appointment to the Maine Outdoor Heritage Fund Board.

Pursuant to Title 12, MRSA §10308, this appointment is contingent on the Maine State Senate's confirmation after review by the Joint Standing Committee on Environment and Natural Resources.

Sincerely,

S/Sara Gideon
Speaker of the House

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

The Following Communication: (S.C. 380)

**MAINE SENATE
129TH LEGISLATURE
OFFICE OF THE SECRETARY**

May 7, 2019

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

Dear Speaker Gideon:

In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of Gwendolyn Hilton of Starks for appointment to the Maine Land Use Planning Commission;

Upon the recommendation of the Committee on Veterans and Legal Affairs, the nomination of William A. Lee, III, Esquire of Waterville for reappointment to the Commission on Governmental Ethics and Election Practices.

Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Make a Technical Correction to the Law Governing Certification of Seed Potatoes"

(H.P. 1214) (L.D. 1699)

Sponsored by Representative McCREA of Fort Fairfield.

Cosponsored by Senator DILL of Penobscot and Representative: O'NEIL of Saco.

Submitted by the Department of Agriculture, Conservation and Forestry pursuant to Joint Rule 204.

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** and ordered printed.

Sent for concurrence.

Resolve, To Promote the Inclusion of African-American History and Culture in the Curricular Offerings of School Administrative Units

(H.P. 1215) (L.D. 1700)

Sponsored by Representative TALBOT ROSS of Portland.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** and ordered printed.

Sent for concurrence.

Bill "An Act To Establish the Securities Restitution Assistance Fund for Victims of Securities Violations"

(H.P. 1219) (L.D. 1704)

Sponsored by Representative HARNETT of Gardiner.

Cosponsored by Senator CARPENTER of Aroostook and Representatives: CARDONE of Bangor, DOORE of Augusta, EVANGELOS of Friendship, McCREA of Fort Fairfield, RECKITT of South Portland, WARREN of Hallowell.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested and ordered printed.

REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** and ordered printed.

Sent for concurrence.

Bill "An Act To Clarify Various Provisions of the Maine Human Rights Act"

(H.P. 1216) (L.D. 1701)

Sponsored by Representative BAILEY of Saco.
Submitted by the Maine Human Rights Commission pursuant to Joint Rule 204.

Bill "An Act To Enhance the Administration of the Maine Human Rights Act"

(H.P. 1217) (L.D. 1702)

Sponsored by Representative BAILEY of Saco.
Submitted by the Maine Human Rights Commission pursuant to Joint Rule 204.

Bill "An Act To Improve Consistency within the Maine Human Rights Act"

(H.P. 1218) (L.D. 1703)

Sponsored by Representative BAILEY of Saco.
Submitted by the Maine Human Rights Commission pursuant to Joint Rule 204.

Committee on **JUDICIARY** suggested and ordered printed.

REFERRED to the Committee on **JUDICIARY** and ordered printed.

Sent for concurrence.

Bill "An Act To Create Jobs and Slow Climate Change by Promoting the Production of Natural Resources Bioproducts"

(H.P. 1213) (L.D. 1698)

Sponsored by Representative FECTEAU of Biddeford.
Cosponsored by President JACKSON of Aroostook and Representatives: BICKFORD of Auburn, MADIGAN of Waterville, STANLEY of Medway, STEWART of Presque Isle, TERRY of Gorham, Senators: DILL of Penobscot, KEIM of Oxford, POULIOT of Kennebec.

Committee on **TAXATION** suggested and ordered printed.

REFERRED to the Committee on **TAXATION** and ordered printed.

Sent for concurrence.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-83)** on Bill "An Act To Ensure the Integrity of For-profit Colleges"

(S.P. 30) (L.D. 103)

Signed:
Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

KORNFELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield
SAMPSON of Alfred

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

Signed:

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-83)**.

READ.

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

Representative DILLINGHAM of Oxford **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 Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. It's my understanding that this bill, while changed in committee, essentially is going to be putting a greater level of regulation and burdens on a variety of institutions that provide higher education to folks in Maine. In particular regard, and where our caucus seems to struggle with this bill, is in regards to the trades. And primarily, you know, a couple of classic examples there would be things like cosmetology and the one that I'm really struggling with is CDL driving institutions. So, I really have some concerns about what this would do and the question I would like to pose to the -- through the Chair, if possible, for anybody that would be able to answer it, is why would we want to put another burden on the trucking industry by passing a bill to overburden trucking schools and the folks that are trying to put more CDL-licensed folks on our roads and ease some of that burden. Thank you very much, Madam Speaker.

The **SPEAKER**: The Member from Presque Isle has posed a question through the Chair if anyone would like to answer.

The Chair recognizes the Representative from Augusta, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. The original intent of this bill was to ensure diploma mills weren't taking Maine residents to task. However, we couldn't do that from out-of-state schools, it just is impossible. This bill ended up targeting our great for-profit institutions that will train our truckers and cosmetologists as well as Beal College. It was then retooled to remove Beal College. Now, it places unfair burdens on our for-profit institutions that are stocking our economy with skilled workers. Those institutions are already guided by the free market. If they don't put out a great product, they close.

This allows the Commissioner to terminate the degree-granting authority if a school buys too many trucks to train people or buys too many Facebook ads. This bill is an extra burden on the institutions that are stocking our growing economy and this bill has evolved far past its original intent on keeping a thumb on out-of-state diploma mills. And, lastly, since this bill has changed so much, there were no

stakeholders present at the public hearing because they had no idea this bill had anything to do with them. Thank you.

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

ROLL CALL NO. 74

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Madigan C, Martin R, Mastraccio, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Hepler, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin T, Mason, Maxmin, Millett, Morris, O'Connor, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Bickford, Brooks, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Martin J, McLean, Talbot Ross.

Yes, 84; No, 53; Absent, 12; Excused, 1.

84 having voted in the affirmative and 53 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-83)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-83)** in concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-84)** on Bill "An Act To Strengthen Testing for Lead in School Drinking Water"

(S.P. 40) (L.D. 153)

Signed:
Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais

STOVER of Boothbay
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-85)** on same Bill.

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-84)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-84)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-84)** in concurrence.

Ten Members of the Committee on **LABOR AND HOUSING** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-79)** on Bill "An Act To Support Healthy Workplaces and Healthy Families by Providing Earned Paid Sick Leave to Certain Employees"

(S.P. 110) (L.D. 369)

Signed:

Senators:

BELLOWS of Kennebec
GUERIN of Penobscot
LAWRENCE of York

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
MORRIS of Turner
RYKERSON of Kittery

One Member of the same Committee reports in Report **"B" Ought to Pass as Amended by Committee Amendment "B" (S-80)** on same Bill.

Signed:

Representative:

SYLVESTER of Portland

One Member of the same Committee reports in Report **"C" Ought Not to Pass** on same Bill.

Signed:

Representative:

LOCKMAN of Bradley

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-79)**.

READ.

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

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

Representative **SYLVESTER**: Thank you, Madam Speaker. LD 369 creates a unified paid time off system for workers who are employed at companies with more than ten workers. This is not sick leave; this is paid time off. That means it can be used for an emergency or illness like sick leave but also can be used for pre-planned time off like a parent or child's surgery or illness.

I just want to explain the bill quickly since it's a big bill and we want to make sure that everybody understands. So, this bill, as I said, covers employers who have more than ten employees. It's going to cover about 85% of employees over the state, or about 493,000. Of those, the majority, more than two-thirds, already have paid time off of one sort or -- earned paid time off of one sort or another. So this would codify that leave in law and then 139,000 new employees would receive paid time off, according to the bill. Now, this is, you know, I think the folks who crafted this were trying to strike a balance between leave that already existed and the ability of folks to be able to offer this leave and I think that this is the balance that they were trying to find. The accrual is one hour for every 40 worked. It takes 120 days before the employer has to allow the leave to happen and the worker can use it. It is -- as I said, it can be used as sick leave or with preapproval since it's paid time off. The Department of Labor will enforce the bill and it uses the definition from unemployment insurance for employee and employer and seasonal and all of those pieces in order to be able to keep the definitions of employment uniform along different sections of law. It will implement in 2021 and will require the DOL to report progress to the committee on how the bill is working.

I just want to thank the committee for its efforts to find a bipartisan place to land on this bill. I know that is not an easy thing to do in this building and I really want to commend the committee for doing that and really want to, you know, seek that this body will get behind this bill and support the motion. Thank you very much.

Representative STEWART of Presque Isle **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 Bradley, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, this is a bad bill. I urge a no vote on it. It's not as bad as it was in its original form but it is still a burdensome mandate on small business owners.

I have talked to small business owners in my district who say this will come at the expense of other benefits that they offer employees such as paid vacation time. This is an instance of the Legislature getting its foot in the door. This will never go away once it's enacted, it can only get bigger. I urge a no vote.

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. 75

YEA - Ackley, Alley, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau J, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Bickford, Blier, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Brooks, Campbell, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Talbot Ross.

Yes, 94; No, 45; Absent, 10; Excused, 1.

94 having voted in the affirmative and 45 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-79)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-79)** in concurrence.

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

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought Not to Pass** on Bill "An Act To Implement the State's Recently Approved Request for a Section 1115 Demonstration for MaineCare"

(H.P. 736) (L.D. 981)

Signed:
Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin

Representatives:

HYMANSON of York
CRAVEN of Lewiston
MADIGAN of Waterville
MEYER of Eliot
PERRY of Calais
STOVER of Boothbay
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

GRIFFIN of Levant

JAVNER of Chester

O'CONNOR of Berwick

READ.

Representative HYMANSON of York moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report..

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

The **SPEAKER**: The Chair recognizes the Representative from Berwick, Representative O'Connor.

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. According to the Association of Psychological Science, there are many apparent reasons why people engage in activity, such as to earn money, to become famous, kind of like you, Madam Speaker, or to advance science. However, we suggest a potentially deeper reason. People dread idleness, yet they need a reason to be busy. We have shown two experiments that without a justification, people just choose to be idle, that even a specious justification can motivate people to be busy and that people who are busy are happier than people who are idle. Curiously, this last effect is true even if people are forced to be busy. The research suggests that many purported goals that people pursue may be merely justifications to keep busy. There's also a certain feeling of pride that goes with keeping yourself successfully busy and contributing to society. Sitting down at the end of the day and knowing you've accomplished something and being productive and contributed is always a good feeling. I believe, from my decades of experience, that if you make a monetary investment in any area, you are more likely to see value in it. I also believe that when I know I am subjected to pay for a good or service, I think hard as if I really need it.

Many states are in the process of implementing these waivers or have pending applications and Barack Obama said I think we should acknowledge that some welfare programs in the past were not well designed and, in some cases, did encourage dependency. As someone who worked in low-income neighborhoods, I've seen it where people weren't encouraged to work, weren't encouraged to upgrade their skills, were just getting a check and over time their motivation started to diminish. I grew up listening to my elders' constant advice, and it was constant, which was hard work builds character and soothes the soul and if you pay for something, you're more likely to appreciate it. It was good advice then and it's still good advice. And I think you'll all agree; hard work has certainly built my character. Thank you, Madam Speaker.

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

Representative **HYMANSON**: Thank you, Madam Speaker. Thank you, my good friend from Berwick.

People need to be healthy before they can be busy. A hand out for people to catch is a focus for our work here in this

building and nowhere is this more important than assuring there's a path for Mainers to maintain their good health so that they can work. That is the purpose of Medicaid; to improve health. It is not a job program, but maybe secondarily it is because research from Ohio shows that nearly 84% of previously uninsured people said that coverage made it easier for them to work and 60% said it made their job search easier. So maybe it is a work program. It certainly keeps people healthy. People need their health to work. I'm proud of this administration for knocking away this waiver and I'd like to see it -- the waiver go away. So I urge you to vote Ought Not to Pass on this vote.

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

Representative **SAMPSON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just want to mention that voters support requiring able-bodied adults to work, train, or volunteer at least part-time to receive welfare. All voters, 90%, were in support of this. Republicans, 97%, Democrats, 82%, and Independents, 90% supported this effort. So, I would ask that you oppose this measure. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Yes, Madam Speaker. Am I to understand that this proposal is about able-bodied adults? People that are able to work? If that's so, why would we discourage them from working?

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

ROLL CALL NO. 76

YEA - Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazza, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Higgins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Brooks, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Talbot Ross.

Yes, 83; No, 57; Absent, 9; Excused, 1.

83 having voted in the affirmative and 57 voted in the negative, with 9 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-213)** on Bill "An Act To Prohibit the Provision of Conversion Therapy to Minors by Certain Licensed Professionals"

(H.P. 755) (L.D. 1025)

Signed:

Senators:

SANBORN, H. of Cumberland
FOLEY of York
GRATWICK of Penobscot

Representatives:

TEPLER of Topsham
BRENNAN of Portland
BROOKS of Lewiston
FOLEY of Biddeford
MASTRACCIO of Sanford
MELARAGNO of Auburn
MORRIS of Turner
PRESCOTT of Waterboro

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-214)** on same Bill.

Signed:

Representatives:

BLIER of Buxton
SWALLOW of Houlton

READ.

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

Representative MORRIS of Turner **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.

Representative DILLINGHAM of Oxford moved that the Bill be **TABLED** until later in today's session pending acceptance of the Majority **Ought to Pass as Amended** Report.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of 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: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending 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. 77

YEA - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Swallow, Theriault, Tuell, Wadsworth, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCreia, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

ABSENT - Brooks, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Talbot Ross, White B.

Yes, 50; No, 89; Absent, 10; Excused, 1.

50 having voted in the affirmative and 89 voted in the negative, with 10 being absent and 1 excused, and accordingly the motion to **TABLE** until later in today's session pending **ACCEPTANCE** of the Majority **Ought to Pass as Amended** Report **FAILED**.

Subsequently, Representative STEWART of Presque Isle moved that the House **ADJOURN**.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **ADJOURN**.

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 Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker. I support the pending motion for the simple reason, out of respect for all of the visitors that are here today and if we continue to debate, and we know we probably will debate the issue before us, we will be unable to spend time with these people that have taken time out of their day to come and be with us. So I'd ask respectfully that we would adjourn temporarily and put this aside maybe for another day, when it would show more respect for the people that have taken time out of their lives to come and be with us. Thank you, Madam Speaker.

The SPEAKER: The Chair was in error. The motion to Adjourn was not debatable. The Chair was in error, my apologies.

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

ROLL CALL NO. 78

YEA - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Reed, Rudnicki, Rykerson, Sampson, Skolfield, Stearns, Stetkis, Stewart, Swallow, Theriault, Tuell, Wadsworth, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin,

McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Prescott, Reckitt, Riley, Riseman, Roberts-Lovell, Schneck, Sharpe, Sheats, Stanley, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

ABSENT - Brooks, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Talbot Ross, White B.

Yes, 52; No, 87; Absent, 10; Excused, 1.

52 having voted in the affirmative and 87 voted in the negative, with 10 being absent and 1 excused, and accordingly the motion to **ADJOURN FAILED**.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. Why is this necessary? There has never been an accusation of conversion in Maine.

We all agree torturing is bad, but this lumps torture with simple talk therapy. I have teenagers; talking is difficult at best, and if I were to lose the ability to have them talk to someone when they need, we're going to see far worse than the non-issue this bill expects to fix. This will stop counselors from working with children, as it did in California.

The amendment says you have to be neutral. How will being neutral work? Are the people who are encouraging a confused child to not believe biological facts helping their children? We've seen a rise in child suicides from bullying from all this confusion. When I was a kid in school, I lost classmates to cancer, not suicide. Bullying occurred, I was the victim, and you're going to find this funny, because I was too colorful. I was called Rainbow Brite and yesterday, just yesterday, two members of this body commented positively on my encouragement of color day right here in this chamber. Had I done something when I was teased for being colorful, we might not have had color day here in this chamber.

We need to give children tools to be successful and neutrality is not the answer. Testimony from the Christian Civic League states that this bill is particularly troubling based on its violation of parental rights. Sadly, we keep taking parents' rights away in this body. Clients' rights and separation of church and state, a constitutional violation of religious freedom for the second day in a row, therefore we support legislation that recognizes practices that should be prohibited while simultaneously respecting the rights of parents and clients seeking counsel in accordance with their faith. Over 2800 Maine citizens from all 16 counties and over 340 communities signed the League's petition opposing the conversion therapy ban. Among the signees were over 350 licensed professionals including 84 nurses, 76 pastoral counselors, 15 social workers, 13 doctors, 11 licensed counselors, six nurse practitioners, four pharmacists, three pharmacy techs, four speech pathologists, three physician assistants, two family therapists, three school psychologists or guidance counselors, and 130 other licensed professionals.

I urge you to give Maine's minors and their families the freedom to choose counsel in accordance to their faith and vote against the pending motion. This legislation has already been deemed illegal by the Supreme Court and Florida has overturned their therapy ban. We have been passing unconstitutional bills this session and this is one more bill that will cost the State so much in court fees, money the State does not have. Please vote this motion down and follow my light. There are much better ways to solve the non-problem without creating more problems. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Lincoln, Representative Hanington.

Representative **HANINGTON**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I cannot agree any more with my good friend and colleague from Knox.

Our Second Amendment, freedom of speech; everything is under attack today, and with that said, well, I can't say any more than that. I mean, as a parent we're getting stripped of all of our rights and, you know, I urge everyone to vote this -- vote with Representative Kinney because we need to do the right thing and thank you very much.

The **SPEAKER**: The Chair recognizes the Representative from Bradley, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, LD 1025 is one of the most dangerous pieces of legislation I have seen since I was first elected. The bill has been kicking around this building for the past two years. It's been amended over and over and over again and it's still not ready for primetime. Or perhaps it is ready for primetime, after all. Perhaps the bill's lack of a clear definition of terms is no accident.

Currently, transgender activists are celebrating their success in persuading lawmakers in 16 states and in the District of Columbia to ban what they call conversion therapy. The high priests of gender ideology insist that licensed therapists who do not immediately affirm the perception of a minor child claiming to be a gender that is incompatible with their biological sex are heretics who must be excommunicated and stripped of their ability to make a living.

Madam Speaker, the bill before us is drafted so poorly that nobody in this building can tell us what the definitions mean. LD 1025 states that sexual orientation or gender identity has the same meaning as sexual orientation in Title 5, Section 4553. When you turn to that section of the Maine Revised Statutes, you find that, quote, sexual orientation means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. Is that clear, everyone? Probably not. I'm going to repeat that; maybe we can figure out what this means. LD 1025 says that sexual orientation or gender identity has the same meaning as sexual orientation in Title 5, Section 4553 and when you turn to that section of the Statutes it says sexual orientation means a person's actual or perceived heterosexuality, bisexuality, homosexuality, or gender identity or expression. No, it's not clear at all. What's clear is that this sort of circular definition would earn you a failing grade in English class.

As a Bangor-based licensed professional counselor who submitted testimony in opposition to LD 1025 in committee, as he put it, quote, how is that a sufficiently clear and specific definition that a mental health professional can sit in his office and know whether or not he is obeying the law? Most of us learned as kids that it is not legitimate to use a term to define the same term. Has the Legislature not learned this lesson? How are professionals to be expected in practice to decipher this doubletalk well enough to know whether or not they are in violation of the law, close quote. How indeed? Perhaps the safest course of action for licensed professionals will be to stop treating minor children suffering from gender dysphoria, and that's exactly what's happening in states where this kind of legislation has been passed.

Walt Heyer, that's H-E-Y-E-R, Walt Heyer also submitted testimony to the committee on this bill. Heyer is a biological male who lived as a transgender woman for eight years and underwent surgery in 1983. He labeled what transgender

activists are doing to young people today, controlling mental health therapy and pushing hormonal treatments and surgical interventions, as abuse. Quote, this is child abuse. We need to be calling it what it is. It's not affirming a child, it's causing them to be depressed and anxious about who they are. The only reason I am able to speak to you today is because after 46 years dealing with this issue, I was able to de-transition in 1990 after I had psychotherapy, close quote. And that's the very same psychotherapy that LD 1025 would outlaw. Heyer said the current situation amounts to this, quote, we are manufacturing transgender kids. We are manufacturing their depression, their anxiety, and it has turned into a huge industry that people are profiting from after kids' lives are completely torn apart, close quote.

Here's how the new statute will work in practice, Madam Speaker. The following conversation between a therapist and a minor child would be against the law if LD 1025 is enacted. Here's the hypothetical. An 8-year-old boy has become convinced that he is a girl trapped in a boy's body. The 8-year-old dresses as a girl and wants to start hormone therapy and eventually undergo sex change surgery. His parents take him to a licensed therapist for treatment. At the first appointment, the therapist says to the 8-year-old, quote, I have helped many kids your age and if you work with me, I believe I can help you. By the time you're in your late-teens or early-20s, chances are you will look back to this time as a time of confusion. Most of the kids I've counseled are glad that they didn't go ahead with hormone treatment and surgery, close quote. That conversation would be enough to get the therapist busted for violating the new statute. Licensed counselors will have to keep their professional opinions to themselves if they are even mildly skeptical of the notion that an 8-year-old or a 12-year-old is capable of making informed decisions about transgender issues.

LD 1025 is sweeping and precise in identifying who will be caught up in the dragnet of this proposed gag order; certified school psychologists, guidance counselors, nurses, doctors, physician assistants, psychologists, psychological examiners, alcohol and drug counselors and aides, social workers, pharmacists, pharmacy technicians, professional counselors, marriage and family therapists, pastoral counselors, speech/language pathologists and assistants, and audiologists. That's right; audiologists are on the list of professionals who can have their license to practice revoked if they say the wrong thing. I wonder why dental hygienists aren't on the list. You never know when a hygienist might say something politically incorrect about gender reassignment surgery.

Seriously, if the parents of a 12-year-old boy who wants to start taking puberty-blocking drugs made an appointment with the family doctor to counsel their son, the doc would have to be very, very careful about he says. If the physician warned the youngster that puberty-blocking drugs have potentially harmful side effects, that would be enough to get the doc busted if LD 1025 is enacted. If the doctor advised the 12-year-old to wait a few years before making a final decision on sex change surgery, rest assured, the doc's career would be over and the transgender activists would declare another victory in their long march to stamp out the heretics.

In closing, I want to share with my colleagues an excerpt from testimony that was submitted to the committee by Janet Wilson of Rangeley. Quote, I would argue that sex change operations performed on minors do a great deal more harm than good. I believe that one day people will look at these procedures in the same way we now look at lobotomies; as

something terribly harmful to individuals. People will wonder how intelligent, well-meaning people could have done this to children. Lobotomies were accepted by the medical community up until about 1950. In fact, neurologist Antonio Moniz, who is credited with inventing the lobotomy, was given the Nobel Peace Prize in 1949 for this invention. The lobotomy was accepted and even celebrated as a medical breakthrough. What if, by law, all people who wanted to counsel against lobotomies had been silenced? We may have seen this practice continue for much longer and many more victims left with diminished mental capacities, close quote. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker. I sit on the HCIFS committee and I am one of the members that voted this ought not to pass. And I know the sponsors of this bill, who grew up in the '70s, '80s, and '90s, and I know why they would struggle and why they would propose a bill like this because some of the things that happened to them they wouldn't want to happen to people in the future, and I get that. But we're in a different place in society today.

In the committee, Commissioner Head, when we were asking questions, stated that we already have laws on the books that stop conversion therapy from happening. My problem is, is that if you have a 7-year-old child that goes in to a counselor, the counselor would be prohibited from saying certain things but psychologists are well-trained in their neutral state would be able to help them. Well, if they can help a 7- or 8-year-old child, why can they not help a 17- or 16-year-old young adult? This bill has lost its power. Society has changed to the point where this bill does not affect what the purpose of it is trying to do. But what it does do is it affects our First Amendment right of free speech, it affects the separation between Church and State. Is this where we want to go as a State? I understand that there's, you know, people in the State of Maine that have been harmed by this but what are we really trying to accomplish? And let's not hurt the State more than we really need to. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Madam Speaker, Women and Men of the House. I rise today in support of the pending motion.

I want to thank the Representative from Biddeford for all of his hard work on this critically important legislation. His persistence and tenacity about this archaic, unproven, and harmful practice is commendable.

Conversion therapy, sometimes referred to as, quote, sexual orientation change efforts or, quote, reparative therapy, is a range of practices that seek to change an individual's sexual orientation or gender identity. These practices are based on the false premise that being LGBTQ is a mental illness that needs to be cured, a theory which has been rejected by every major medical and mental health organization for decades. Indeed, so-called conversion therapy has been condemned by over 46 organizations worldwide, including the American Academy of Pediatrics, the American Medical Association, and the National Association of Social Workers, just to name a few. These organizations and many others, condemn this practice as it has been proven to cause tremendous physical and psychological harm to children, and it fails to achieve its goal of changing a person's sexual orientation or gender identity.

Currently, 16 other states have passed laws banning this unproven, unethical and, in my opinion, abusive practice. This discredited practice not only does not work, it violates the very tenets of my profession, that of being a social worker. As social workers, we have a responsibility to make sound ethical decisions when working with vulnerable populations including children and adolescents who may be seeking support and guidance from qualified and licensed therapists. Last year, as an advocate representing social workers, I am the former executive director of the National Association of Social Workers for the Maine Chapter, I was proud to work with members of this body and other stakeholders to ban this practice. It was difficult to hear the stories offered in testimony last year and this year. Testimony from adults, who as children, were subjected to this terrible practice. While many of these stories were difficult to hear, one story stood out to me. It was from a young man in his early 30s who relayed his story about being subjected to conversion therapy as an adolescent. He was told by his so-called therapist that the reason he was gay was due to the fact that he had an affinity with his mother and his sister, and as a result he was prohibited from seeing his mother and his sister for three years. Think about that. Imagine your child having to endure such trauma.

We must work to ensure and protect the needs and rights of children and adolescents who are at risk for emotional abuse and child maltreatment. Indeed, I believe that so-called conversion therapy is nothing short of child abuse. There is no credible evidence that this so-called conversion therapy can change a person's sexual orientation or gender identity. To the contrary, research has clearly shown that conversion therapy poses dangerous health risks and life-threatening consequences for LGBTQ young people including depression, anxiety, drug use, and homelessness. Additionally, research and data from the American Psychological Association establishes that survivors of conversion therapy are nearly nine times more likely than their peers to consider taking their own lives. Even with this degree of harm, the research cannot adequately capture the emotional or psychic wounds which over a lifetime may impair a child's capacity for healthy academic, social, and marital relationships. It is time that we in Maine once and for all ban this abusive, unethical, and oppressive practice against vulnerable children and adolescents.

I am proud to stand before you today as a co-sponsor of this legislation and I urge you to follow my light. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed.

Representative REED: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise once again in opposition to this bill, LD 1025.

I believe I declared last year that this is probably one of the worst bills ever put forth by the Legislature. I have to oppose this because I always believe that when something is wrong, you try to do something about it, and if you don't, you become part of it. I also believe that if I please God then it really doesn't matter who I displease, but if I displease God, it truly won't matter also who I please in the final analysis. And I wish I could say what I have to say in a much warmer and a much tender way, but my rocky, choleric personality always seems to show through in my greatest moments of passion.

As I rise, I want to make it clear to everyone that I am not rising to oppose anyone's lifestyle. How you live is none of my business. I am a Libertarian when it comes to people's

choices. I could care less what one does with his or her personal life. I just want the right to live my life as I see fit, without somebody interfering with it. It'd be nice if others felt the same way. You know, I've been in this House for seven years and I have never submitted a single bill that was aimed at any individual or group within this state. And you can be assured that I will never submit a bill that will deprive anyone of his or her individual or constitutional rights as long as I am here. But I've had to stand several times to defend the rights of people of Maine against physician-assisted suicide, against school officials being allowed to withhold information from parents when an underaged daughter is considering an abortion, and against this bill not once, but twice, that serves to take away parental rights in regards to their children. No one here is going to convince me that you are right, and I'm not going to convince you that you are wrong, but I will say adamantly that children belong to parents, not to the Legislature, and certainly not to the State.

I oppose this bill because there still has not been, to my knowledge, a single shred of evidence of these methods ever occurring in the State of Maine. If I knew of anyone using shock treatments or ice baths on kids for any reason, I would classify it as cruel and abusive treatment myself and I wouldn't need this bill. I would like to ask this question; has anyone in this state ever been subjected to a shock treatment or heard of an ice bath tied in any way to sexuality? I bet not one.

I said last year that this was a bad bill. It is even worse this year because it lists all of the professionals who are subjected to possible losses of license if their conversation centers on certain sexual matters not approved by certain groups in Maine. And this time it does not allow exceptions for pastors or leaders of the church if they are compensated in any way as a licensed counselor and are accused of counseling a young person on his matters of sexuality. What audacity, what arrogance to think that we, the Members of the Legislature, have the right to dictate to professional counselors what they can and cannot say to their clients behind closed doors and to threaten them with a loss of license. By the way, who tells you who you can converse with and what you can discuss during your conversations? What rules are you subjected to when it comes to your speech or your advice? Because this bill does not speak to the contrary, are some free to facilitate or assist children in gender transitions while the voices of parents and professionals are silenced? And, get this, the bill clearly states that MaineCare can't be used for conversion therapy, but another bill this week the taxpayers are being asked to fund abortions for those on MaineCare. You can't make this stuff up.

I'm truly surprised that this list did not include the name of Jesus himself, the only real master of conversion. But we can all be assured that mothers and fathers who seek God's intervention on behalf of their children will not have to fear this bill --

The SPEAKER: The Chair recognizes the Representative from Topsham, and asks why she rises.

Representative TEPLER: Thank you, Madam Speaker. I'm concerned that the current testimony is not relevant to the question at hand.

On POINT OF ORDER, Representative TEPLER, of Topsham asked the Chair if the remarks of Representative REED, of Carmel were germane to the pending question.

The SPEAKER: The Chair would rule in the negative. I will give the Representative from Carmel leeway to continue his testimony.

Subsequently, the Chair ruled that the remarks of REED, of Carmel were germane to the pending question.

The SPEAKER: The Representative may continue.

Representative **REED**: But we could all be assured that mothers and fathers who seek God's intervention on behalf of their children will not have to fear this bill or the devil himself. The Bible instructs us as Christians to raise up our children in the way that they should go and when they are old, they will not depart from it.

It was an important day in my wife's and my life when we carried our son and daughter down the aisle of the Bangor Baptist Church and had them dedicated, and promised God that we would do our best to rear them in the fear and admonition of the Lord. The Bible assures us that the affectual fervent prayer of a righteous man or woman accomplishes much. The Bible said it, I believe it, and that settles it for me.

I realize that when I speak of these things that some here in the House with all their years of higher education will think that I am some kind of a nut, and to that I say that's all right, think what you want. My reply to that is simply I may be a nut but I am glad that a long time ago that I became fastened onto a good bolt. So, that being said, I would encourage all of us to prayerfully place the lives of our children into God's hands and certainly not to entrust the care of our children to the Legislature or to the State. Once again, this bill holds no regard for violation of free speech, for crossing the line on separation of Church and State, for intruding into the matters of privacy, or for transgressing the rights of parents as it pertains to their own children.

It is beyond my comprehension how we can pass a bill in this chamber to prohibit parents from seeking guidance in the best interests of their families. This isn't about a compelling interest, this is about a small minority group being allowed to dictate to the vast majority of Maine's population. When the Founding Fathers put this republic together, they divided the power so as to protect the minority from being unfairly treated by the majority, but today because of our fear of standing up and because we might be singled out as being insensitive, intolerant, uncaring, or politically incorrect, we sit by and acquiesce to pressures which allow a small minority to silence our voices. We acquiesce because name-calling works and we cower in retreat. We allow bills like this to pass, taking rights of children away from parents and giving those rights over to the State.

When I was in history class in the 1950s, I remember having this discussion of the Soviet Union taking ownership of children over their parents. In those days, we knew that children belonged to parents. We had better wake up, it is closer by the day, and we are sitting idly by while it happens. Think about this; this is a bill about liberty. All of you have constituents who will see this bill as an infringement upon their personal freedoms. It is shame on us for not standing up for them. The people of Maine never elected us to the Legislature to divest them of those rights that we all took an oath to protect. I would encourage you to vehemently oppose the passage of this extremely intrusive bill. Thank you, Madam Speaker, and thank you, Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Roberts-Lovell.

Representative **ROBERTS-LOVELL**: Thank you, Madam Speaker, Women and Men of the House. I rise today in support of a ban on conversion therapy.

As a person of faith, as a mother of three sons and a foster mother, two of them being twin gay sons who are also

devoted to their faith. I have not only been an active member of my church, but part of the leadership there, as well. My sons have also been very involved in the life of the church. Both were involved in youth group, embarked on summer mission trips to support underprivileged youth in Kentucky, one of my sons worked in the childcare center my church had newly founded and the other spent a whole summer in Bolivia volunteering at an orphanage. Both are accepted as their true selves by my faith community. One of my sons and I have also worked with other churches in our area in their efforts to become more open and inclusive. I truly believe that anyone who meets my sons would see that they are exactly as God intended them to be.

As a Christian, I believe I worship the same God as other Christians. We may pray in different ways or have different manners of worship, but we all read from the same scripture and believe in the same God. I know others who are Christian feel that God may condemn people like my sons, but as someone who shares that faith, I cannot say that I believe that. I believe the same God that they worship loves my sons just as they are.

This legislation will not interfere with an individual's right to worship. It will, however, ensure that Mainers can receive counseling and support that is based in facts, not falsehoods. In the end, what we are debating is not about religious or personal beliefs, it's about the damage that can be done by trying to change who people are meant to be. There are so many people I know of, many of them friends of my children, young people, who have still not come out to their families because they fear being rejected and the pain it would cause themselves and their families. All people deserve to be supported by a counselor that they trust rather than being convinced that they are flawed or in need of fixing.

I've advocated on behalf of LGBTQ people for almost as long as I have been a parent. By speaking on this issue today, I continue that important work and will continue to do so going forward. I rise today not to compare one faith to another but to illustrate that this issue is indeed not about faith but about personal feelings and beliefs. This is about protecting and supporting our LGBTQ youth. Therapy should be and still will be after this bill, a place where people can explore their feelings and beliefs. It has been a crucial element in my children receiving support in their life's journey. But youth should be able to trust their licensed medical and mental health professionals will provide a safe environment for doing that. Conversion therapy does not offer a safe environment because the provider would come in with an agenda of changing the minor's sexual orientation or gender identity. I ask that you join me in support of LD 1025.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise today in opposition to this motion.

Conversion therapy strikes a nerve. I think that's part of the reason it's in the title. When we think of that, we can conjure up ideas like waterboarding, other things. Certainly none of us in this House and I believe none of the citizens of this state support any form of therapy that involves mental or physical abusive practices. But that's not all this bill appears to be about. It goes far beyond that. I know a school nurse, registered nurse, for more than 40 years who almost, if not every day, had students, young children, confused individuals, come to her office, some of them day after day, week after week, year after year, looking for help. Mostly they had told

their teachers that they were ill, mostly they were not. They simply needed a hug, a pat on the head, maybe a little discussion about how things might be going at home, and they were off back to the classroom until the next time.

I shudder to think that that registered nurse who knew those kids, some of them who still to this day who are now young adults introduce their children to that person and say she helped me through a lot of different issues, some of them we can't even imagine that went on in their homes. I cannot even imagine the fact that if one of those children who she knew very well and were looking for attention and a little bit of love came to her and said, you know, I don't know for sure today whether I'm a boy or a girl and she suggested that they might want to wait and think about it or that there might be somebody she could talk to that could help them encourage them in that way, that she might lose her state registered nurse's license as a result if somebody complained about it.

This bill goes far beyond protecting people from what we think of as and what we've heard here are some of the worst possible means of conversion therapy. It steps between parents, guardians, grandparents who are raising their grandkids, and those children and says no, you cannot send your child to a trusted, as the Representative before me mentioned, a trusted clergyperson, a trusted school guidance counselor, a trusted school nurse, a nurse many -- the list is long, that you trust and have an honest discussion with them about your feelings. And if you do, they cannot possibly suggest that this may be, if you're young enough, just a way of getting attention, maybe you need to think about this or if they're older, here's some things that you should consider. They can only, the way I read this bill, suggest to them that yes, you're right, and I can help you make the change.

We have already stepped between parents and their children in this House when we've told parents if you want to send your students to Maine schools, they must be vaccinated no matter what you think about it. We have already stepped between parents, grandparents, great-grandparents who for years have sat aside and looked at this abortion issue and said, I cannot support that, I don't believe it is right, but the law is the law. And we have now told them not only do you have to support it, you have to support it with your tax dollars. You will pay for abortions. Now we are telling parents you have to be very careful about how you address your own children if they come to you confused about the issue of their sexuality. We are telling professionals you have to be very careful about how you address this issue with children that come to you with questions about their sexuality. There is only one way you can deal with that.

This is wrong, and I suggest that those who understand that the parents have a right to take care of their children the way that they see best fit, need to continue to have that right. It's not for the State to intervene. I certainly believe that anybody who is abusing children in a manner either physically or mentally through the guise of conversion therapy should be dealt with, investigated, and possibly lose their licenses if they go through due process. There is no need for that. But as the Good Representative who spoke before me suggested, there are trusted licensed counselors and individuals out there in the State of Maine that are more than willing to help children that they love as much as their parents in some cases, and they understand that they need to look at both sides of the issue, and they need to help those children to get through that point in their lives.

Madam Speaker, I thank you for the time, and I urge everyone to vote against this measure.

The SPEAKER: Before I call the next speaker, just a couple of reminders for Members to be sure to address your comments towards the rostrum and not towards other Members. I know that can sometimes become challenging. Also, that the issue in front of us is the bill in front of us and there are a lot of places during the course of debate where there are fine lines to cross over. I understand if one might mention an issue that is outside this bill, but we are not discussing other bills in the course of this debate, so just a reminder about that.

The Chair recognizes the Representative from Waterville, Representative Madigan.

Representative **MADIGAN**: Thank you, Madam Speaker, Men and Women of the House. I believe I may be the only person in this body who this bill applies to. Sorry for looking around and not at the rostrum. I'm a licensed clinical social worker. My job is to be a therapist to people. I've worked with children, families, and adults for over 30 years. I can assure you that this bill does not impact my free speech rights.

As a therapist, me and other people who do this for a living, we have an obligation to our patients, to our clients, not only to avoid harm but to avoid risk of harm, and youth are especially vulnerable. I've spent many years working in schools and working with teenagers, some of whom have been in situations like this bill is about. People come to us for expert care and treatment. We have an obligation to look out for their interests, to disclose relevant information. That is a fiduciary duty in law and in providing harm -- and providing harmful ineffective treatment would violate this duty. The insurance companies that we bill, and that includes MaineCare, would also be interested that we not do things that harm people or that are ineffective because insurance companies and the government only want us -- only want to pay for things that work.

People may have a lot of ideas and beliefs but when we are in our professional practices, we have to be guided by the scientific literature. That's what we go to school for. That literature shows that conversion therapy is harmful or ineffective. Some people may not like this, but the State regulates us to avoid harmful and ineffective treatments, and they should, that's why we have licensing boards. That's why we have to take tests and pass them and get continuing education credits. Minors are a particularly vulnerable population compared to adults so this is a particularly critical state function. This is a narrow bill. It only prohibits a therapist from trying to change the sexual orientation or gender identity of a person. This language is understandable to regulated counselors. I have no problem understanding it and I have no problem doing it, it doesn't affect my free speech rights at all. What we do is support the individual and help them to better mental health outcomes and avoid harm. We accept their conflicts, for example, and I've often treated people with conflicts around this issue. If there's a conflict between a patient's values and about their gender identity or sexual orientation, who they feel they are, then we take that conflict as a given from them. We would accept where they are at and help them explore and understand that conflict in an effort to improve mental health and avoid harm. And we also take care to respect people's religious and other personal beliefs. We do not criticize or belittle their issues or concerns or beliefs or decide their conflicts for them. That's our job.

Ethically, we do not believe that a minor has the capacity to consent to medical, mental health, or behavioral treatment that is harmful or ineffective. I urge you to vote yes on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Gray, Representative Austin.

Representative **AUSTIN**: Good afternoon, Madam Speaker, Ladies and Gentlemen of the House. I rise to oppose the present piece of legislation that is before us this afternoon.

Last year, some of us working on another committee heard conversations about this issue for the very first time. What I did learn about the concept that people, minors, were being tortured with adverse methods to change these minors of the present behavior to something that they might not want to be changed to, I was appalled. I looked into the issue to find that, thankfully, thankfully, thankfully, there had never been an accusation of conversion therapy reported in Maine. Still, having said that, I would not want to see this happen to any young Maine person. So, I worked, along with other people, to really try to affect the work that was being done. And that work was not always easy, Madam Speaker, because at times in trying to work through that, offers were made and offers were denied. I was on that committee and I heard discussion. I was unable to follow the bill throughout the -- so I was able to follow the information throughout. Ultimately, I heard in conversation a young person testify saying conversion therapy was bad, neither she nor friends knew of anyone who had ever gone through such a thing as conversion therapy. However she shared, and rightly so, that she never wanted to see it happen and it needed to stop now. This work was not completed to fruition so here we are again today with LD 1025.

Significantly, and maybe even more importantly, we have more information around this issue and around the driven bill that has been submitted. Here and across the country, we have seen that it has passed in California, New York, and Oregon. Recently, even here in our close -- in states of our close neighbors of New Hampshire and Massachusetts. This is apparently the sign of the time we are living in. The marketing on this bill has been outstanding but extreme and, I'm afraid, not fully transparent. I feel, as others have mentioned, that LD 1025 actually is about suppressing speech. And, most importantly, professional speech and the sharing of that between a young minor here in Maine. The bill seeks to censor any conversation that could possibly occur between a child, a minor, and a trusted adult who's professionally licensed by the State of Maine. The bill censors speech between a school psychologist, as we've heard, guidance counselor, nurse, doctor, psychologist, mental health professional, on it goes. Again, if LD 1025 passes, a Maine teen, all Maine teens, cannot seek assistance for any sexual feelings, whether wanted or unwanted, and the confusion that some feelings may occur, especially in a minor.

In California, the passing of that bill has resulted in therapists anxiously pulling back from working with young straight, gay, and transgender young people. Is that what we really want? Do we want to pass legislation that would leave vulnerable teens alone and on their own? In committee, I believe they call this being neutral. Well, as I've said, this legislation does appear to be a sign of the times. I feel -- I feel strongly we can address this in a more sensitive, caring way. And, to that end, I proceeded to suggest language, and it was supported by my peers here serving in the House and the Senate, but to this day it remains in the other body. If this bill is the right way, then what would be the harm to have heard a bill that had similar but more specific language that did cause a difference? I can't imagine that anything I could come up with would be that much of a threat --

The SPEAKER: The Chair would ask the Member to defer. The Chair will remind the Member that the bill in front of

us is LD 1025, not a bill that is in another place. The Member may continue.

Representative **AUSTIN**: I feel that we have come to quite a crossroads in time. As we sit here, stand here, and try to communicate and find a way to help our young people and to help our families and our parents help young people that feel that perhaps they would like to talk to someone outside of the closeness of their family unit. I think there are so many struggles for our young families today. I would like to see us really redirect and rededicate ourselves to helping them with the challenges, with the drugs, with all the many things that we know are out there that we fear; safety, drugs, accidents. So I would just ask everyone to say let's try not to become a wedge between loving parents, loving children, and the privilege of the family unit. Thank you, Madam Speaker.

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

Representative **FECTEAU**: That was surprising, but thank you, Madam Speaker. Yeah, first of all, I'd like to say that I have great respect for the Representative from Biddeford. On top of having probably the best last name in this body, taking a public stand no matter which side takes courage and I just wanted to say that.

Moving forward, I had a constituent of mine reach out to me. Many years ago this person went through conversion therapy and went through a world of pain and confusion and I'm very sensitive to that. I'm with the State one hundred percent to ban aversive treatment, to ban unpleasant stimuli, punishment, seclusion, and banning isolation. I'll ban that without batting an eye, and I believe it's already illegal. But banning non-abusive discussions by those already living under a professional code of ethics is, for me, a step too far, especially if a young adult is seeking counsel and they're there on their own free will. So, I really hope we can come together and ban abuse. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the pending motion. There's a lot of different reasons. It was here before us last session and, unlike a good wine, it hasn't improved with age.

The problem with this bill is - it's plural, not problem; it removes the ability -- it's a violation of our First Amendment right to speak but when you take away someone's right to speak, you also are removing someone else's right to hear something. And it's unbelievable that in a chamber that makes law, that is governed by constitutional standards, that we're ready to ban the ability to speak and to be able to hear that speech. It also violates the freedom to choose. A family with a child that's having a problem now will have no choice of where to take the child to get licensed therapy treatment. And that is unfortunate and unconstitutional.

The other primary question we ask ourselves is why would you take a child for treatment anyway? Is it because they're fine? No, the child is in distress, the child needs some type of treatment. So you're taking them somewhere to get the child well, to bring the child back into a state of wellbeing, comfort, safety, happiness, whatever other words you might want to use. And in doing that, I mean, think about this; if your child was chronically depressed, you'd want the child to come away from that state of thinking, or if they were suicidal, again, the same question would be answered. What is your outcome you're desiring? You want the child to return a state of happiness and contentment. And you take them to a therapist

and you -- this law would tell someone who is trained that you can't use all of your knowledge to help my child. You have to tie one of your intellectual arms behind your back to treat my child. That is just -- it's not logical. And what does that do? I mean, why take the child at all if you already know there's only one prescribed outcome.

So, Madam Speaker, Ladies and Gentlemen of the House, I ask you on these grounds alone, I won't even try to get into the religious -- you can take the sexual component of this completely away, it's almost irrelevant, when you think about what you're doing to speech, to the ability to hear, to the ability to choose, to the ability to heal and treat and return to a state of happiness a child. I ask you to defeat this motion and follow my light. Thank you.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. Last month Dr. Richard Green passed away. I suspect not many people in this body knew Dr. Green or knew who Dr. Green was, but he was one of the first psychiatrists in 1972 to challenge the notion that sexual orientation was a disease. And he wrote a paper that influenced the American Psychiatric Society so greatly that the following year they removed homosexuality as a disease within the diagnostic manual used by psychiatrists. I suspect that if Dr. Green were still alive, he'd be very distressed that we're sitting here or standing here having this debate today.

Since 1998, I've been a licensed clinical social worker in the State of Maine. That means I'm authorized by the State to diagnose and treat mental health issues. I believe it's a misnomer to call conversion a therapy. Therapy is utilized when there's a problem to be fixed. That's why we have occupational therapy, we have physical therapy, we even have psychotherapy, when there is a problem or an issue that needs to be addressed. In these circumstances, conversion therapy is not addressing a problem, it is engaging in coercion. And in that respect, we need to stand today and have a law in the state to say that that type of, quote, therapy is no longer permissible. We have an obligation to protect our young people from interventions that are harmful and, equally important, that have been proven to be ineffective.

So I hope as we stand here today that we become the next state in the country to adopt this motion, to adopt this law, and ban conversion therapy because we recognize it's an unproven and coercive approach in therapy and that we take the appropriate steps to protect our young people. Thank you.

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

Representative **ARATA**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. Last weekend the Wall Street Journal published an article about Dr. Paul McHugh, who is the former psychiatrist-in-chief at Johns Hopkins Gender and Identity Clinic which performed sex change operations in the 1970s. He said the follow-up research on patients who had undergone sex change operations is disturbing. Although most of the patients were reasonably satisfied with the change, they did not have any improvement in any of their psychosocial issues that were the whole reason for doing it in the first place. Worse, some of the patients had become suicidal and depressed and regretful. There was not enough good evidence to determine before the fact which candidates for surgery would fall into either group. Dr. McHugh also said, quote, everybody should agree that sex reassignment surgery is an experiment right now. We are

doing an experiment. We have lots of publications that are telling us that the evidence base for these treatments is very low quality. There are not enough subjects, not enough good results, not enough anything, not enough comparisons that would make it evidence based. Based on this information, it's very important that we allow an open dialogue between all patients and their counselors. This legislation would create fear of having these open conversations. We all say things that can be taken the wrong way. I personally stick my foot in my mouth daily and maybe I'm doing it right now, but therefore, we must not pass this legislation in its current form. Thank you.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I apologize for rising a second time. But the Preamble of the Constitution, the Maine Constitution, states: Objects of governments. We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Rule of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

Yesterday, I read the Article I, Section 3, religious freedom, I won't bore you with that again as I'm losing my voice, but Article I, Section 4, freedom of speech and publication; libel; truth given in evidence; jury determines law and fact. Every citizen may freely speak, write and publish sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of people in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Therefore, Madam Speaker, I move this bill and all accompanying papers be Indefinitely Postponed due to its violation of multiple sections of the Maine Constitution.

The same Representative moved that the Bill and all accompanying papers be **INDEFINITELY POSTPONED**.

Representative **MOONEN** of Portland **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 Chair recognizes the Representative from Portland, Representative Moonen.

Representative **MOONEN**: Thank you, Madam Speaker. I rise in opposition to the motion to Indefinitely Postpone because I support this bill, so I will be voting against the motion to indefinitely postpone. Thank you, Madam Speaker.

The SPEAKER: Perhaps the Chair should take a moment to remind Members of a procedure we went through yesterday where in the course of debate, with many people in queue, a Representative has moved to indefinitely postpone. There are many Members in the queue and I will continue to call on those Members.

The Chair recognizes the Representative from Houlton, Representative Swallow.

Representative **SWALLOW**: Thank you, Madam Speaker, Members of the House. I rise in opposition to this motion.

I understand the intent of LD 1025 but I contest the details of this proposed legislation. I get anxiety in any instance where the State is in any form limiting speech. This is the case with this bill. It requires that when discussing issues of gender identity that all talk must be neutral with regards to sexual orientation and gender identity between a licensed therapist and the client. Including the scenario where a child and parent may voluntarily desire more than neutrality as to gender issues.

I, like many others, do not want children subjected to any form of physical or mental abuse in regards to gender dysphoria, but this bill goes beyond that and invades the area of speech. This could be the situation where a licensed pastoral counselor is involved and it easily could become an issue between Church and State, where a church counselor in this setting would be forced to walk a near-impossible line of neutrality between church beliefs and the requirements included in this bill and as defined by who. A gray area between Church and State is created here in this legislation.

I am reminded of a quote from Warren Buffett in regards to investing in specific companies. Buffett stated I always invest in a company that an idiot can run because sooner or later an idiot will be running the company. How long before this legislation ends up in a court of law for further interpretation and who will be the judge that reviews it? In supporting any legislation, it's imperative to make it bulletproof from interpretation as much as possible because somewhere down the line, questions can arise. This bill fails in conciseness. Furthermore, what's excluded from the definition of conversion therapy in paragraph A states, any practice or treatment that assists an individual undergoing gender transition. In this instance, it certainly does not speak to neutrality, and what makes this troubling is the American College of Pediatricians states that 80-95% of children with gender dysphoria return to their biological birth gender upon going through puberty. We should not be assisting preadolescent 12-year-olds and younger with gender transition treatments that can involve puberty-blocking drugs, especially knowing that 90+ percent of the time they will accept their biological sex during puberty.

The College further states neuroscience has shown that the prefrontal cortex of the brain that is responsible for judgement and risk assessment is not mature until the mid-20s. It's scientifically clear that children are not yet capable of making informed decisions regarding permanent medical intervention. I believe, that at such a young age, it's actually abusive to promote and assist with gender transition. These children, more than anything, require love.

I spoke with a doctor and grandmother recently whose 6-year-old granddaughter wants to be a unicorn when she grows up, and I would not recommend assisting in this transition, either. We're dealing with children who in many cases have been sexually abused, mentally abused, and physically abused. Of course they're confused; who wouldn't be in those situations? Furthermore, there are several instances of those who have undergone gender transition only to have discovered later that it was a grave mistake.

Like the author of this bill, I do not wish any child to be subjected to archaic and abusive methods termed conversion

therapy. However, no matter how well-intended, this bill as written is not yet ready to be voted into law. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Winter Harbor, and inquires as to what his point of order is.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. There's a motion to table on the Floor and while that motion is on the Floor it is confusing because people are rising for a prior debate and saying they're in opposition to something when it's not the motion on the Floor.

The **SPEAKER**: The Representative will defer. The Chair will inform the Member that the motion on the Floor is a motion to Indefinitely Postpone and, as we went through yesterday in a long and protracted discussion and explanation, when someone stands to offer a motion to Indefinitely Postpone when the motion in front of us previously was a motion to debate, and people remain in the queue, as Members have, then we will continue to debate, and that's where we are now, with two Members in the queue.

The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise today in opposition to the pending motion. My testimony is pretty much like it was a year ago when a similar bill came before us. It was valid then and I think it's valid now.

First of all, I would like to mention what the Representative from Biddeford went through was uncalled for absolutely, and if the bill were confined to that, I would be perfectly in favor of it. But it's not, and this is why I'm in opposition.

Aside from some of the particulars of the bill, which I do not agree, the aspect that I find most troubling is the threat that it poses to our most cherished constitutional rights, specifically those outlined in the First Amendment of the U.S. Constitution. The implementation of this bill will inevitably stifle the free speech rights that we Americans hold so dear. Whether or not we agree on matters of sexual orientation or gender identity is not the real issue. What really is germane is the right for us to disagree with one another and respect that right to disagree. The item at hand is not an empirical one, it is subjective in nature, and we need to realize that one of the special characteristics of our American culture is that we tolerate others with whom we do not agree, even on significant issues. To mandate that people lose their livelihoods, the right to support themselves and their families because they cannot in good conscience comply with this mandate, is antithetical to our constitution and to the principles that have made the United States the special place that it is. One that draws people from all corners of the earth to enjoy all the freedoms that it offers.

Yes, we are a diverse nation and the greatest diversity of all is the diversity of thought. It is how we learn to live together in harmony despite our differences that keeps us strong. We understand that we will not agree on everything, but we do not wish ill will on those whose ideas are different from our own. What LD 1025 does is start chiseling away at that one thing that should keep us united, the right to express ourselves without fear of recrimination. The bill compels silence on matters where we should be able to speak in a manner that is consistent with our conscience. We should be able to speak what we believe to be true and if others don't agree with that, that's okay. What's important is that we retain the right to do it.

I've been around longer than most of you here today. I came of age during a time of great unrest and upheaval here in

America. The culture was changing dramatically and many people were not happy with that, but one thing that we did, we respected, though often begrudgingly, the right for individuals to disagree with the status quo and to express that disagreement freely and openly. It's a bit ironic that the current orthodoxy would never have emerged had our right to disagree back then been stifled. The principles that were not stifled then -- the principles were not stifled then and they must not be stifled now. The same principles that enabled America to change back then and should continue to let America change will be undermined by the passage of this bill. It may seem like a little thing to many of us, but it really is significant. We must not let the core of what makes America special be peeled away a little at a time. It's the wrong path to take.

Beyond this, I'm truly concerned regarding some statistics that I've read pertaining to people who have undergone gender transition. First, it's my understanding that of those individuals who at the point in time they were experiencing gender confusion and considered gender transition but opted not to do so, approximately 80-95% are later glad that they did not undergo transition. I also understand that according to the American Society of Pediatricians that -- excuse me -- of those who do undergo the transition, the suicide rate is up to as much as 20 times more than the norm. This should concern all of us. How can we in good conscience enact legislation that certainly results in the significant increase in the suicide rate? This is not a lifestyle issue; this is a life issue. I don't pretend to know what goes through the minds of a person contemplating suicide, but if here is the case where they feel alone and forsaken, in a very dark place, that the bill would close the door on a licensed counselor being able to counsel in a manner that he or she believes will be helpful to the person, maybe even save a life.

Madam Speaker, that door is not ours to close. We, a group of people sitting here today, are not qualified to render such judgement. A licensed counselor chosen by the individual or parent familiar with the entire situation should be able to render services as he or she deems correct and helpful, without fear of losing their livelihoods. If a person is not happy with a counselor, he or she is completely free to go elsewhere. It's the way things should work. I'd like to add we here in the Legislature too often think that we know best in all situations. We do not. We should remember that we operate under a dome and not a halo. This bill is a complete overreach by the Legislature. Please join me in defeating this bill. Thank you, Madam Speaker.

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

Representative **HIGGINS**: Thank you, Madam Speaker. I've been hesitant to rise today to speak on this particular issue.

The sponsor is well aware that in the previous Legislature, I voted in opposition. During that past year, some life experiences have changed my opinion. I had a granddaughter who sat down with my wife and I and shared her experience in terms of what people are here today, would label confusion. I don't think she was confused at all; I think she's very clear about where she is today. But I have to tell you, I don't think she needs treatment, I don't think she needs to be fixed, I don't think there's anything wrong with her. In fact, she's a wonderful young woman. The sort of young woman each and every one of us would treasure as a granddaughter; motivated, volunteers, going to be a high school teacher, much like her grandfather. So, when I hear people say well, you know, she's confused; no, she isn't. I

think a lot of other people in the world might be confused, but certainly not her.

So, today, I will cast the vote in favor, the vote that I should've cast two years ago. Thank you, ladies and gentlemen.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative DeVeau.

Representative **DeVEAU**: Thank you, Madam Speaker, and Fellow Members of the House. I rise in opposition to this bill for a couple of different reasons and one of the first ones is that I believe in the protection of the Constitution.

Now, while I agree -- I can't remember where he's from, the last speaker, I believe what he's saying is true and I don't believe that we should have -- that they should be told, his granddaughter should be told of how life should go on for her, but I do have to stand in protection of our First Amendment rights. Currently, and I don't know if you're aware, February 1st of this year in the Wall Street -- excuse me, the Washington Post, had an article about a hearing in Florida in which a federal judge overturned lower courts ruling on the First Amendment rights of the counselors that were initially banned from talking to their patients about conversion therapy or other things that may have been at issue and saying that the law was unconstitutional. And since then, there has been a hearing in the Supreme Court in which there is going to be further opposition now on this very bill and I think that it would be very wrong of us as legislators to force through a bill knowing that this will become an issue that will be heard by the Supreme Court on this very nature.

So, I would recommend that we table this or Ought Not to Pass until that decision is made so that we have a clear direction to go from. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Madam Speaker. I rise in support of the pending motion; Indefinite Postponement, and I don't do so lightly.

It's not because I'm not in agreement with what is before me in this piece of legislation and in the committee amendment. It's not because I would want to see any minor go through what the Representative from Portland had to experience. I am in agreement with much of what the Representative from South Berwick and from Dover-Foxcroft had to say. My concern, and I believe it is the majority of the concern with many Members that have spoken today, if you look at -- if you just look at the committee reports, you can see that there isn't much of a difference here. These are both Ought Not to -- I mean, these are both Ought to Pass reports. Where it comes down to where we're finding some disagreement is in the committee amendment on -- let me see, make sure I'm on the right page here, under B, number three, and really focuses around a word of neutral. And I understand that if you are someone who practices in this field, it may be completely clear to you on what your direction should be and how you go about handling your conversations with minors, but as a Representative, you're asking me to vote in favor of something that I am not clear on, and I will readily admit that. I am not quite clear on really, in practice, what this section is going to look like in -- outside underneath this dome.

So, I would love it if we could come to some sort of agreement on everything else and maybe clear up number three, but until we get to that point, I do have to say I will support the indefinite postponement. Thank you.

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. 79

YEA - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Swallow, Tuell, Wadsworth, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Prescott, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

ABSENT - Brooks, Daughtry, Doore, Grignon, Haggan, Head, Hutchins, Ingwersen, Talbot Ross, Theriault, White B.

Yes, 49; No, 89; Absent, 11; Excused, 1.

49 having voted in the affirmative and 89 voted in the negative, with 11 being absent and 1 excused, and accordingly the motion to **INDEFINITELY POSTPONE** the Bill and all accompanying papers **FAILED**.

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

Representative **MORALES**: Thank you, Madam Speaker, and esteemed colleagues in the House. I rise to support LD 1025.

I hope that this is the last time that we debate in this House what practices are in the best interests of our LGBTQ children. The healthcare opinion on this issue is very clear; converting young people from who they are into someone they are not is not in the best interests of our children and our young people. In fact, it's harmful to them. It's harmful to their health, it's harmful to their wellbeing.

So, Madam Speaker, I submit that a healthcare practice that is harmful to young people must be prohibited. We must listen to our young people. They tell us indeed that the world is changing, that all people are accepted and celebrated just as they are. These are the same young people who in a very short period of time, I submit, will be sitting in the very same seats that we're sitting in in this House today. Thank you, Madam Speaker.

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

Representative **McLEAN**: Thank you, Madam Speaker. It feels like ages ago, but I remember it vividly. It was a dreary and rainy November day in 2003. The type of day where you just want to go home and crawl up with a blanket and a good bowl of soup. I was a senior in high school and I had just closed my locker door and was about to drive home from school. For years an issue had been nagging at me with growing ferocity. I was gay but I had vowed never to tell anyone, never to tell a soul. I would hide it and force it in the deepest recesses of my being. The shame and sadness was tremendous and overwhelming, debilitating and horrifying. But

that November day in 2003, at the age of 17 and a senior in high school, I had had enough and I made the best decision of my life and that was to come out.

When I told the first person that I was gay the following week, I cannot describe the weight, the boulder that was lifted from my shoulders. It felt like freedom, it felt like I had opportunity again. I was happy and relieved. I came out to several high school friends and eventually my parents and extended family. For the most part, they were all very supportive. It was not easy, however, and at times very difficult, but it was, without question, the best decision I have made in my whole life.

At this stage in my life, I might call the coming out process an adventure, but for me at 17 and for those who come out at any age, it can be an incredibly excruciating, scary, and unnerving experience. My story is similar to those of thousands across the state; stories of kids in each and every one of our districts today. The mere fact that so many of us have made it out from under the stigma, discrimination, and fear is a testament to the strength and will of gay, lesbian, bisexual, and transgendered people. As I look back, the only shameful, overwhelming, and -- the only thing shameful, overwhelming, and horrifying is the stigma that society places on being gay, lesbian, bisexual, or transgender. It is the same stigma that the practice of conversion therapy places on vulnerable people, both young and old. Conversion therapy is in fact no therapy at all. It is not a treatment. It is a debunked theory that finds its home in shame, hatred of one's self, and the perpetuation of stigma and stereotypes about being LGBT. A debunked theory that one can willfully change their sexual orientation, but being gay is not a choice, it can't be prayed away, it can't be wished away and, honestly, I laugh when people tell me this but for so many people this is a deadly serious issue because this practice of conversion therapy preys on young people in some of their most vulnerable moments. Those who are worried about what their future might look like, who might love them, will their family disown them? Being gay is an innate characteristic, one of the many beautiful characteristics that make each individual unique and make us who we are. The very idea that one can convert their sexual orientation implies that there is something inherently wrong with them.

But I want to be very clear with you today, and for those in this chamber and for all the people of Maine, both young and old who are watching and listening today, there is absolutely nothing wrong with who you are. Don't change who you are. However you come to this world, you are a gift and you belong. Whomever you love and however you identify, you deserve the utmost respect. Live your truest self and don't let anyone tell you anything different. Who we are, what we bring to this world, and the love we give are all gifts from God.

Coming out when I was 17, while difficult, was the greatest gift I got in my life. While I wish no one had to come out, I am thankful that at a young age it has allowed me to form deeper and more meaningful relationships with my parents, my brother, and other humans. Because I came out, I am happily married now to my husband and we're planning to start a family of our own. Coming out allowed me to love deeper, be more compassionate, and empathize with the situations that other humans find themselves in. I walk in someone else's shoes before I judge the shoes that they are walking in. No one should be denied these experiences. No one should be convinced to change their sexual orientation by a state-licensed counselor or therapist. The world has changed rapidly on issues of LGBT equality and thankfully stigma and

discrimination have taken a back seat to love and acceptance, but we still have more work to do.

Conversion therapy is a harmful, misleading, and irresponsible practice, one that has no basis in science whatsoever. It's a practice that leads people of all ages to believe something is wrong with them and when they continue to struggle because their sexual orientation is an immutable characteristic, they have a higher likelihood of developing depression and suicidal tendencies.

This bill, I want to be clear, is absolutely needed. Every day, kids in this state and across the country are subjected to emotional torment. It happens, I've seen it, I hear it all the time. The consequences are terrible and anyone who doesn't support this, I encourage you to go talk to someone who has gone through conversion therapy. This is not okay and it needs to end. Everyone should be able to pursue happiness without being convinced that their sexual orientation is wrong. Some will argue that people should have a choice, but we should not be endorsing a practice that every reputable mental health or medical organization says is harmful to people. No state-licensed therapist should be able to perform this debunked practice. It is dangerous and the myth of conversion therapy should be banned once and for all. I hope you will join me in sending this debunked theory to the dustbin of history.

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

Representative **MOONEN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise in support of the pending motion and in support of this bill.

Conversion therapy is therapy or treatment that attempts to make someone change their sexual orientation or gender identity. It is based on the premise that being lesbian, gay, bisexual, or transgender is a defect or disorder that can be treated.

All of the science shows that there is no therapy that can successfully change someone's sexual orientation or gender identity. It just doesn't work. Not only does it not work, it has actually been shown to cause real harm, particularly to minors. Think about a child who is exposed to this so-called treatment. The provider tells them that they are broken, that they should not be lesbian, gay, bisexual, or transgender, and that this therapy can fix them. When the treatment inevitably fails, the child wonders what is wrong with them that makes them unable to succeed in turning straight. This causes guilt, shame, helplessness, and hopelessness, and the studies show this leads to increased risk of depression, drug abuse, dropping out of school, and even suicide. Several members here today have said they are concerned with drug abuse, depression, anxiety, suicidal ideation, and that they want us to focus on that. That's the whole point here. This bill will help reduce those things. All of this is the result of trying to fix something that is not broken.

I've heard is this happening in Maine. The answer is yes. Preble Street provided testimony about two young people in their teen center who are survivors of conversion therapy. At the public hearing on this, both last session and this session, there were adult survivors who told their stories from when they were young and went through conversion therapy. And we heard during the debate this afternoon that a petition was signed by licensed professionals who are concerned that this will affect their practice. Well, again, that's the whole point. Their practice should be required to follow science and appropriate treatment.

I've heard that this bill interferes with parental rights. It does not touch parental rights at all. The only thing this bill

does is place a limitation on state-licensed providers. The State already puts lots of conditions on when it will and will not license doctors, psychologists, counselors, and so on. The State has the right to say you cannot have a license from the government if you offer treatment that has been proven to be ineffective and to cause harm to kids.

I've heard that this will prevent folks from talking about their confusion and their feelings. That is not true. Therapy will still be allowed after this bill. People will be able to explore confusion, thoughts, feelings, beliefs, but their provider will be required to be neutral with regard to sexual orientation and gender identity. In fact, a provider should approach all client issues with neutrality. Are you unhappy with your career trajectory? Your provider shouldn't say you should quit your job. Are you having difficulties in your marriage? Your provider shouldn't say you should get a divorce. Are you having confusion about your sexual orientation or your sexual attractions? The provider shouldn't say you should not be lesbian, gay, bisexual, or transgender. In all of these cases, the provider should let the client lead the conversation in terms of exploring identity, thoughts, feelings, confusion, etcetera. It's when the provider comes in with an agenda that's you should, whatever the end of that you should is, that we have a problem. These licensed professionals, doctors, nurses, psychologists, psychiatrists, social workers, counselors, and guidance counselors, are supposed to be people that we can turn to for our physical and mental health and they are supposed to be people that we can trust. They are supposed to be people that kids can trust. Lesbian, gay, bisexual, and transgender kids should not have to hear from those trusted authority figures that there is something wrong with them and that they can be cured with treatment or therapy.

I heard earlier this afternoon that our society has changed, and I certainly agree with that. Our society has changed a lot when it comes to issues of LGBT people, largely led by our voters here in Maine. Our voters have led the way. Maine has been a leader on lots of LGBT issues. I wish that was the case on conversion therapy. Unfortunately, it's not. As we've heard, 16 other states have already passed this law, including every single other state in New England. So I wish I could ask you all to lead on this issue, but instead I will ask you all to follow on this issue.

Lesbian, gay, bisexual, and transgender people are your friends, your family, your neighbors, your co-workers, and at least eight of us are your colleagues here in this chamber. But this bill isn't about us, we're adults. It's about the kids, the teenagers who are lesbian, gay, bisexual, and transgender and need to know that their government doesn't view them as broken. I know many of them across the state are aware of this bill, they are watching and waiting, anxious and stressed, perhaps holding their breath to see what we will decide. I, Madam Speaker, look forward to showing them that their government knows that you cannot fix what is not broken.

The SPEAKER: The Chair recognizes the Representative from Bradley, Representative Lockman.

Representative **LOCKMAN**: Thank you, Madam Speaker. I wish to pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **LOCKMAN**: Earlier today I referenced the -- all the professional categories that are encompassed in the bill; psychologists, counselors, nurses, doctors, physician assistants. Each one of these is governed by a professional licensing board so I would like to know does anybody in this building, can they cite a single instance where any of these professional licensing boards have had a single complaint of

any type of therapy around sexual orientation and gender identity issues, a single complaint of any kind of offensive or abusive therapy? Thank you, Madam Speaker.

The SPEAKER: The Representative has posed a question, if there is anyone in the body who wishes to answer.

The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in support of the pending motion.

Let me be clear from the outset this afternoon, so-called conversion therapy, otherwise known as reparative therapy or sometimes misconstrued as talk therapy, is no therapy at all. It is rejection.

I searched the depths of the worldwide web for definitions of therapy. You'd be hard-pressed to find a definition that does not sound similar to, quote, treatment of disease or disorder, end-quote. Being lesbian, gay, bisexual, transgender, or queer, LGBTQ, is neither a disease nor disorder. The antiquated notion that being LGBTQ constitutes a medical condition has long been removed from the diagnostic and statistical manual of mental disorders, otherwise known as DSM.

Madam Speaker, I am many things. I am a son and grandson, I am catholic, I am a somewhat decent tennis player, I am an ice cream connoisseur, I didn't get any today but maybe later, I'm the lucky dog dad of a Goldendoodle named Pancake, I'm a shopkeeper, I'm your colleague, and I am gay.

Madam Speaker, it might be possible that now that you know I am gay, you believe I am in need of treatment for a disease or a disorder. However, I suspect you don't, Madam Speaker. More likely, you understand that the very notion of treatment to address an intrinsic part of my being would be at the very least demeaning and degrading, at the very worst harmful and potentially deadly, and in any case completely and utterly ineffective. So-called conversion therapy is just that; a rejection of one's existence.

Madam Speaker, Honorable Colleagues, last year I shared aloud for the first time in my life that I contemplated suicide following a painful encounter with a trusted individual who encouraged me to consider reparative therapy. Having someone that I trusted and looked up to question a core aspect of my identity was devastating and it fed into self-destructive thoughts and feelings. Suicidal ideation is tormenting. I was completely lost to competing thoughts concerning my worthiness. Admitting aloud what I was experiencing then, admitting it aloud last year, and admitting it even now remains incredibly difficult. I was fortunate then and now to have a loving and accepting family. Yet the very suggestion to seek conversion therapy stunned me and dissolved my sense of self-worth. I will never forget the long journey home from Washington D.C. in December of 2012. I stared out the passenger window of my dad's pickup as the competing thoughts of whether I belonged here raced through my mind.

Madam Speaker, I cannot imagine how it would feel to walk into an office with someone who holds up a state-issued license as ratification of their qualifications and offer this harmful practice veiled as some kind of therapy. I'm grateful to be here today as a state legislator to present this bill, to speak on this bill on the House Floor. Because I know there are young people who are far more vulnerable than I was in 2012. Whether because of less supportive families, a history of trauma, or other issues, there are young LGBTQ Mainers who would face even tougher odds if confronted with this harmful

practice. I want to protect them from the harm that would come from a trusted professional telling them that they are broken, that the core truth of who they are is wrong and even devastating.

LD 1025 is an issue of professional regulation. It's not about speech, it's not about parental choice. The State issues professional licenses. The State regulates the licenses. Those who are issued such licenses should not deploy methodologies widely considered harmful. So-called conversion therapy has been condemned by the American Academy of Nursing, the American Academy of Pediatrics, the American Association of Marriage and Family Therapy, American Counseling Association, American Medical Association, American Psychological Association, and the National Association of Social Workers, to name a few. I could go on. These organizations denounce the practice on the premise that it causes tremendous physical and psychological harm to children, and it fails to achieve its goal of changing a person's sexual orientation or gender identity. Our very own Maine Medical Association testified, quote, therapy is a healthcare tool meant to treat disease or disorder or to cure. It has no absolutely no place in a situation where there is no disease or disorder. So-called conversion therapy is not therapy. It has no scientific basis whatsoever, end-quote.

So, Madam Speaker, let me be clear about what LD 1025 is and what LD 1025 is not. First, if passed, it would prohibit licensed professionals from deploying harmful conversion therapy methodology to Maine youth. Secondly, this law would not prohibit the practice of professionally accepted therapies. And, finally, it does not apply to any adult age 18 or older. Professionals licensed in Maine ought to be our heroes and our heroines for their clients. And that is even more true when we're talking about our young people. The State should not grant licenses to those who join these laudable professions and abuse the responsibility and freedoms by damaging vulnerable young people through practices considered bunk by leading health organizations.

Madam Speaker, Members of the House, our heroes and or heroines, they should not become our victimizers. Protecting LGBTQ youth from this practice is not a partisan issue. Seven Republican governors in other states have passed similar measures, signed them into law, including Republican governors in New Hampshire and in Massachusetts. Every other state in New England has prohibited this practice. Let's pass this law, let's join the other New England states and become the 17th state overall to defend the dignity and the self-worth of LGBTQ young people. Perhaps Governor Christie of New Jersey said it best, quote, the American Psychological Association has found that efforts to change sexual orientation can pose critical health risks including but not limited to depression, substance abuse, social withdrawal, decreased self-esteem, and suicidal thoughts. I believe -- I believe that exposing children to these health risks without clear evidence of benefits that outweigh these serious risks is not appropriate, end-quote. Madam Speaker, Governor Christie is right. A so-called therapy with far more adverse consequences than demonstrative benefits is not appropriate and should not be permitted under State law. Let me be clear; there is indeed a difference between talk therapy that is neutral, helping someone sort out the complexities of sexual orientation and gender identity, versus talk therapy intended to change someone based on the assertion that something is wrong with them. The latter is not therapy, it's abuse. The Legislature has a responsibility to protect young people who are especially vulnerable from these medically

condemned practices. The Legislature must mitigate exposing children to this harm, to this hurt, and to this rejection of who they are.

On a lighthearted note, Madam Speaker, I would note from my good friend from Waterboro, he was concerned that this bill might restrict his ability to convert my political beliefs, and I promise you that there is nothing in this bill that will prevent us from having debates over the years about whether or not I should be one way or the other on a bill. This bill is about treatment and it's about professionals who are licensed. I look forward to conversations about converting my political beliefs in the future with Representative Prescott from Waterboro. Madam Speaker, I urge you to support the pending motion.

The SPEAKER: A reminder not to use another Representative's name. The Chair will remind Members that the pending question is Acceptance of the Majority Ought to Pass as Amended Report and a roll call is in order.

The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative PICKETT: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand in opposition to the following motion.

During the 128th Legislature, we learned many things about conversion therapy. The most important thing we learned was that there had never been one allegation in Maine history concerning the use of conversion therapy and I've heard nothing to change that on the House Floor today.

We further learned that conversion therapy is the use of aversive methods to force someone to change their behavior. We also learned that Maine organizations like the Christian Civic League of Maine would be the first in line to stop conversion therapy as defined. We learned that a national movement has developed using this type of legislation as a model. Some see this as an opportunity to make a cultural change by saying that simple talk is abusive, that is if we do not like or agree with what we are being told. We saw that even with no record of conversion therapy occurring in Maine, bill opponents offered to meet and discuss legislation that would ensure no aversive activities could ever be used in the future here in Maine, but apparently that was not the actual goal of the legislation.

Last year, as well as this legislative session, we have heard from people who spoke out about their own gender confusion and how it led to some very difficult times for them. They spoke about different events in their life, abandonment by a parent, abuse by an adult, involvement with pornography, events that really affected them deeply. And interestingly enough, these witnesses who testified never once made a general claim about everyone. Instead, they simply discussed their personal issues and how talk therapy had assisted them to make a choice to change. We further discovered that Maine has a system of safeguards in place to police therapists and counselors, that all of the penalties found in LD 1025 for a therapist doing something wrong are already in place under current law. We were also reminded that Maine has a mandatory reporting system which includes a long list of professionals that must report any thoughts that they have when talking to someone that indicates to them that there may be abuse going on to a minor.

I remind you again, Madam Speaker, that there has never been one reported accusation of conversion therapy in Maine history. LD 1025 would violate parental rights, First Amendment rights, and of course would also violate the rights of professionals to do their job. Last year as this bill was being

passed in the Maine Legislature, prior to it being vetoed, the United States Supreme Court was ruling on a case in California. National Institute of Family and Life Advocates v. Becerra, number 16-1140, which also attempted to regulate professionals. Justice Thomas and Justice Kennedy both wrote dissenting arguments to the effect that for the State to tell professionals, and they listed many examples of professionals, including therapists and counselors, that they can only fall one side of an issue is too much power for the State. The Supreme Court affirmed that we, the State, cannot tell professionals to be one-sided. We then saw Tampa, Florida enact this legislation and the Florida Supreme Court strike it down. Other lawsuits are springing up as this legislation is enacted. Recently, Massachusetts passed a law and the lawsuit process began the very same day. Will that be the route that Maine takes?

The 2019 version of this legislation does or did have some changes in it. LD 1025 had a five-year retroactive clause in it. I believe that has been taken out, but this clause was removed in the recent amendment but I have also seen and heard interpretations that suggest that now, also the proponents may go back as far in history as they wish to penalize someone who acted against the mandates of LD 1025.

But perhaps the most problematic change in the bill is the prohibition from using the wording individuals of the same gender and changing that, to based on the individual's gender under conversion therapy. Any sexual behavior could be said to be caused by a person's gender; any. Therefore, it would seem this bill prohibits all counseling to reduce or eliminate any unwanted sexual feelings or emotions, period. Consider a school counselor who has ever advised a male student at any time in their life that his sexually harassing behavior toward girls was inappropriate, perhaps because he liked them but is too immature to say it so he harasses them instead, and offered ways to help the male student change their behavior would not be considered conversion therapy, under this outrageously broad definition. The counselor would forever be liable for that behavior. If that same guidance counselor simply even just mentioned to that same male student come see me and we can discuss ways to work on your behavior, the counselor would be held liable for advertising or offering conversion therapy and can be disciplined. And some of you may be shaking your heads thinking no way does this bill state that in the bill, can you think of any others bills that we have passed though legislature, and to come up with an example that had unintended consequences? I think we all can. And like another laws -- another law in this country, this bill prohibits therapy both directions. So, if a homosexual teen boy is in a relationship with another teen boy but is struggling with unwanted sexual attractions toward a female, he could not receive therapy to eliminate or reduce those unwanted feelings. This bill offers literally no pathway for teens to talk with a licensed counselor if they're struggling with any unwanted feelings and behaviors that are related to gender and sex; none. I'm sure we can all think of at least one very unhealthy sexual behavior a teen can get themselves involved in and seek out counseling for. But this bill essentially tells teens all of their sexual feelings, desires, emotions, and maybe even behaviors are healthy and desirable when we all know that is absolutely not the case. It's not the case for adults, and even less so for teens.

In closing, Madam Speaker, as I mentioned before, this bill has passed in other states. California passed the minor's version also then immediately filed a version for adults and

then for transgender people. Haven't we heard this is just -- this bill is just about minors here today? Also in California, many people who offered counseling and advice have closed their businesses, stopped serving all teens, or in some cases stopped working in California altogether. Conferences did not return because the speakers felt at risk for stating the truth. It is clear that this bill may very well pass here in Maine today and for those of you, however, that are supporting the bill and the motion, please understand what you are denying from gender confused people who choose to explore options. They are all being sentenced to only one choice. And I would leave you with three truths; people can change, simple talk is not abuse, and change is often an appropriate option. Thank you, Madam Speaker.

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

Representative **MOONEN**: Thank you, Madam Speaker. I rise to talk a little bit about the court cases because I've heard multiple references to them today. There certainly have been many across the country. We have won all of them except for the one that was mentioned in Tampa. It will be appealed; I expect we'll win. Just two weeks ago, New Jersey's conversion therapy law, statewide law, was appealed all the way to the U.S. Supreme Court, the U.S. Supreme Court declined to take the case, leaving the conversion therapy ban in place.

I also heard reference to the NIFLA case out of California about professional speech. That case was an issue of compelled speech where the government was making a licensed professional say something in particular and that case was not about medical treatment. So the comparison here is apples and oranges. Finally, in that same decision, the NIFLA court recognized that -- exactly what we're saying here; that regulations of professional conduct and malpractice and failure to follow scientific standards do withstand First Amendment review and I feel confident this law will do the same. Thank you, Madam Speaker.

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

Representative **RECKITT**: Madam Speaker, Members of the House, I had chosen not to speak today but my patience ran thin. And it ran thin in part because of the case of the young lesbian, in Lisbon, in high school who was raped last week or this week by a man who told her that he was going to make her straight. And it reminded me of what's passed for reparative therapy in my youth, which was exactly that thing. It was directed particularly against lesbians. And I stand today as a proud lesbian. I've only been that for 41 years, even though I'm 74 years old. It took me a while to figure out who I was. And I'm grateful that I was never subject to either the former sort of reparative therapy that happened to many of my friends in my youth and my early teens and 20s.

When I found myself, I took some time and I was particularly touched today by the Representative from Dover-Foxcroft when he spoke of his granddaughter because my grandmother was the central person of my life and my great regret about coming out when I did is nothing else but the fact that she didn't live long enough to know the true me, and I'm sorry for that, because I know she would've loved me just as much as the Representative from Dover-Foxcroft loves his granddaughter. And I'm -- I feel -- the reason I rose today and was going to rise earlier but changed my mind, was that last session when we debated this bill and I said nothing, I went home and I felt dirty. I felt like I had just totally abrogated my duty as a legislator to speak for people who I knew were not

speaking in this chamber. And as the Good Representative from Portland says, there are a number of us in this chamber and we all of us two years ago felt bad at the end of that debate and I suspect today we will, too. Whether we win or lose, we feel bad, because we get talked about as if we are some kind of object to be discussed. I'm a human being. I love who I love and I care about what I care about and like all of the other Members of this chamber, whether I agree with them or don't agree with them, try my best to represent my constituents and my own honor. And I thank you today for letting me speak. Thank you, Madam Speaker.

The SPEAKER: A roll call having been previously 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. 80

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Madigan C, Marean, Martin J, Martin R, Martin T, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Prescott, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Mason, Millett, Morris, O'Connor, Perkins, Pickett, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Swallow, Tuell, Wadsworth, White D.

ABSENT - Brooks, Daughtry, Doore, Grignon, Head, Hutchins, Ingwersen, Ordway, Riseman, Talbot Ross, Theriault, White B.

Yes, 91; No, 46; Absent, 12; Excused, 1.

91 having voted in the affirmative and 46 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-213)** was **READ** by the Clerk.

Representative FAULKINGHAM of Winter Harbor **PRESENTED House Amendment "A" (H-222)** to **Committee Amendment "A" (H-213)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, before I say what I'm ready to say, I'm reminded of something that I heard you say about a week ago, Madam Speaker, and that was that all of us have a heart and we're all in here doing what we feel is right for our constituents and namely, in this case, and I think when you were referencing the youth and the children. So I think this is one of those rare times where probably 151 of us have debated for hours today and I would say in general we more or less agree with each other, it's just a little bit that we disagree on. So I rise to emphatically oppose conversion therapy. Conversion therapy

is an abhorrent act of using torture and coercion to change a person's gender identity or sexual preference. The thought of using these practices to change someone's sexual preferences or gender identity sickens me. I think we can all agree that if anyone in this chamber agrees with such practices, they should stand up and walk out that door.

I have many friends and people that I admire that are gay and some of those are in this chamber right now and I couldn't imagine any attempt to change that. Why would you? Someone's sexuality doesn't require therapy, let alone the sick practice of conversion therapy. However, when young children are going through gender identity issues, they may seek the help of a professional. These professionals need the flexibility to discuss all these issues involved during this difficult time and I actually know of a young child that is very close to a dear relative of mine, and that child is five or six years old, and since they have known this child has felt like they were in the wrong body for that child. The child is very loved and will continue to be loved and is treated like any other child, and I wish for that child to have peace and happiness and prosperity in all their life. Now, when that child starts to reach an older age, if that parents -- if the parents of that child go to a professional, I want the professional to be able to speak openly and honestly and have an honest conversation and discussion with the child. Now, my amendment bans conversion therapy, it's very clear. It spells it out very clearly, but it allows professionals to help children in extremely difficult situations. Conversation is not conversion. Please join me in opposing conversion therapy and vote yes on the motion.

Representative MOONEN of Portland moved that **House Amendment "A" (H-222) to Committee Amendment "A" (H-213) be INDEFINITELY POSTPONED.**

The SPEAKER: The Representative may proceed.

Representative MOONEN: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, it is my understanding that this House Floor Amendment would essentially strike the entire bill and replace it with the Minority Report which was just rejected when we accepted the Majority Report.

I appreciate the sentiment that we all think conversion therapy is wrong, I really do, but words matter, definitions matter, and the definitions and language in the Minority Report, which is identical to what's in this Floor Amendment, actually didn't ban conversion therapy. That's why it was rejected by a bipartisan majority in committee and by a bipartisan majority on the Floor and I ask that if you just supported the Majority Report a moment ago, you join me in sticking by that vote and rejecting this amendment yet again. Thank you, Madam Speaker.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-222) to Committee Amendment "A" (H-213).**

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 Knox, Representative Kinney.

Representative KINNEY: Thank you, Madam Speaker. I stand in opposition to the pending motion. The proposed amendment, however, I was in very strong support of. And as I stepped out of the chamber earlier to have an interview on television, I had the opportunity to speak, I don't know if it will come through because I'm losing my voice more and more by the moment, but I have many family and friends and acquaintances who are of LGBTQ lifestyles and I'm learning of

more and more of them in this body, all of whom I have great respect for. Although we may not always agree on issues, I do have great respect for all of you.

What happens is, quite frankly, my religious beliefs disagree with the lifestyle. I do not -- I'm going to repeat; I do not think any less of anyone who chooses this as their lifestyle. I have issues being told, though, that it's absolutely right because within my faith, it is not. It's morally wrong in my faith. And that being said, I'll never -- that being said, though, I will never judge someone for their lifestyle choices and, again, that's because my religious faith says it is wrong for me to judge others, period.

The amendment that was just recently proposed would ban the horrific practices that we've been discussing this afternoon and this afternoon and I think we can all hopefully agree those should never occur and thankfully here in Maine there have been no reported cases of these horrific acts occurring. Let's pass the amendment instead, vote down this motion, and pass the amendment and solidify our unity in protecting all children in Maine while also allowing for constitutional protections.

Some debate has been over rape over the past couple of days. Hypothetically, why would we want to deny, for example, a male child raped by another male the opportunity to talk with a counselor, doctor, or other professional about that sexual assault that now has this child questioning his biological makeup? I certainly hope we would want this child to get all possible treatment to help them through what was likely the worst possible moment of their life.

Please join me in extreme support of the amendment and vote this motion down. Thank you.

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

Representative MADIGAN: Thank you, Madam Speaker. I would like to remind people that licensed clinical social workers, counselors, therapists of whatever variety, if they're in private practice they need things like malpractice insurance so certainly talk therapy can be harmful and, in fact, that's why they carry insurance, because it's recognized that people can do it wrong and, in fact, it can be harmful. And, in fact, any kind of therapy you give you have to get informed consent and, in fact, the Department of Health and Human Services requires us to give rights of recipients to people seeking therapy that explains that they have the right to be informed of the risks and benefits of any treatment they get, including just talk therapy. It certainly has the potential to be very harmful. That's in fact why we license people, so that only people who are properly trained can do it.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative DeVeau.

Representative DeVEAU: Thank you, Madam Speaker. I rise before you to support this amendment from my fellow -- from Winter Port, and a couple things that we need to keep in mind. One of the things that we're down here for is not to win, it's to work together to get things done. We have an amendment that I'm pretty sure that you're going to get bipartisan support on because I do believe that we all believe that conversion therapy is not the right thing, that it does cause harm. Most of us, or, I'm going to say myself, as I spoke before, for me it's an issue of the constitutional rights for people to speak and the freedom of speech. What we're asking for is a compromise from the body that voted against or for the bill to sit down and work with us on this. This would be a show to many that are watching right now that we can actually get something done together. This bill, to me, is

something that a lot of us could get behind if there was that willingness to work together. I'd like to be able to say to my constituents that we are trying to work together, but that's a choice that those would have to make.

The other thing I wanted to mention, and I'm sorry, I don't remember what town she's from, what the previous speaker had mentioned that there are risks. Now, there is risks in a lot of things that we do; law enforcement, we're certified, we're not licensed. The social workers, my wife is a licensed social worker. While there are good people who do the right thing, there are bad people that do the wrong thing, and I think that's what she was referring to. I think what we need to do is in the licensing portion of this, educate the staff and the supervisors to make sure that the people that are doing this kind of counseling is doing it with the respect and the proper way to protect those individuals. So, I please ask that we work together bipartisanly on this and pass this amendment. Thank you.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Blier.

Representative **BLIER**: Thank you, Madam Speaker. I'm here to just say that I disagree with the Representative from Portland. The Minority Report that we rejected in this amendment are not the same. They are two different bills and so I support the amendment that is put before us today. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Tepler.

Representative **TEPLER**: Thank you, Madam Speaker. Madam Speaker, with all due respect to the Representative from Caribou, the committee on Health Coverage, Insurance, and Financial Services spent quite a bit of time working on this bill. We worked with the respect of the commissioner of Professional and Financial Regulation, Commissioner Ann Head, and we worked with her colleagues on both sides of the aisle and came out with a bipartisan agreement and report. And while some of the Members who may have originally agreed to that have changed their minds, nonetheless at the time the work was done, it was in fact a bipartisan agreement.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, I have a little bit of experience to talk about this bill as a queer woman and a social worker, but I hadn't intended to do so. But, as my friend from South Portland, I've lost my patience. So I just have two things to say. One is when I came out to my father it was the hardest thing I've ever done in my life and it had nothing to do with my father. It had to do with a world and a community that tries to say that there's something about me that's wrong. The second thing I'll say is that therapy is never ever about changing a child. Therapy should be about honoring a child, loving a child, supporting a child. We have an opportunity to be leaders. We have an opportunity to say to children I support you, I love you, and I think you're perfect just the way you are. And that's the vote we have a chance to take. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-222) to Committee Amendment "A" (H-213). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 81

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett,

Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Connor, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Strom, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Javner, Johansen, Keschl, Kinney, Martin T, Mason, Millett, Morris, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Swallow, Tuell, Wadsworth, White D.

ABSENT - Brooks, Cloutier, Daughtry, Doore, Grignon, Head, Hutchins, Ingwersen, Ordway, Riseman, Talbot Ross, Theriault, White B.

Yes, 91; No, 45; Absent, 13; Excused, 1.

91 having voted in the affirmative and 45 voted in the negative, with 13 being absent and 1 excused, and accordingly **House Amendment "A" (H-222) to Committee Amendment "A" (H-213) was INDEFINITELY POSTPONED.**

Subsequently, **Committee Amendment "A" (H-213) was ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-213)** and sent for concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)** on Bill "An Act To Exempt Diapering Products from Sales Tax"

(H.P. 637) (L.D. 863)

Signed:
Senators:

CHIPMAN of Cumberland
POULIOT of Kennebec
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
CLOUTIER of Lewiston
DENK of Kennebunk
MAREAN of Hollis
MATLACK of St. George
STANLEY of Medway
TERRY of Gorham

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

Signed:

Representatives:

BICKFORD of Auburn
KRYZAK of Acton
STEWART of Presque Isle

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-212)** 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-212)** and sent for concurrence.

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-211)** on Bill "An Act To Exempt Long-term Capital Gains from Income Tax for Certain Income Levels" (H.P. 669) (L.D. 905)

Signed:

Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
CLOUTIER of Lewiston
KRYZAK of Acton
MAREAN of Hollis
STEWART of Presque Isle

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

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
DENK of Kennebunk
MATLACK of St. George
TERRY of Gorham

READ.

On motion of Representative TIPPING of Orono, **TABLED** pending **ACCEPTANCE** of Either Report and later today assigned.

**CONSENT CALENDAR
First Day**

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

(S.P. 502) (L.D. 1567) Bill "An Act To Change the Deadline for Submission of the Annual Report of the Public Advocate" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(S.P. 118) (L.D. 440) Bill "An Act To Continue the Doctors for Maine's Future Scholarship Program" Committee on **INNOVATION, DEVELOPMENT, ECONOMIC**

ADVANCEMENT AND BUSINESS reporting **Ought to Pass as Amended by Committee Amendment "A" (S-61)**

(S.P. 230) (L.D. 786) Bill "An Act To Reduce Hunger and Promote Maine Agriculture" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-81)**

(S.P. 357) (L.D. 1171) Bill "An Act To Prevent Sexual and Domestic Violence and To Support Survivors" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-86)**

(H.P. 792) (L.D. 1069) Bill "An Act To Amend the Tax Expenditure Review Process" Committee on **TAXATION** reporting **Ought to Pass**

(H.P. 999) (L.D. 1378) Bill "An Act To Ensure the Provision of Medical Assessments for Youth in Foster Care" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-215)**

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 and the House Papers were **PASSED TO BE ENGROSSED** or **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.

Resolve, To Require the Approval by the Public Utilities Commission of a Proposal for a Long-term Contract for Deep-water Offshore Wind Energy (EMERGENCY)

(S.P. 284) (L.D. 994)

- In Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY.**

TABLED - March 14, 2019 (Till Later Today) by Representative FECTEAU of Biddeford.

PENDING - REFERENCE IN CONCURRENCE.

Subsequently, the Resolve was **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY**, in concurrence.

Bill "An Act Regarding Women's Health and Economic Security"

(H.P. 1165) (L.D. 1613)

(Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** suggested)

TABLED - April 23, 2019 (Till Later Today) by Representative TEPLER of Topsham.

PENDING - REFERENCE.

Subsequently, the Bill was **REFERRED** to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**, ordered printed and sent for concurrence.

Bill "An Act Regarding the Sale and Release or Abandonment of Balloons"

(H.P. 692) (L.D. 937)

- In House, Majority (9) **OUGHT TO PASS AS AMENDED** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-167)** on April 30, 2019.

- In Senate, Minority (4) **OUGHT NOT TO PASS** Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES READ** and **ACCEPTED** in **NON-CONCURRENCE**.

TABLED - May 7, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION**.

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

Representative DILLINGHAM of Oxford **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. 82

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stearns, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Higgins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stanley, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - Beebe-Center, Brooks, Cloutier, Daughtry, DeVeau, Doore, Grignon, Head, Hutchins, Ingwersen, Perry J, Riseman, Talbot Ross, Theriault.

Yes, 83; No, 52; Absent, 14; Excused, 1.

83 having voted in the affirmative and 52 voted in the negative, with 14 being absent and 1 excused, and accordingly the House voted to **INSIST**.

RESOLUTION, Proposing an Amendment to the Constitution of Maine Concerning Alternative Signatures Made by Persons with Disabilities

(H.P. 1049) (L.D. 1437))

(C. "A" H-163)

TABLED - May 7, 2019 (Till Later Today) by Representative DILLINGHAM of Oxford.

PENDING - **FINAL PASSAGE**.

Representative MOONEN of Portland **REQUESTED** a roll call on **FINAL PASSAGE**.

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

Representative HICKMAN of Winthrop **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, if the word physical was in this bill, I may support it, but it doesn't specify physical disabilities. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have the same concern with this bill. As I mentioned in Caucus, my mother-in-law is suffering from Alzheimer's, my wife has her POA. I'm not sure that my mother-in-law would vote for me if she had the opportunity, but I do know that I would not expect my wife to cast a vote for her, for my mother-in-law, because she is mentally incapacitated. And that's the problem I have with this bill. Thank you.

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, if I may try to clarify; this Constitutional Amendment proposal has come to us from the Secretary of State because people who do not have hands that they can use cannot sign petitions, according to the Constitution. They can have someone else sign an absentee ballot for them, they may even have someone else sign some other document involved in an election, but because the way our Constitution is written, if you do not have hands that work, you cannot sign a petition for a referendum or a people's veto or anything like that. And so this amendment to the -- this proposal to amend the Constitution of Maine would allow for people with physical disabilities who are unable to sign, meaning they cannot sign, they do not have hands, this would allow for them to be able to do that by having someone else sign on their behalf. It's about hands and actual signatures. It was a unanimous committee report. It goes to the people for a vote if it passes the two-thirds threshold in both chambers. And for the people in this state who do not have usable hands, I humbly ask this whole body to vote green on this amendment. Thank you, Madam Speaker.

The SPEAKER: There are now six people in the queue.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker. I'd like permission to pose a question to the Good Representative from Winthrop.

The SPEAKER: The Representative may proceed with his question.

Representative **HANDY**: If this Constitutional Amendment is not passed by the Legislature and ultimately not passed by the voters, would people who have served in the Armed Services who've been the victim of IEDs be disenfranchised? Losing their most precious right to vote?

The SPEAKER: The Representative from Lewiston has posed a question to the Representative from Winthrop. If he is able to answer, he may rise.

Representative **HICKMAN**: Thank you, Madam Speaker. I rise to answer the question.

They do not lose their right to vote because they can still vote because someone can cast a ballot on their behalf. They simply lose their right to sign a petition to put something on the ballot. So, if you have no hands that work and you have served this country, you cannot sign a petition to put a referendum question on the ballot and in that case, they would be disenfranchised.

The SPEAKER: The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Madam Speaker. I am sympathetic to the issue of people without hands not being able to sign petitions. The way I've read the particular resolution is that's not just what it addresses, and if we could somehow get that narrowed down, then I could be supportive. Otherwise, I can't, and I vote no.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Andrews.

Representative **ANDREWS**: Thank you, Madam Speaker. Originally in VLA I voted for this because the intention to help those with physical disabilities was good. But looking back, I think to clarify, we should have language to stipulate that it is specifically for people with physical disabilities. I think we would get a lot of support from both aisles if we did that. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Schneck.

Representative **SCHNECK**: Thank you, Madam Speaker. We didn't spend a lot of time with this but the existing definition of written petition states written petition means one or more petitions written or printed or partly written and partly printed with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator and that to the best of the circulator's knowledge and belief each signature is the signature of the person who's name it purports to be. What we've added to the Constitutional Article 4, Part Third, Subsection 20, is one line. This is it, this is in the definitions; written petition means one or more petitions written or printed or partly printed and partly printed with the original signatures of the petitioners, and this is the line that we've added, this is it, this is in the Constitution, except when the Legislature by proper enactment has authorized alternative signatures for persons with disabilities. That's the line. That's the change to the Constitution; one line. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker. I was going to read the line and, as has been said before, I would be fine if this were defined that it was people without hands, but this is just persons with disabilities and that does go to the idea of people that are fighting various forms of dementia like Alzheimer's where they are not of sound mind and if someone were to help them sign a petition that they don't even know what they're signing I have grave concerns with that and that's why I cannot support this particular amendment to the Constitution.

The SPEAKER: The Chair recognizes the Representative from Oxford, Representative Dillingham.

Representative **DILLINGHAM**: Thank you, Madam Speaker. I think that many members of my caucus have tried make the distinction there isn't an issue with what the intent of this piece of legislation tries to accomplish in trying to assist those with a physical disability and trying to -- and giving them the opportunity to physically sign with the assistance of someone else a petition. The concern is actually in the

definition, which is very broad, of disabilities, and it doesn't -- we're not talking about just physical disabilities. The State definition of disability is quite broad and it would include folks with those suffering from dementia in far stages that, or Alzheimer's, that may not understand exactly what they're signing or having someone sign for them and what that petition would accomplish. Thank you.

On motion of Representative MOONEN of Portland, **TABLED** pending **FINAL PASSAGE** and later today assigned. (Roll Call Ordered)

SENATE PAPERS

Bill "An Act To Authorize a General Fund Bond Issue To Strengthen the Marine Economy"

(S.P. 561) (L.D. 1705)

Came from the Senate, **REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and ordered printed.

REFERRED to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** in concurrence.

Bill "An Act To Ensure Public Notification of Air Quality Violations"

(S.P. 562) (L.D. 1706)

Bill "An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties"

(S.P. 563) (L.D. 1707)

Came from the Senate, **REFERRED** to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** in concurrence.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH** with the exception of matters being held.

On motion of Representative STEWART of Presque Isle, the House adjourned at 3:18 p.m., until 10:00 a.m., Thursday, May 9, 2019.