

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

pages 1 -

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
42nd Legislative Day
Thursday, May 23, 2019

The Speaker resumed the Chair.
The House met according to adjournment and was called to order by the Speaker.
Prayer by Pastor Chris Grimbilas, New Life Baptist Church, Jay.
National Anthem by Skowhegan Middle School Band and Chorus.
Pledge of Allegiance.
Doctor of the day, Marya Goettsche Spurling, M.D., New Sharon.
The Journal of Tuesday, May 21, 2019 was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 590)

JOINT RESOLUTION RECOGNIZING MAY AS PRADER-WILLI SYNDROME AWARENESS MONTH

WHEREAS, Prader-Willi syndrome is a rare, noninherited genetic disorder affecting approximately 1 in 15,000 people; and

WHEREAS, nearly every system in the body is affected by Prader-Willi syndrome, but the hallmark symptom is extreme hunger coupled with a slow metabolism; and

WHEREAS, other common symptoms of Prader-Willi syndrome include behavioral challenges, obsessive compulsive disorder, anxiety, sleep problems and scoliosis; and

WHEREAS, the Foundation for Prader-Willi Research was established in 2003 by a small group of parents who saw the need to foster research that would help their children with Prader-Willi syndrome lead more healthy and fulfilling lives; and

WHEREAS, the Foundation for Prader-Willi Research is composed of hundreds of parents, family members, researchers and others who are interested in addressing the many issues related to Prader-Willi syndrome, including childhood obesity, developmental delay, psychiatric disorders and autism spectrum disorders; and

WHEREAS, the mission of the Foundation for Prader-Willi Research is to eliminate the challenges of Prader-Willi syndrome through the advancement of research and therapeutic development; and

WHEREAS, since May of 2010, Prader-Willi Syndrome Awareness Month has mobilized the Prader-Willi syndrome community to raise awareness and educate others in their communities and across the country; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-ninth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to recognize May 2019 as Prader-Willi Syndrome Awareness Month.

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

Bill "An Act To Strengthen Maine's Hemp Program"
(S.P. 581) (L.D. 1747)
Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested and ordered printed.

Came from the Senate, with the Bill and accompanying papers **INDEFINITELY POSTPONED**.
Bill and accompanying papers **INDEFINITELY POSTPONED** in concurrence.

Non-Concurrent Matter

Bill "An Act Regarding Penalties for Early Retirement for Certain Members of the Maine Public Employees Retirement System"

(H.P. 858) (L.D. 1184)

Majority (7) **OUGHT NOT TO PASS** Report of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** in the House on May 16, 2019.

Came from the Senate with the Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **LABOR AND HOUSING READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-244)** in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

An Act To Provide School Personnel Paid Hourly a Wage Pay Option (MANDATE)

(H.P. 224) (L.D. 300)

(C. "A" H-220)

FAILED of **PASSAGE TO BE ENACTED** in the House on May 16, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-220) AS AMENDED BY SENATE AMENDMENT "A" (S-131)** thereto in **NON-CONCURRENCE**.

Speaker GIDEON of Freeport moved that the House **RECEDE AND CONCUR**.

Representative DILLINGHAM of Oxford **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

ROLL CALL NO. 115

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Caiazzo, Cardone, Carney, Collings, Cooper, Craven, Crockett, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fecteau R, Foley, Gramlich, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Kessler, Madigan C, Martin J, Martin R, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, Paulhus, Pebworth, Peoples, Perry A, Perry J, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grohoski, Haggan, Hall, Hanington, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Marean, Martin T, Mason, Mastraccio, Maxmin, Millett, Morris, O'Connor, O'Neil, Ordway, Perkins, Pluecker, Prescott, Rudnicki, Sampson, Schneck, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Brennan, Bryant, Cebra, Cloutier, Cuddy, Daughtry, DeVeau, Dunphy, Gattine, Grignon, Hanley, Jorgensen, McLean, Pickett, Pierce T, Reed.

Yes, 72; No, 60; Absent, 16; Excused, 2.

72 having voted in the affirmative and 60 voted in the negative, with 16 being absent and 2 excused, and accordingly the House voted to **RECEDE AND CONCUR**.

Riseman, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Brennan, Cebra, Cloutier, Cuddy, Daughtry, DeVeau, Grignon, McLean, Pickett, Reed.

Yes, 88; No, 50; Absent, 10; Excused, 2.

88 having voted in the affirmative and 50 voted in the negative, with 10 being absent and 2 excused, and accordingly the House voted to **INSIST**.

Non-Concurrent Matter

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO ALLOW THE IMPORTATION OF AFFORDABLE AND SAFE PRESCRIPTION DRUGS

(H.P. 1184)

READ and **ADOPTED** in the House on April 30, 2019.

Came from the Senate with the Joint Resolution and accompanying papers **INDEFINITELY POSTPONED** in **NON-CONCURRENCE**.

On motion of Representative MOONEN of Portland, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

Non-Concurrent Matter

Bill "An Act To Streamline the Eviction Process"

(H.P. 780) (L.D. 1057)

Report "B" (6) **OUGHT NOT TO PASS** of the Committee on **JUDICIARY READ** and **ACCEPTED** in the House on May 14, 2019.

Came from the Senate with Report "A" (6) **OUGHT TO PASS** of the Committee on **JUDICIARY READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED** in **NON-CONCURRENCE**.

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. 116

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott,

COMMUNICATIONS

The Following Communication: (H.C. 183)

**STATE OF MAINE
CLERK'S OFFICE**

**2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 23, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Judiciary has approved the request by the sponsor, Senator Diamond of Cumberland, to report the following "Leave to Withdraw:"

L.D. 787 An Act To Support Victims of Child Sexual Abuse

Pursuant to Joint Rule 310, the Committee on Judiciary has approved the request by the sponsor, Representative Bailey of Saco, to report the following "Leave to Withdraw:"

L.D. 1233 An Act Regarding Offers of Settlement

Sincerely,

S/Robert B. Hunt

Clerk of the House

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

The Following Communication: (H.C. 184)

**STATE OF MAINE
CLERK'S OFFICE**

**2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 23, 2019

Honorable Sara Gideon

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the following Joint Standing Committees have voted unanimously to report the following bills out "Ought Not to Pass:

Agriculture, Conservation and Forestry

L.D. 495 Resolve, Directing the Commissioner of Agriculture, Conservation and Forestry To Conduct a Feasibility Study on Locating a Grain Processing Facility in Aroostook County (EMERGENCY)

L.D. 1540 An Act Concerning Timber Harvesting on Public Lands and in State Parks, Historic Sites and the Restricted Zone of the Allagash Wilderness Waterway

Health Coverage, Insurance and Financial Services
 L.D. 52 An Act To Provide an Affordable and Accessible Health Care System for all Residents of Maine
 L.D. 109 An Act To Create a Public Health Insurance Option
 L.D. 407 An Act To Promote Universal Health Care, Including Dental, Vision and Hearing Care
 L.D. 1243 An Act To Assist Small Businesses in Providing Health Care for Their Employees
 L.D. 1281 Resolve, To Create a Committee To Explore Regional Cooperation for Affordable Health Insurance
 L.D. 1648 An Act To Improve Access to Experienced Primary Care Providers in Maine
 Taxation
 L.D. 1265 An Act To Establish a Maine Low-income Housing Tax Credit
 Transportation
 L.D. 466 An Act To Create a Diesel Fuel Tax Differential
 L.D. 827 An Act Regarding the Placement of Campaign Signs
 L.D. 844 An Act To Prohibit Driverless Commercial Vehicles
 L.D. 1075 An Act To Allow a Wrecker To Transport the Number of Vehicles Authorized by Manufacturer Specifications for the Wrecker
 L.D. 1166 An Act To Require Public Transit To Be Accessible to Blind or Visually Impaired Riders
 L.D. 1195 An Act To Encourage the Removal of Campaign Signs from the Public Right-of-way
 L.D. 1257 An Act To Prepare Maine for a Low-carbon Transportation Future
 L.D. 1329 An Act To Allow Temporary Roadside Memorials for Deceased Victims of Traffic Accidents
 L.D. 1473 An Act To Provide Consistency in the Laws Governing Culvert Replacement
 L.D. 1527 An Act To Require That Certain Motor Vehicles Be Clear of Snow and Ice When Operated on Public Ways
 L.D. 1710 An Act To Enact the Automated Driving Safety Act
 Veterans and Legal Affairs
 L.D. 1722 Resolve, Directing the Secretary of State To Develop a Plan for Implementation of Automatic Registration of Nonregistered Persons Qualified To Vote through Records of the Bureau of Motor Vehicles

Sincerely,
 S/Robert B. Hunt
 Clerk of House

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend the Forestry Laws Regarding Responsibility for Compliance with Those Laws"
 (H.P. 1257) (L.D. 1770)
 Sponsored by Representative HICKMAN of Winthrop.

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.

Bill "An Act To Clarify Bonding Authority for School Management and Leadership Centers"
 (H.P. 1260) (L.D. 1773)
 Sponsored by Representative DODGE of Belfast.
 Submitted by the Department of Education pursuant to Joint Rule 204.
 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 Protect Sustenance Fishing"
 (H.P. 1262) (L.D. 1775)
 Sponsored by Speaker GIDEON of Freeport. (GOVERNOR'S BILL)
 Cosponsored by President JACKSON of Aroostook and Representatives: COLLINGS of Portland, DUNPHY of Old Town, GRAMLICH of Old Orchard Beach, NEWELL of the Passamaquoddy Tribe, TALBOT ROSS of Portland, TUCKER of Brunswick, Senator: CARSON of Cumberland.
 Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.
REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** and ordered printed.
 Sent for concurrence.

Bill "An Act To Secure Transitions to Economic Prosperity for Maine Families and Children"
 (H.P. 1259) (L.D. 1772)
 Sponsored by Representative STEWART of Presque Isle.
 Cosponsored by Senator DOW of Lincoln and Representatives: Speaker GIDEON of Freeport, HYMANSON of York, O'CONNOR of Berwick, STOVER of Boothbay, TALBOT ROSS of Portland, Senators: CLAXTON of Androscoggin, MOORE of Washington.
 Bill "An Act To Reduce Child Poverty by Leveraging Investments so Families Can Thrive"
 (H.P. 1261) (L.D. 1774)

Sponsored by Speaker GIDEON of Freeport.
 Cosponsored by President JACKSON of Aroostook and Representatives: HYMANSON of York, O'CONNOR of Berwick, STEWART of Presque Isle, STOVER of Boothbay, TALBOT ROSS of Portland, Senators: CLAXTON of Androscoggin, MOORE of Washington.
 Committee on **HEALTH AND HUMAN SERVICES** suggested and ordered printed.
REFERRED to the Committee on **HEALTH AND HUMAN SERVICES** and ordered printed.
 Sent for concurrence.

Bill "An Act To Amend the Barbering and Cosmetology Licensing Laws"

(H.P. 1255) (L.D. 1768)

Sponsored by Representative DAUGHTRY of Brunswick. Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** suggested and ordered printed.

REFERRED to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** and ordered printed.

Sent for concurrence.

Bill "An Act To Amend the Law Governing Name Changes"

(H.P. 1258) (L.D. 1771)

Sponsored by Representative RECKITT of South Portland. Cosponsored by Representatives: BABBIDGE of Kennebunk, BAILEY of Saco, BEEBE-CENTER of Rockland, EVANGELOS of Friendship, McCREIGHT of Harpswell, MOONEN of Portland, MORALES of South Portland, TALBOT ROSS of Portland.

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

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

Sent for concurrence.

Bill "An Act To Make Various Changes to the Motor Vehicle Laws"

(H.P. 1256) (L.D. 1769)

Sponsored by Representative McLEAN of Gorham. Submitted by the Department of Public Safety pursuant to Joint Rule 204.

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

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

Sent for concurrence.

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

ORDERS

On motion of Representative FARNSWORTH of Portland, the following House Order: (H.O. 28)

ORDERED, that Representative John DeVeau of Caribou be excused April 16, 18, 23 and 25 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Gary A. Drinkwater of Milford be excused May 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sherman H. Hutchins of Penobscot be excused May 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Henry L. Ingwersen of Arundel be excused April 30 and May 2, 7, 8 and 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Theodore Joseph Kryzak, Jr. of Acton be excused May 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter A. Lyford of Eddington be excused May 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donald G. Marean of Hollis be excused May 16 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Chloe S. Maxmin of Nobleboro be excused May 21 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Michael D. Perkins of Oakland be excused May 9 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Teresa S. Pierce of Falmouth be excused May 16 for personal reasons.

READ and PASSED.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

the Gray-New Gloucester High School Girls Basketball Team, of Gray, which won the Class B State Championship. Members of the team include Brooke Martin, Emma West, Madysen West, Sarah Fecteau, Mikaela Ryan, Whitney Dwyer, Alexa Thayer, Brianna Jordan, Abbey Michaud, Eliza Hotham, Chelsea Davis, Samantha Fortin, Jordan Grant and Gabriella Sernyk; assistant coaches Matt Andreasen, Danielle Hunt and Grace Kariotis; and head coach Michael Andreasen. We extend our congratulations and best wishes;

(HLS 411)

Presented by Representative AUSTIN of Gray. Cosponsored by Senator BREEN of Cumberland, Senator CLAXTON of Androscoggin, Representative ARATA of New Gloucester.

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

READ.

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

Representative **AUSTIN**: Thank you, Madam Speaker. Again, good morning and happy Memorial Day weekend to everyone.

Ladies and Gentlemen of the House, this morning I am privileged to introduce to all of you the Gray-New Gloucester girls basketball State Champions for Class B for the 2018/2019 season. The girls also took a higher honor last year but did not make it all the way to the championship and prior to that the ladies won the State Championship in 2017 and 2018.

The Ladies Patriots today are accompanied by their coach, Mr. Mike Andreasen, and their assistant coach, Mr. Matt Andreasen. And the message I want to share and convey to these ladies is that through their hard work and their dedication over the many years, they not only accomplished a state gold ball title, but they represented themselves through their teamwork in a manner that made their school, our Gray-New Gloucester school system and the two towns of Gray-New Gloucester very, very proud. I also want to tell you that you are presently serving and have in the past, and I hope you will continue in the future to be and represent great, tremendous role models for not only all of our community but for our little gals who, as you well know and have probably worked with, who aspire to do and follow in your footsteps and to be just as successful. Thank you, ladies. Game on.

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. It is my absolute pleasure to also recognize the achievements of Coach Andreasen and this group of skilled young ladies who earned the Maine Class B State Basketball Championship earlier this year. With an appearance in the state finals three of the last four years, the Lady Patriots have overcome challenges and learned the importance of teamwork, skills development, and good sportsmanship. I am honored to have this opportunity to acknowledge the team for their focus and perseverance, and may they all realize ongoing success in their future endeavors. Thank you.

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

Recognizing:

Randy Gray, of Skowhegan, who is retiring as code enforcement officer and from his other duties with the Town of Skowhegan after more than 30 years of public service. Mr. Gray recently received the Distinguished Service Award from the Maine Resource Recovery Association and has been selected to receive the Code Enforcement Officer of the Year Award from the Maine Building Officials and Inspectors Association. We extend our congratulations and best wishes;

(HLS 412)

Presented by Representative AUSTIN of Skowhegan.

Cosponsored by Senator FARRIN of Somerset.

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

READ.

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

Representative **AUSTIN**: Madam Speaker, Ladies and Gentlemen of the House, it is with great pleasure that I stand and recognize Randy Gray. He has worked for the Town of Skowhegan for 37 years and in that time grown, learned things as a code enforcement officer. The State of Maine is always changing things, and Randy is ready to learn whenever. Randy's always stepped in to when our town manager might be gone for a day or two to help out and Randy has just been an integral part of our town and I don't know what we're going to do without him and I'm pleased to know that he's received these awards and that I could stand up and tell what a great guy he is today. Thank you.

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

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

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

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

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment, Tuesday, May

21, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

SENATE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (S-82)** - Minority (3) **Ought Not to Pass** - Committee on **ENVIRONMENT AND NATURAL RESOURCES** on Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor (EMERGENCY)

(S.P. 202) (L.D. 640)

- In Senate, Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Resolve **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-82)**.

TABLED - May 16, 2019 (Till Later Today) by Representative TUCKER of Brunswick.

PENDING - Motion of same Representative to **ACCEPT** the Majority **OUGHT TO PASS AS AMENDED** Report.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The ENR Committee analyzed this bill very carefully and amended it to achieve a ten to three committee vote, Ought to Pass as Amended, and I hope you will support this report and the committee's work.

I would like to explain this Resolve as simply as I can and outline plainly what it does and does not do. What does the study do? The Resolve calls for a study of how CMP's transmission line project might change greenhouse gas emissions not just in New England but throughout the entire generation and generation system and distribution systems operated by Hydro-Quebec. Up until now, the focus has been on how the importation of hydro power from Quebec could reduce the need for greenhouse gas emissions from generation of electricity here in New England only. One study estimated that by using all of this hydro power, New England could benefit from reductions of 3.6 million metric tons per year over 20 years. But there is concern that by taking a large quantity of renewable electricity from Quebec's hydro-powered dams straight through Maine to the New England grid, that the loss of renewable power will have to be replaced by nonrenewable electricity generation in New York, Ontario, New Brunswick and Quebec, to make up for the lost hydro power sent from the dams to New England. An expanded geographical study modeling future emissions over this larger area is the reason for this Resolve. The study would model future likely emissions throughout that entire Hydro-Quebec distribution area over the next 20 years.

You might be interested in some of the assumptions that will have to be considered, factors such as electricity use, fuel costs, variation in electricity markets, rainfall over the next 20 years, transmission constraints, addition and retirement of generation facilities, and other technological developments over the next 20 years. This is the normal type of modeling and planning study that experts do in this type of business. In fact, it should've been done long ago. We need to verify that the project will result in net reductions of greenhouse gas overall and not just in New England.

The timeline for this study is strict. The reason it is strict is because the DEP is scheduled to issue a permitting decision for the project toward the end of October. The DEP must permit the project under Maine's site selection law and our Natural Resources Protection Act. Hearings have already been held. The DEP hearing officer has ruled that the

widespread effects of greenhouse gas emissions are not the type of localized disruption normally covered by the site selection law or the Natural Resources Protection Act.

The study required by this Resolve will not delay issuance of these permits. Here is the timeline: The DEP would hire an independent nongovernmental organization with expertise in this field to organize the study. That organization would submit the scope of work and all the assumptions on the DEP website for ten days. The report would be submitted to the DEP by July 31st, posted on a public website for seven days, and the final report submitted to this Legislature by August 15. The DEP would be prohibited from issuing any permits on the project for at least 45 days after the final report is filed, not any later than August 15. That leaves plenty of time to finish before the tentative DEP decision in late October. If the report is not filed by August 15 then there is no delay in the DEP decision or the permitting.

What is the effect of the study and the report? There is no requirement or mandate in this Resolve, one way or the other, that the DEP must consider or weigh the facts contained in the report. The Department of Environmental Protection will be making its decision under the site selection law and Maine's Natural Resources Protection Act. The Resolve makes no change in these statutory standards or the criteria that the DEP must apply to the licensing decision.

Funding. Under this amended Resolve as it now comes from committee, at this exact procedural point in the debate, no state funds would be used. The DEP would accept funds to pay for the report from any source, public or private.

I understand there are some concerns, there are problems, but we should move this issue forward for further debate. In sum, let's get the full and proper information about the broader impact of this project on greenhouse gas emissions. Thank you.

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise to urge my colleagues to support the Majority Ought to Pass Report on LD 640, a bill that directs the Maine Department of Environmental Protection to commission an independent study on whether CMP's proposed electric transmission corridor from Quebec to Massachusetts would actually provide a benefit for the climate by reducing overall greenhouse gas emissions.

This is what you need to know about the bill: It will produce a study that has not yet been done on the important issue of climate impacts at no cost to the government, with no risk of delaying the permitting process. The bill received extensive support during public hearings, with more than a hundred people supporting the bill. Many people are very concerned about the CMP corridor project. They are expecting the Legislature to provide due diligence on this project.

Let me please focus on some key points about this bill. First, there is no way that the bill can delay the permitting process. As my colleague from Brunswick identified, the DEP has said that it will not issue a permit decision on this project until October or November. The study called for the bill to be completed by August 15th. The Majority Report also states that the DEP would not be allowed to issue a permit until 45 days after the report is delivered, which would be September 30th, still well before a DEP permit decision. If the August 15 deadline is missed, then the 45-day delay no longer applies and DEP can issue a permit at any time.

Second, the study will be independent and unbiased, with no preconceived outcome. It will be a transparent process, allowing stakeholders and the public to provide comments on the scope of the work, key modeling assumptions and the final document. The results will speak for themselves.

Third, and most importantly, no study like this has been done. A study of greenhouse gas emissions on the entire system connected to Hydro-Quebec has not been done. The study done for the PUC by London Economics, Inc. explicitly states that they only looked at New England. They did not look at what happens if Hydro-Quebec were to shift power from existing customers to make more money from Massachusetts ratepayers who are willing to pay more. If those existing customers then switched to gas-fired plants, as many experts believe is possible, then the greenhouse gas benefits would be negated. That's why we need this study. We need to fully understand the full picture, not just the limited view of New England. As policymakers, we owe it to the people of Maine to provide this level of scrutiny and verification because we are being asked by Massachusetts and the developers of this project to accept a lot that would impact Maine in areas that are special to very many Maine people.

The impacts of this project would be substantial. As stated in the letter from the United States Environmental Protection Agency to the Army Corps of Engineers a few weeks ago, quote, as proposed the project would cause direct and secondary impacts to many wetlands, streams and vernal pools. The transmission line would clear 1800 acres of land and cross more than 200 rivers, streams and brooks, removing over 11 linear miles of rare pin vegetation adjacent to these aquatic resources. The project would impact hundreds of acres of wetlands including 242 vernal pools, mostly through secondary impacts. Additionally, when that land is cut, we need to make sure that the growth no longer occurs in that area using toxic chemicals such as Roundup that goes directly into our drinking water and has an impact on wetlands species and ultimately, on we humans.

The CMP corridor is not popular with Maine people. We've heard from many, many in our districts about this corridor. Many believe it is a bad deal for Maine. They are concerned about the impacts on the ground and many want to know if the claims about the project being good for climate are indeed real. Help us verify if CMP's claims are, in fact, fact or fiction. I urge you to support LD 640. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Rykerson.

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, men, women, and carbon dioxide exhalers in the House. This powerline is an issue to test all of us elected by the people of Maine. There's no perfect answer when we weigh the costs and the benefits, there's only what's better. Unfortunately, emotions, not reason, are what is dominating the dialogue. I wish it were easy to say yes or no but emotional response does not make good legislation, and as the lead co-sponsor of LD 640, I'd hoped for the DEP to evaluate what are the real impacts of the NECEC would be for the state. But we're now voting on the committee amendment. This amendment upends the process for fair public procurement of services; in this case, a study. It allows funding from any source to influence a governmental department. That opens the barn door for lobbyists to directly affect our decision-making process. We have seen what studies financed by the lobby look like, and it's not what we need.

I'm wondering, why do we need new reactive legislation to create a new approval process for transmission lines after a project has been proposed and after applications have been submitted? There is remaining public input by the Public Utilities Commission, the Maine DEP, the Army Corps of Engineers, the Land Use Planning Commission, and I'm disturbed by the prospect of allowing any private entity to contribute to the cost of an environmental study. The lobby just doesn't belong there.

Should the DEP consider greenhouse gases in its deliberations? Definitely, and I would be glad to sponsor that legislation. But the idea that we create new rules after a project has submitted its application, it's simply reactive. There is no predictability for any project if we mandate an application process and then change the process.

A former governor of Texas once said, life is not fair but government should be. Another governor recently said about climate change; enough with studies, talk and debate, it's time to act. Thank you.

Representative FECTEAU of Biddeford **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 South Portland, Representative Reckitt.

Representative **RECKITT**: Madam Speaker, Members of the House, I've gone all over the block on this in my head and here's where I've landed. Do we really need another study on greenhouse gas emissions? Do we need a study to tell us that renewable hydro power is far cleaner than the carbon fuel from the Wyman plant, the very company appealing the PUC decision? Do we really need another study when the PUC's independent consultant concluded there were greenhouse gas benefits to this project? Do we need another study possibly funded by the same dark money funding the negative TV ads against the Chief Executive? A study that is exempt from the normal consultant procurement process? I suggest we do not need another study. The time is now to act on climate change.

I don't like CMP any more than the rest of you, but I will not let my personal feelings affect my vote when we have an opportunity to take meaningful action to address climate change. Scientists have been documenting climate change for over 30 years. The time to act is now. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Tucker.

Representative **TUCKER**: I would just like to point out in the bill with the committee amendment as it appears on your desk right now, it says that the funding will be by contributions to the DEP's special fund. However, the choice of who the independent organization would be would be up to the DEP, not the funders. The funders would have nothing to do with who is appointed to do the study.

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. 117

YEA - Ackley, Alley, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Cardone, Carney, Cooper, Corey, Crockett, Daughtry, Denk, Dodge, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Hall, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Ingwersen, Keschl, Kessler, Kornfield, Landry,

Madigan C, Marean, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry J, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tucker, Verow, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin B, Austin S, Bickford, Blier, Bradstreet, Bryant, Caiazzo, Campbell, Collings, Costain, Craven, Dillingham, Dolloff, Doore, Drinkwater, Dunphy, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hanington, Hanley, Harrington, Head, Hubbell, Hutchins, Hymanson, Javner, Johansen, Jorgensen, Kinney, Kryzak, Lockman, Lyford, Martin J, Martin R, Martin T, Mason, Mastraccio, Millett, O'Connor, Ordway, Perkins, Perry A, Pierce T, Prescott, Rudnicki, Rykerson, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Tuell, Wadsworth, White B, White D.

ABSENT - Cebra, Cloutier, Cuddy, Curtis, DeVeau, Grignon, McLean, Pickett, Reed, Tipping.

Yes, 74; No, 64; Absent, 10; Excused, 2.

74 having voted in the affirmative and 64 voted in the negative, with 10 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (S-82)** was **READ** by the Clerk.

Representative **HANDY** of Lewiston **PRESENTED House Amendment "A" (H-345) to Committee Amendment "A" (S-82)**, which was **READ** by the Clerk.

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

Representative **HANDY**: Thank you, Madam Speaker and Members of the House. This amendment removes the provision in the bill that the Department of Environmental Protection obtain outside funding to complete the study regarding the potential effect of the NECEC project, and instead transfers \$150,000 from the Public Utilities Reimbursement Fund within the PUC to the Maine Environmental Protection Fund within the department to fund the cost of the study. To have a truly independent study, funds should come through the State. This will not impact the project at all, there will be no delay and the timeline as described by the Representative from Brunswick earlier will remain intact. Thank you, Madam Speaker.

Representative FECTEAU of Biddeford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-345) to Committee Amendment "A" (S-82)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-345) to Committee Amendment "A" (S-82). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 118

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Blume, Brennan, Bryant, Cardone, Carney, Cooper, Corey, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Johansen, Jorgensen, Keschl, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Schneck, Sharpe,

Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Berry, Bickford, Blier, Bradstreet, Caiazzo, Campbell, Collings, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Mastraccio, Millett, O'Connor, Ordway, Perkins, Prescott, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, McLean, Pickett, Reed, Rykerson, Tipping.

Yes, 87; No, 50; Absent, 11; Excused, 2.

87 having voted in the affirmative and 50 voted in the negative, with 11 being absent and 2 excused, and accordingly **House Amendment "A" (H-345) to Committee Amendment "A" (S-82) was ADOPTED.**

Committee Amendment "A" (S-82) as Amended by House Amendment "A" (H-345) thereto was ADOPTED.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-82) as Amended by House Amendment "A" (H-345)** thereto in **NON-CONCURRENCE** and sent for concurrence.

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Establish Standards for Operation and Maintenance and Asset Management for Publicly Owned Treatment Works and Municipal Satellite Collection Systems"

(H.P. 1263) (L.D. 1779)

Sponsored by Representative TUCKER of Brunswick.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act To Support Replacement of At-risk Home Heating Oil Tanks"

(H.P. 1264) (L.D. 1780)

Sponsored by Representative TUCKER of Brunswick.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act To Allow the Board of Environmental Protection To Make Changes through Routine Technical Rulemaking to Federally Based Screening Levels for the Beneficial Use of Solid Waste"

(H.P. 1265) (L.D. 1781)

Sponsored by Representative TUCKER of Brunswick.

Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Committee on **ENVIRONMENT AND NATURAL RESOURCES** suggested and ordered printed.

REFERRED to the Committee on **ENVIRONMENT AND NATURAL RESOURCES** 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-108)** on Bill "An Act To Encourage the Purchase of Local Produce for Public Schools" (S.P. 132) (L.D. 454)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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
SAMPSON of Alfred

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-108).**

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (S-108) 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-108)** in concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-128)** on Bill "An Act To Support Community Schools"

(S.P. 378) (L.D. 1216)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland
POULIOT of Kennebec

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland

PECTEAU of Augusta
INGWERSEN of Arundel
McCREA of Fort Fairfield

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

Signed:

Representatives:

DRINKWATER of Milford
RUDNICKI of Fairfield
SAMPSON of Alfred

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-128)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-128)** 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-128)** in concurrence.

Majority Report of the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-106)** on Bill "An Act To Prohibit Consideration of Naloxone Purchases in Life Insurance Underwriting"

(S.P. 307) (L.D. 1047)

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
PRESCOTT of Waterboro

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

Signed:

Representatives:

BLIER of Buxton
MORRIS of Turner
SWALLOW of Houlton

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-106)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-106)** 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-106)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-114)** on Bill "An Act Regarding the Elimination of Highly Toxic and Hazardous Chemicals in the Workplace"

(S.P. 296) (L.D. 1017)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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-114)**.

READ.

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

Representative BRADSTREET of Vassalboro **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 Vassalboro.

Representative **BRADSTREET**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. As amended, which is the bill before us, this becomes a Resolve requiring the Department of Labor to develop a framework for identifying hazardous chemicals used in a workplace and identify safer alternatives in collaboration with interested

parties and employees and employers, and to submit a report to the Labor and Housing Committee by December 20, 2019, and the committee to report out a bill based on that report. The Department of Labor is not really equipped to gather this type of information. It's not their bailiwick. It's way too technical in the scientific realm. Even if the bill were a good concept, it does not belong in the Department of Labor.

There are some existing laws which we should consider. One is the Lautenberg Chemical Safety Act which is an update of the Toxic Substance Control Act administered by the FDA, the Toxic Use Reduction Act, the Kidsafe Products Act, which are both under the jurisdiction of the DEP. This is very duplicative since there are already a plethora of regulations dealing with hazardous materials in the workplace. Here are a few of them. These are some of the existing programs. The OSHA permissible exposure limits, the permissible exposure limit is the legal limit in the United States for exposure of an employee to a chemical substance or a physical agent such as loud noise. Permissible exposure limits are established by OSHA. OSHA hazardous communication standard, all employers with hazardous chemicals in their workplaces must prepare and implement a written hazardous communication program and must ensure that all containers are labeled, employees are provided access to MSDSs, and an effective training program is conducted for all potentially exposed employees. Here's another one, OSHA process safety management. To help ensure safe and healthy workplaces, OSHA has issued the process safety management of highly hazardous chemicals regulation which contains requirements for the management of hazards associated with processes using highly hazardous chemicals. Here's another one, OSHA has 26 specific chemical standards starting with asbestos all the way to methylene chloride. These are all hazardous or toxic chemicals and have detailed program requirements if a company uses them. Here's another one, EPA's Toxic Substance Control Act. I referred to this before. There are several more, I won't go into all the details, but the EPA risk management program, Emergency Planning and Community Right-to-Know Act. There are also different international acts which we must comply with.

In short, what I'm saying is we already have this done in excessive amount. This is actually; it's unnecessary. I say let the Department of Labor do what it's charged with doing, and that's administering our labor laws. Please vote against this measure. Thank you.

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

Representative **SYLVESTER**: Thank you, Madam Speaker. I appreciate the comments from the Good Representative from Vassalboro that the Department of Labor is certainly overburdened, but one of its tasks is to keep the citizens of this state and its workers safe. And we hear a lot in this building about small businesses that don't have the resources to be able to find information or the employees to be able to wade through complicated documents, and the OSHA sites that are available right now mostly reproduce the labels that the person in a small business who is looking at some chemical trying to figure out how they can use it already has in front of them or in the OSHA manual, which if you've ever read through it, is fascinating reading and is almost indecipherable if you don't have some sort of chemistry training. And so there are websites that are out there right now that are hard, somewhat hard to find, where you can put in the name of a chemical and find out you should not have this on your skin, you should not put water in this, you should not mix it with

other chemicals, and it's very clear. And so the idea is to try to figure out that when some small business owner's employee or the owner themselves are trying to figure out which chemicals they should use and which ones, and how should they use it, that the Department of Labor, which should be a resource, might be able to have a resource on their website to be able to just say punch in a chemical name and to give them this simple information about how to use it, what they should wear, and how they should treat it afterwards. And so that's the idea.

They're going to report back to the committee. They may say that this isn't possible but there is no fiscal note to it, and it matches with work that they were already planning to do and it just puts it in with that. So I would ask that you follow the motion on the Floor and accept the Ought to Pass as Amended.

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

Representative **COLLINGS**: Madam Speaker, Ladies and Gentlemen of the House, I want to echo the comments from my other colleague from Portland and support this bill.

I just want to say briefly there, this to me is common sense. We need to reassess all the chemicals that are in our workplaces. This is a safety concern not just for the workers, but for the management and owners and others in these communities. There are some chemicals that are banned in other places that are still allowed here. There is a lot of lack of knowledge on the use of some chemicals by both workers and those running the plants. And just on a personal level, I know at my church for a fact that there are places that have chemicals that can cause serious damage. There was one gentleman had to quit working at a place because the chemicals gave him severe asthma and respiratory issues. Later, there was a good friend of mine, his girlfriend died of cancer working at this facility, about a year later he died of cancer, and there was someone in management who sort of tried to question if this was happening and then the management person himself ended up getting cancer. I don't know how he ended up, but after he got it, he realized; he said you know what, I was wrong, there's something going on here.

So I would urge you to look at this. If there's not really a huge cost, there's no harm in looking at ways to make people in Maine safer at their workplace. Thank you.

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

Representative **HANINGTON**: Madam Speaker, Ladies and Gentlemen of the House, I oppose the pending motion.

Many in this body may not know, it's been close to 30 years that contractors or workers in general, they have to have a MSDS booklet in their presence, the supervisors on the job, it's to list all the hazardous chemicals that we already deal with in the workplace. So, this piece of legislation isn't warranted because we're already doing it as employers. I mean, this has been going on for 30 years so this piece of legislation is unneeded and the Department of Labor, I feel, would come up with the same solution, so vote this motion down.

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

Representative **ORDWAY**: Good morning, Madam Speaker, my colleagues in the House. This MSDA sheet that all businesses that handle chemicals in this state are required to have on hand; my good friend, the Representative from Lincoln, referred to it as a booklet. It's quite a hefty book. All my students, it does not require a chemistry degree; my automotive students know how to look up the chemicals that they use. It's already in place. This is redundancy at its best.

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. 119

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

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

ABSENT - Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, McLean, Pickett, Reed.

Yes, 85; No, 54; Absent, 9; Excused, 2.

85 having voted in the affirmative and 54 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-114)** 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-114)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass** on Bill "An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products"

(S.P. 444) (L.D. 1459)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
PEOPLES of Westbrook
RYKERSON of Kittery

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
BRADSTREET of Vassalboro
LOCKMAN of Bradley
MORRIS of Turner

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

READ.

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

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought 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 Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Madam Speaker. As anyone who is a parent knows, among the many hopes and dreams that you have, you hope that your child looks at you and knows that you go out into the world giving every drop of effort and hard work that you have so that you can come back to them at the end of the night safe and providing them with the things that they need. And that's what this bill is about for the folks who toil logging in the Maine woods.

There's probably no more iconic figures in Maine than the lobstermen, the fishermen, and the logger, which most folks from away know from; by the statue of Paul Bunyan and his blue ox. But the difference between that statue and real loggers is that real loggers don't spend a lot of time standing around. They awake at 2:30, they drive for hours sometimes and set up for the sun, they work until it's gone, they drive home, and they do it all again. The pay for their efforts is often different than what they're told. They pay for their own tools and equipment. They receive little or no benefits for the bulk of them. The pay that they receive, you know, they never know when they go to get their pay envelope if it will be what they're promised because they don't have a say in how it is promised and how it comes out. And this is for one of the most dangerous jobs in America and even though they do not meet most of the qualifications for independent contractors, the majority of them are.

Now, and here's the thing; these guys don't complain. They love what they do. They are generational workers. But if these workers mention that maybe the setup that day doesn't look so safe, that the trucks are piled too high, that maybe they ought to slow down and check a piece of perhaps faulty equipment; if you get out of line, then you find yourself in the unemployment line looking for a new career. Because the general contractors in this small area of Maine all talk, all know each other and pass along who is trouble.

Now, you may say what does a guy from Portland know about this; well, at the hearing we had on this bill, the room was full of loggers and their families, but most of them did not testify because they were worried that someone would find out. And, sure enough, the couple that did come forward and testify had calls in to their bosses the next day to make sure that they knew that they'd been there. Now, this bill creates the ability for an association to be formed in the same way that the potato farmers and the lobstermen formed associations. These are

associations that allow them to bargain over the conditions of their work and the associations that work right now for these other two industries, work very well. They were created in order for people who were independent workers like farmers and lobstermen to be able to negotiate over what they bring home, how they do it, and exactly, you know, make sure that they can take care of their families.

Now, as the folks who testified said so and the dozens that spoke to me after, no one's trying to get rich. They just want to make sure that they can feed their families and get home to them safe and have a conversation about how best to do that without having to fear that they will lose their jobs. Now, these are smart folks, my colleagues, generations of loggers, proud of what they do, and they don't need a magic ox. They just need each other and they need the rights to be able to negotiate over the terms of their employment, and this bill allows them to do so. So I ask you to support the Ought to Pass motion. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Bradstreet.

Representative **BRADSTREET**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I applaud the Good Representative from Portland for laying out what is before us here today. Indeed, we do agree that there are issues that need to be resolved, but this is not a doable solution.

Comparing harvesters and haulers of forestry products is not comparable to farmers. It's apples and oranges. Farmers negotiate over a product. Forest harvesters and haulers are doing a service, not providing a product, and it's not possible to collectively negotiate any service where there are untold numbers of variables. For some examples, every situation is unique, there are varying degrees of species of trees, all having different values at different times. There are different topographies that render some operations to be more difficult than others. There are varying distances of deliveries for different products at different times. There are varying difficulties in traversing different types of land situations such as streams and vernal pools that must be dealt with. The cost of fuel at any particular time, that varies. The type of equipment that is needed varies at a particular time and setting, and many more. In short, every acre and every situation in the forest is unique, and that certainly means it's highly unreasonable that a one size fits all agreement is doable.

We understand that working in the forest industry is very difficult work and being fairly compensated is sometimes an issue, but this bill does not address that. The only result of this bill would be driving up cost for an industry that is just now recovering from a terrible downturn. The ones that will be eventually hurt are those the bill claims to help, and those are the loggers and the haulers of forest products. I appreciate your no vote on this issue. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Hiram, Representative Wadsworth.

Representative **WADSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I cannot figure out if there are any loggers that actually want this bill. I have 22 logging and trucking companies in my rural western Maine district and none of them want this. Professional Logging Contractors is not for this, the Maine Forest Products Council is not for this. My family owns a timber harvesting business, we're not for this.

I was reviewing the testimony and no professional logging contractor or members have testified for this. So that begs the

question; if the loggers and haulers don't want this, why are we doing this?

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

Representative **STETKIS**: Thank you, Madam Speaker. You know, I found it interesting, especially with the comment from the Representative from Hiram, you know, looking through the testimony, Maine Forest Products Council, who represents thousands and thousands of folks in that industry since 1961, in their testimony they say the council strongly opposes LD 1459 because it is trying to force a square peg into a round hole. They go on to say we also oppose the bill because this approach was tried and it failed. A bill with similar goals was enacted in 2004 and then repealed in 2009 by the request of then-governor John Baldacci. I'm not sure why politicians here in Augusta are trying to impose these things on the people in these industries but I think it's a really bad idea. 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 rise in opposition to the pending motion.

As many may know in this room, I have 42-plus years growing up around the forest products industry outside of a small stint when I worked for Lincoln Paper and Tissue and serving in the military. I concur with the Representative from Portland in somewhat. Yes, we do get up at 2:30 in the morning and we put in 16-18 hours a day. But let me assure this body, Madam Speaker, to answer the Good Representative from Hiram, the only thing that I see this piece of legislation doing is trying to get back at a certain landowner in Northern Maine. After we had the public hearing, I texted my brother --

The SPEAKER: The Representative will defer. The Chair will remind the Representative not to question the motives of other Members.

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

The SPEAKER: The Representative may continue.

Representative **HANINGTON**: Okay, I'm sorry, Madam Speaker. I texted my brother and I said, Steve, I said, this same piece of legislation that is trying to help a certain sector, it's going to hurt that certain sector. Because let me assure this body, the profit margin is not there to welcome unionized loggers. My brother operates a logging company that's been around for 60 years and 50% of his business is owner-operators. And I don't want to indulge in what they make, but they're happy, you know, they're consistent, you can rely on them, but by no means if we unionize the loggers, would he hire? No, because we're hired as a service from the landowner and the landowner can only pay what the mills can afford to pay them so, in turn, they hire our service. So we have to divvy that up. I don't care if it's \$32 a ton roadside, we have to give the truckers a certain amount, we have to give our expenses a certain amount. So, at the end of the day, they might be at the end of the year, in some cases less than a percent profit margin. So if you make \$12 million a year gross receivables, at the end of the year if you break that all down and only have \$400,000 to \$500,000 profit, you're doing good to start up the next year.

So, in some cases, it's going to cause the logging contractors that's been in business for years, to operate in the red versus the black. So, you're going to be hurting an industry. So, take it from me, if this piece of legislation goes

through, Madam Speaker, we will see a downturn in the forest products industry that has an \$8 billion gross revenue for the State of Maine. I'm speaking from the truth because I lived it, and I stress to everyone in this chamber that has any concept or any belief or anything about business, vote this piece of legislation down because I personally feel that it's the wrong thing to do and I thank you for listening to me to rant. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Dolloff.

Representative DOLLOFF: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I'm a wife of a logger. He's not doing that currently but we had our skidders, we had the chainsaw, we did everything, he had the contracts with the paper mills. Yes, he got up at 3:30 in the morning and he worked hard and he came home and he loved it. He supported us, we had healthcare, we had everything anybody else had.

This is not about compensation. This isn't about working safe because there is not a logger that I know out there that doesn't want to be safe. This is not about well if this guy is mistreated and doesn't like the company he's working for, there are plenty of companies to go to. This bill will be passed on down to our paper mills and I stand here in support of my town, my paper mill, that is trying to bring industry back in. The Old Town Mill; this will have a ripple effect on that mill where they're trying to get that mill back up and running. So this isn't just about loggers. It's going to have a ripple effect; it's going to hurt the paper industry. Thank you.

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

ROLL CALL NO. 120

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

NAY - Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Corey, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Campbell, Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, McLean, Pickett, Reed, Rykerson.

Yes, 83; No, 54; Absent, 11; Excused, 2.

83 having voted in the affirmative and 54 voted in the negative, with 11 being absent and 2 excused, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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

Majority Report of the Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought Not to Pass** on Bill "An Act To Ensure the Integrity and Accountability of Persons Who Are Elected to Public Office"

(S.P. 131) (L.D. 453)

Signed:

Senators:

CLAXTON of Androscoggin
DESCHAMBAULT of York

Representatives:

MARTIN of Sinclair
BRYANT of Windham
HEAD of Bethel
KINNEY of Knox
PEBWORD of Blue Hill
REED of Carmel
TUELL of East Machias
VEROW of Brewer

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-119)** on same Bill.

Signed:

Senator:

DAVIS of Piscataquis

Representatives:

EVANGELOS of Friendship
RISEMAN of Harrison

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

READ.

Representative MARTIN of Sinclair moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative EVANGELOS of Friendship **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 Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you, Madam Speaker, Men and Women of the House. The amendment proposed in the committee was narrowed down to focus on one specific problem, an issue that we faced in the state, and that is it was built around something that had happened in Oxford County but it could happen in any of our counties. It deals with the county sheriff and right now in order for a county sheriff to be removed from office for misconduct the Article 9, Section 10 of the Constitution, and I quote, whenever the Governor upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty

imposed upon the sheriff by law, the Chief Executive may remove such sheriff from office and appoint another sheriff. The problem is that it takes 30-60 days, folks, to get through the hearing process and when you have serious misconduct, there's no way to get a rogue sheriff out of office. This person can be sitting in office, destroying important records, and we had a very serious situation in Oxford County.

All this bill does, prior to the completion of the hearing, is it allows the Chief Executive to place a sheriff on administrative leave, paid administrative leave. And when we questioned the sheriffs who testified against the bill, we asked them what do you do when you have a police officer who needs sanctions or disciplining and the answer was well, we put them on paid administrative leave, which leads to the next question, well, if it's good enough for them, why isn't it good enough for you. So that's all this bill does. It allows the Chief Executive in an emergency situation at the county level while an attempt to hold a county sheriff accountable, allows them to do what every superintendent of school does, what every town manager does, and what the county sheriffs themselves do; to place an employee on paid leave while a fair hearing occurs so that records and the morale of the department isn't destroyed in the meantime.

So, the amendment is a good solution and I hope you'll vote against the pending motion and support the amendment. Thank you, Madam Speaker.

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

Representative **DILLINGHAM**: Thank you. Being someone from Oxford County and having had to live through this in our local papers and statewide on the news, I think to bring forth a piece of legislation to impugn the integrity of every single one of our sheriffs that are elected officials in our state because of one incident that has happened that has not happened within our sheriff's departments within decades is a bit too much. And I would put the question to the Representative from Friendship, if the question to our sheriffs if it's good enough for your employees why isn't good enough for you, then I would challenge him why is it not good enough to put the same level of requests upon members of the Legislature.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Madam Speaker. I rise in opposition to the Ought Not to Pass Report.

The statute as it exists currently would not change anything about the situation that happened in Oxford. If the Ought Not to Pass Report were to succeed under current law, a sheriff under investigation for wrongdoing could remain in office until a formal hearing is established. That could be anywhere up to several months until a formal hearing is actually conducted. Time could be of the essence in settling this issue. It's only fair that the Chief Executive have the power to suspend with or without pay of any sheriff who is under investigation. This protects all parties and provides a due process method for all parties involved. Please vote the Minority Report by first defeating the Ought Not to Pass motion. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise in strong support of the Majority Ought Not to Pass Report and I got to say it was one of those issues that we came together in a bipartisan way as our committee has worked exceptionally well this year.

We kicked this around quite a bit. We voted it one day and then we came back a couple of weeks later when the room was empty and decided to vote it again and we tabled it until, lo and behold, the room was full again, and decided to vote it again and we pretty much ended up in the same position we started out as. And one of the reasons we did is in asking the head of the Maine Sheriff's Association what would happen if this bill were to pass, I specifically asked would there be a lawsuit or could there be a lawsuit if this bill were to pass and the answer was it's a pretty safe bet that our National Sheriff's Association would be knocking on our door, so to speak. And I fear that doing something that is constitutionally questionable would open our state up to a lawsuit. It certainly questions the integrity of my sheriff, Barry Curtis, and those around the state who have done great work as sheriffs. I come from a county that's had some issues with a sheriff in the past but the answer to that was, as the answer was the other day, was to ultimately that sheriff was voted out of office.

So, I don't think we need this bill and I would hope and pray that we vote it down here today. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I stand in strong support of the pending motion. My green light is going to question me on this, I'm sure.

This bill came to us as a concept draft and the county commissioners came and testified neither for nor against because they really didn't know what was going to be happening with this bill. As we progressed in work session and well, through the public hearing and through work session, the county commissioners as a whole were coming to us in opposition to this bill, this concept. They can already do what this bill is seeking to fix. It's a problem that, unfortunately, protocol wasn't followed in Oxford County, as the Good Representative from Oxford stated earlier. So there is protocol in place and this is going against all of our sheriffs who are duly elected through their constitutional office. And so therefore I urge you strongly to support this bill, this motion, and vote green. Thank you.

The SPEAKER: The Chair recognizes the Representative from Friendship, Representative Evangelos.

Representative **EVANGELOS**: Thank you. I apologize for rising again, Madam Speaker, but I did want to answer the query from the Good Representative from Oxford.

First of all, no one is questioning the integrity of our sheriffs. We're trying to set up a process where all other employees in the state are governed by and to answer the question of what would've happened to a state legislator if they had engaged in this conduct, I can tell you, it would be right upstairs to the Ethics Committee and then a vote to expel. So, we do have an accountability system here in the House. Thank you.

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

Representative **MARTIN**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I want to point out that I chose not to object or raise a point of order due to the respect and friendship of my colleagues on the committee, but there's been a lot of debate about the Minority Report that's currently not before us.

The previous speaker just mentioned that this started out as a concept draft, it morphed into a piece of legislation dealing with county-elected officials, how they should be removed or

suspended. It further morphed into the sheriff's position, specifically an incident that occurred two or three years ago in a county in western Maine. Clearly, we had a lot of discussion on this piece of legislation. Although there might have been merit on that particular situation, we conferred with the Maine County Commissioner's Association, we conferred with the Sheriff's Association, and as the good gentleman from East Machias mentioned, all 16 county sheriffs clearly testified in opposition to this piece of legislation.

The Maine Constitution, in Title 38 in the Maine Statute, clearly states that the Chief Executive of this state can clearly remove the sheriff; no one else, no other county-elected official, limited to the sheriff, because the sheriff is mentioned in the Maine Constitution. At the advice and counsel of an attorney on the second floor that I conferred with, the opinion of the second floor is that if our Chief Executive can remove a sheriff, he or she can also suspend the sheriff. So that's why there was no further need to discuss this piece of legislation, no need for what's in the Minority Report. So I would ask you to follow my light and move on with this piece of legislation.

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. 121

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Farnsworth, Faulkingham, Fay, Fecteau J, Foley, Foster, Gattine, Griffin, Grohoski, Haggan, Hall, Handy, Hanley, Harnett, Harrington, Head, Hepler, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCREA, McCreight, McDonald, Melaragno, Meyer, Millett, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pierce T, Prescott, Reckitt, Riley, Roberts-Lovell, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Sylvester, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, White B, White D, Zeigler, Madam Speaker.

NAY - Ackley, Evangelos, Fecteau R, Gramlich, Hickman, Kessler, Marean, Moonen, Pluecker, Riseman, Talbot Ross, Wadsworth, Warren.

ABSENT - Campbell, Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, McLean, Pickett, Reed, Rykerson.

Yes, 123; No, 13; Absent, 12; Excused, 2.

123 having voted in the affirmative and 13 voted in the negative, with 12 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act To Provide Funding to Municipalities Severely Affected by Pest Infestations"

(H.P. 464) (L.D. 643)

Signed:
Senators:

DILL of Penobscot
BLACK of Franklin
DIAMOND of Cumberland

Representatives:

HICKMAN of Winthrop
HALL of Wilton
KINNEY of Knox
KRYZAK of Acton
MAXMIN of Nobleboro
McCREA of Fort Fairfield
PLUECKER of Warren
ROBERTS-LOVELL of South Berwick
SKOLFIELD of Weld

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-341)** on same Bill.

Signed:

Representative:

O'NEIL of Saco

READ.

On motion of Representative HICKMAN of Winthrop, the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-310)** on Bill "An Act To Restore System Administration Allocations in Maine School Administrative Units to the Level Prescribed for Fiscal Year 2017-18"

(H.P. 321) (L.D. 412)

Signed:
Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFIELD of Bangor
BRENNAN of Portland
DODGE of Belfast
FARNSWORTH of Portland
INGWERSEN of Arundel
McCREA of Fort Fairfield

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

Signed:
Senator:

POULIOT of Kennebec

Representatives:

DRINKWATER of Milford
FECTEAU of Augusta
RUDNICKI of Fairfield
SAMPSON of Alfred

READ.

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

Representative SAMPSON of Alfred **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 Alfred.

Representative **SAMPSON:** Thank you, Madam Speaker, Ladies and Gentlemen of the House. This issue goes back to last year's budget where all the schools received more money. And one of the ideas behind this was that we wanted to get more money into the classrooms by lowering the per pupil allocation for the State share to administrators, which the State share would be lowered but the local share would be picking up what the administrators would do or would receive. Yet, everything else in the school stayed the same. They increased, they actually increased their funding.

So, you know, I see this as a backdoor approach to increasing school budgets without actually getting the money into the classroom, which I believe is a priority. So I oppose this measure, thank you.

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

Representative **McCREA:** Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. I sponsored this bill.

I come from a rural district up in the County but it affects many small schools, rural schools and some very large schools. There was a considered program of consolidation that this came through as sort of an alternative way to address that. And basically it was said to be consolidation of administrative services. What it basically did is it took districts that, such as mine, that had already done things that were models of consolidation and we did it organically over a period of time for a long period of time. For example, we consolidated the use of; our superintendent was the same one used in RSU 39, Caribou/Limestone/Stockholm, and he is now also our superintendent. The problem is that we did it a little bit too early so it put us in a space where we suffered a penalty because we didn't do the consolidation more recently. There were other examples in the very same school districts, in fact throughout the entire county.

This also affects other districts in the state. So it took basically the systems administration fee, part of the fund and it changed it from \$135 per student downward at one point to \$47 per student. And you'd say well, that's not a lot. It is a lot. It's a tremendous amount when you take it for every student in the district. All this bill does is simply restore it to those levels so that there is not a penalty for not having done that. It is not newfound money; it is putting money back where it was taken from. So I thank you very much and I appreciate it. Thank you, Madam Speaker.

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 in support of the pending motion.

To echo the Representative from Fort Fairfield, this was also an issue that was brought to me by my superintendent. I was admittedly not really aware of what system administration

did and why it was necessary. So I'd just like to share with you very quickly the testimony from my superintendent, just part of it, that kind of explains why this is needed in the schools, why the districts need system administration. Well, consider that my district, MSAD 35, is the largest employer in both South Berwick and Eliot, with over 380 full or part-time employees. The system administration allocation funds both payroll and human resources for these employees. System administration allocation also funds the superintendent, the business manager, operational officers, and accounts payable positions which manage five separate campuses with 124 total acres, six buildings totaling 450,000 square feet with an appraised value of \$80 million, the district's bus maintenance facility which serves 29 busses and eight vans. These vehicles travel 450,000 miles per year and transport over 2,300 students. The district also operates five cafeterias at its schools which serves approximately 160,000 meals per year to its students. For the year 2017, our district received approximately \$536,000 from the State of Maine for the functions listed above. Currently, the district is projected to receive approximately \$108,000 for the 2020 school year, a four-year decrease of over \$428,000.

So this isn't an issue of have versus have not or taking money away from the pupils, it's funding our schools and keeping them operated. So I ask for your support. Thank you.

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

Representative **STEWART:** Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. As a former veteran of the wonderful Education Committee, I can speak to this a little bit. It starts to get into the weeds pretty quick and as folks who have spent any time at all trying to wrap their heads around the EPS funding formula that we use to pay the State's share of public K-12 education will know, we are talking here about a line item in that formula that was directed towards, at the local level, funding your administrative costs. That's things like superintendents, your business operators, you name it. In the last budget cycle, this body, including both sides of the aisle as well as the then Chief Executive, supported efforts that would ensure that more money made it into the classroom rather than to other components that are involved in public K-12 education. And I've got to be clear here that there is not a penalty. That's fine that some folks might believe that and might sort of spin it to present the illusion that they received less money to their district, but I can tell you that that did not happen. We put \$160 million, more than \$160 million of new money into public K-12 education last time, in the last budget cycle, and the districts overall received more money on a district by district level than they would've, now, if you were to go down and dig into the formula that was then altered and moved some of that, where that money was to be spent, of course, at the end of the day, the district just gets a check and they can ultimately do whatever they want with that money after the fact, but if you were to dig into that, you would see that the offset is not that there was a penalty for superintendents, it was a prioritization of money going into the classroom where we were able to coalesce around in the last session about prioritizing for Maine students.

And so, with that, Madam Speaker, that background in mind, I am going to be voting against this motion and would request that my colleagues follow my light. Thank you.

The **SPEAKER:** The Chair recognizes the Representative from Guilford, Representative Stearns.

Representative **STEARNS:** Thank you, Madam Speaker. Previous administration back during the consolidation days cut system administration by 50% with the same kind of notion that

this was going to save 50% of the cost of administration. It absolutely did not happen. You can't just ignore something that is legally mandated and practically mandated. As a matter of fact, at that time I was practicing as a superintendent of schools and it kind of gnawed at me that some people that were in the administrative branch decided administration was not necessary. I have read some of the plans that were put together from this latest situation to cut it from 50% down to zero. Some of the plans, one of the plans comes to mind where they decided to, the two school systems decided to get together and share some athletic transportation services and food purchasing. Oh, my. My school system's done that for 45 years. We couldn't operate any other way.

I talked to a colleague, a neighboring superintendent from; a superintendent from a neighboring district to the town that I live in who operates an AOS. He was told point blank by Department of Education officials that they would, he read the law and said we already do this and he said what you, he was told what you will need to do is dismantle your AOS and have the people vote on it again and just then continue doing what you're doing. It would've cost the district thousands of dollars. They'd been through that with the State of Maine before through consolidation. They said no, thank you.

So, we require every town in the State of Maine to have a superintendent of schools. We require that, that's in statute. School systems for years have found ways to collaborate, to get together to share those costs. There are not people throughout the woodwork who say boy, let's take some money away from children and give it to somebody in a suit so that they can go in an office somewhere. It just does not happen. The EPS formula is designed to look at every cost component in education and apply a dollar amount to that. At that point, as my good friend from Aroostook County, the Representative from Presque Isle, alluded to, that gives you a number and only a number and that number goes forward to the local units to decide how to run their school systems as best they can. So, with zero dollars coming in from the State, you would think they would say this must mean we don't need administration. Wrong answer. You've got to have payroll, you've got to have someone looking after the organization. It's ludicrous to think that that is not a cost component of education.

Maine ranks right dead center in the middle of total costs of administration. When you look at system administration, school administration, and every other type of administrative, payroll, the entire administrative function, we rank dead center in the United States. System administration is the only unit out of all the nine budget categories that has gone down in the last decade. It was down by 8% but with the advent of new schools being opened up in the past few years that are heavily administrators, it has now crept up to 3% of the total amount that you spend on education in Maine. The students in my school system are lucky that they have people that look after them that put as much money in the classroom as they possibly can. They're not lucky that for each and every one of those children they lose \$196. Now, you can call that a penalty, you can call that a bonus, whatever you want to call it, but at the end of the day, it's \$196 per pupil that those kids don't have. I highly support this bill.

The SPEAKER: The Chair recognizes the Representative; actually, the Chair will first remind Members to please direct comments to the rostrum.

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

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

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I echo the sentiments of my good friend and colleague, Representative Stearns. I just wanted to point out a point of history. I'm hoping there aren't too many rotten tomatoes here this morning because I was the project manager, Madam Speaker, for school consolidation under the Baldacci administration.

That particular initiative relied heavily on penalties, and I think we can look today and see that was a failed policy despite the efforts of many good-willed people, both in the Legislature and the administration. Local schoolboards, various community committees, spent countless hours, significant resources, a lot of political capital, and I can tell you personally since I traveled across the state, a lot of heartache. And the end result was such that we saw very few results. What I learned from that experience and I think we should've learned as a State is that penalties do not work. And I think that Representative Stearns is exactly right in calling this a penalty.

So I will be supporting the pending motion, Madam Speaker, Ladies and Gentlemen of the House. Thank you for your time.

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. 122

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

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Caiazzo, Campbell, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Griffin, Hanley, Harrington, Head, Javner, Johansen, Keschl, Kinney, Lockman, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Rudnicki, Sampson, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, McLean, Pickett, Reed, Rykerson, Skolfield.

Yes, 95; No, 41; Absent, 12; Excused, 2.

95 having voted in the affirmative and 41 voted in the negative, with 12 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-310)** 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-310)** and sent for concurrence.

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

CONSENT CALENDAR

First Day

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

(S.P. 260) (L.D. 894) Bill "An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting" Committee on **JUDICIARY** reporting **Ought to Pass**

(S.P. 76) (L.D. 264) Bill "An Act Regarding the Taking of a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Accident" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-118)**

(S.P. 104) (L.D. 364) Bill "An Act To Establish the Right To Practice Complementary and Alternative Health Care Act" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-109)**

(S.P. 136) (L.D. 458) Bill "An Act To Require Motorists To Yield to Transit Buses" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-129)**

(S.P. 182) (L.D. 595) Bill "An Act To Amend the Laws Governing the Unlawful Cutting of Trees" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-126)**

(S.P. 193) (L.D. 606) Resolve, To Require the Department of Health and Human Services To Provide Cost-based Reimbursement to Maine Veterans' Homes Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-120)**

(S.P. 212) (L.D. 699) Resolve, To Provide for Outreach Programs To Assist Women at Risk of Giving Birth to Substance-exposed Infants Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-121)**

(S.P. 221) (L.D. 708) Bill "An Act To Expand Maine's Moose Lottery To Benefit Wounded Service Members and Veterans" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-112)**

(S.P. 267) (L.D. 913) Bill "An Act To Protect the Public from Clergy Sexual Abuse" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-117)**

(S.P. 302) (L.D. 1023) Bill "An Act Regarding the Definition of 'Serious Bodily Injury' in the Maine Criminal Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-116)**

(S.P. 336) (L.D. 1116) Bill "An Act To Strengthen the Lead Poisoning Control Act" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-122)**

(S.P. 359) (L.D. 1173) Bill "An Act To Allow the Direct Sale of Electricity" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-123)**

(S.P. 394) (L.D. 1274) Bill "An Act To Enact the Health Insurance Consumer Assistance Program" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL**

SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (S-110)**

(S.P. 395) (L.D. 1275) Bill "An Act To Support Access to Health Services for Homeless Youth in Maine" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-127)**

(S.P. 403) (L.D. 1307) Bill "An Act To Promote Snowmobiling in Maine" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-113)**

(S.P. 436) (L.D. 1408) Bill "An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-115)**

(S.P. 449) (L.D. 1469) Bill "An Act To Amend the Charter of the Rumford-Mexico Sewerage District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-124)**

(S.P. 492) (L.D. 1557) Bill "An Act To Authorize an Additional Position in the Office of the Public Advocate" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-125)**

(H.P. 204) (L.D. 241) Bill "An Act To Adjust the Personal Property Tax Exemption for Farm Machinery" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-335)**

(H.P. 514) (L.D. 709) Bill "An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-328)**

(H.P. 603) (L.D. 829) Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners (EMERGENCY) Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-320)**

(H.P. 605) (L.D. 831) Bill "An Act To Ensure Grandparents and Great-grandparents Have Visitation Rights" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-315)**

(H.P. 615) (L.D. 841) Bill "An Act To Amend the Laws Governing Damages Awarded for Wrongful Death" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-314)**

(H.P. 640) (L.D. 866) Bill "An Act To Support College Completion by Homeless Youth in Maine" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-321)**

(H.P. 740) (L.D. 985) Bill "An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-322)**

(H.P. 768) (L.D. 1038) Bill "An Act To Improve Funding for Maine's Hazardous Materials Emergency Response Teams" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-319)**

(H.P. 809) (L.D. 1105) Bill "An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Addiction" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-337)**

(H.P. 820) (L.D. 1131) Bill "An Act To Improve the Ability of Senior Citizens and Persons with Disabilities To Stay in Their Homes" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-327)**

(H.P. 851) (L.D. 1168) Resolve, To Improve Maine's Response to Childhood Trauma Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-323)**

(H.P. 917) (L.D. 1256) Bill "An Act To Provide a Health Care Preceptor Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-331)**

(H.P. 957) (L.D. 1322) Bill "An Act To Provide Equitable Tax Treatment to State-licensed Marijuana Businesses" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-334)**

(H.P. 969) (L.D. 1341) Bill "An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-325)**

(H.P. 1037) (L.D. 1424) Bill "An Act To Create an Access to Justice Income Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-332)**

(H.P. 1067) (L.D. 1455) Bill "An Act To Change the Name of Township 17, Range 3 to Van Buren Cove" (EMERGENCY) Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-338)**

(H.P. 1084) (L.D. 1482) Bill "An Act To Clarify Provisions of the Blueberry Tax" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-340)**

(H.P. 1121) (L.D. 1538) Bill "An Act Regarding Compensation Equity for Positions in the Maine Community College System" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-324)**

(H.P. 1130) (L.D. 1568) Bill "An Act Authorizing the Deorganization of Magalloway Plantation" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-339)**

(H.P. 1178) (L.D. 1643) Bill "An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2019-20" (EMERGENCY) Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-326)**

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 as Amended** and sent for concurrence.

Acts

An Act To Require That Nonmotorized Carriages Be Equipped with Reflective Tape and Lights

(H.P. 161) (L.D. 198)
(C. "A" H-243)

An Act To Raise the University of Maine System Debt Ceiling

(H.P. 169) (L.D. 206)
(C. "A" H-26)

An Act To Ensure Protection of Patients in Medical Reviews by Health Insurance Carriers

(S.P. 61) (L.D. 249)
(C. "A" S-107)

An Act To Address Student Hunger with a "Breakfast after the Bell" Program

(S.P. 99) (L.D. 359)
(S. "A" S-100 to C. "A" S-78)

An Act To Limit the Number of Students and Prevent the Addition of Grade Levels at Virtual Public Charter Schools

(H.P. 370) (L.D. 513)
(C. "A" H-239)

An Act To Enhance Highway Safety by Strengthening the So-called Move Over Law

(S.P. 168) (L.D. 546)
(C. "A" S-98)

An Act To Allow Chiropractic Internships

(H.P. 623) (L.D. 849)
(C. "A" H-262)

An Act To Provide Adequate Reimbursement under MaineCare for Ambulance and Neonatal Transport Services

(S.P. 269) (L.D. 915)
(C. "A" S-104)

An Act Increasing Municipal Agent Fees for Motor Vehicle Registrations

(S.P. 272) (L.D. 917)
(H. "A" H-279 to C. "A" S-70)

An Act To Establish Universal Public Preschool Programs

(H.P. 773) (L.D. 1043)
(C. "A" H-256)

An Act To Authorize Public Schools To Periodically Test for Radon

(H.P. 802) (L.D. 1079)
(C. "A" H-251)

An Act To Allow Maine Medical Marijuana Caregivers To Measure Cultivation Limits by Plant Canopy Size

(H.P. 878) (L.D. 1218)

An Act To Require the Director of the Maine Center for Disease Control and Prevention To Be Credentialed

(S.P. 397) (L.D. 1277)
(C. "A" S-101)

An Act To Improve Oral Health and Access to Dental Care for Maine Children

(H.P. 1014) (L.D. 1399)
(C. "A" H-249)

An Act To Expand Access to Head Start To Assist Opioid-affected and Other At-risk Families

(H.P. 1030) (L.D. 1417)
(C. "A" H-265)

An Act To Create a System Using the Permit for Disposition of Human Remains To Track the Burial of Cremated Remains in a Public Cemetery

(H.P. 1086) (L.D. 1484)

An Act To Amend the Date by Which an Applicant for Funds under the Local Road Assistance Program Must Provide Certification to the Department of Transportation

(H.P. 1106) (L.D. 1513)

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

Resolves

- Resolve, To Reduce Food Waste in Schools
(H.P. 398) (L.D. 541)
(C. "A" H-255)
 - Resolve, Concerning the Adoption of Rules To Carry Out the Purpose of the Bridging Rental Assistance Program
(H.P. 441) (L.D. 613)
 - Resolve, To Require Professional Licensure for Home Inspectors
(H.P. 492) (L.D. 671)
(C. "A" H-223)
 - Resolve, To Review Asset Limits for Social Service Programs
(H.P. 570) (L.D. 765)
(C. "A" H-247)
 - Resolve, To Increase Access to Brain Injury Waiver Services
(H.P. 727) (L.D. 972)
(C. "A" H-245)
 - Resolve, To Establish and Fund Interventions for At-risk Families and Children
(H.P. 769) (L.D. 1039)
(C. "A" H-250)
 - Resolve, To Require Reimbursement for Bed-hold Days in Adult Family Care Homes
(S.P. 345) (L.D. 1125)
(C. "A" S-103)
 - Resolve, To Examine Issues Relating to Bullying in Schools
(S.P. 402) (L.D. 1306)
(C. "A" S-105)
 - Resolve, To Direct the Department of Administrative and Financial Services To Conduct a Surplus Property Inventory
(H.P. 1008) (L.D. 1394)
(C. "A" H-263)
- Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-316)** on Bill "An Act To Increase Funding for Civil Legal Services"
(H.P. 177) (L.D. 214)

Signed:
Senators:
CARPENTER of Aroostook
BELLOWS of Kennebec

Representatives:
BAILEY of Saco
BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

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

Signed:
Senator:
KEIM of Oxford

Representatives:
CURTIS of Madison
HAGGAN of Hampden

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-316)** 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-316)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-329)** on Bill "An Act To Increase Funding for Multimodal Transportation"
(H.P. 613) (L.D. 839)

Signed:
Senators:
CHIPMAN of Cumberland
POULIOT of Kennebec
SANBORN, H. of Cumberland

Representatives:
TIPPING of Orono
CLOUTIER of Lewiston
DENK of Kennebunk
MATLACK of St. George
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
MAREAN of Hollis
STANLEY of Medway

READ.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-330)** on Bill "An Act To Exempt Certain Print Publications from Sales Tax"
(H.P. 899) (L.D. 1238)

Signed:
Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
CLOUTIER of Lewiston
DENK of Kennebunk
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:
Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
KRYZAK of Acton
MAREAN of Hollis

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-330)** 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-330)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Remove Sales and Use Taxation on Gold and Silver Coins" (H.P. 1058) (L.D. 1446)

Signed:
Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-333)** on same Bill.

Signed:
Senator:

POULIOT of Kennebec

Representatives:

BICKFORD of Auburn
KRYZAK of Acton
MAREAN of Hollis

READ.

Representative TIPPING of Orono moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative BICKFORD of Auburn **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 Winter Harbor, Representative Faulkingham.

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

Since the early days of trade, gold and silver have been used as currency. Even when paper currency came into circulation, it was still tied to the gold and silver standard. When gold and silver are tied to currency, it slows down or even stops inflation. Inflation is the brutal and invisible tax that hits hardest on the poor. We can come here and increase the minimum wage every year but what good does it do if inflation outpaces the increases? It is my hope that we will abandon these dangerous financial practices, of using the Federal Reserve to print notes out of thin air. It is my hope that one day we end the Fed and return to the gold and silver standard for currency.

In closing, gold and silver coins are currency. Don't tax currency. I urge you to vote no on the motion.

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

Representative **FECTEAU**: Thank you, Madam Speaker. I rise in opposition to the pending motion.

Article 1, Section 10 of the U.S. Constitution states no state shall make anything but gold and silver coin a tender in payment of debts. Well, we have unfortunately fallen far and away from gold and silver as the recognized finite material for the U.S. dollar. States all over the nation have removed sales tax from monetary metals. Maine could become the 40th state to remove this tax. Let's put it this way; the simple action of taking a dollar bill and exchanging it for change is a nontaxable event. The same can be said for foreign currencies. When I was in Austria in March, I was able to convert U.S. dollars in my bank account into euros. Again, this was a nontaxable event. In Michigan, when they got rid of the tax, they saw an increase in state revenue. There were more coin shops, more products being sold, more employees, and they opened themselves up to conventions and conferences that engaged civic centers, hotels and restaurants. Allowing another currency increased economic prosperity.

Gold and silver aren't the same thing of collecting, as collecting things like stamps, not even close. Stamps aren't melted down for the weight and value in paper and glue. Gold and silver are an investment primarily based on its weight and purity. This bill is for gold and silver bullion that is coined, stamped or imprinted with its weight and purity and the value of which is based primarily on its metal content and not on its form. This isn't about Meme's necklace or Pepe's ring.

Gold and silver deserve the same tax protection as well as our citizens that would enjoy the added investment protection because they're already buying it in the tax-free live or die state. Those that invest in physical gold and silver aren't the fat cats. They are those that don't have access to, or the knowhow to complicated stocks or other electronic investment. These are our neighbors looking for a small investment. Treating gold and silver as currency is what 39 other states are

doing. Let's live up to the Constitution and end the Fed. Thank you.

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, this bill does what the title says. It provides an exemption for the sale and use of gold and silver coins. Under current law, when gold and silver coins are used as currency, they are not taxed. They are only taxed when they are sold as a collectible, like stamps or baseball cards. And at that point their value is based on their rarity, not their minted face value. This bill would cost around \$500,000 to support one segment of the collectibles industry in the state. Although it would be good for that industry, I don't believe it is good tax policy for the State of Maine. I hope you support the Ought Not to Pass motion.

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. 123

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

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

ABSENT - Cebra, Cloutier, Costain, Crockett, Cuddy, Curtis, DeVeau, Grignon, Haggan, Hanington, McLean, Peoples, Pickett, Reed, Rykerson.

Yes, 79; No, 54; Absent, 15; Excused, 2.

79 having voted in the affirmative and 54 voted in the negative, with 15 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Establish Open Primaries for Certain Federal and State Offices"

(H.P. 96) (L.D. 114)

Signed:

Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
McCREIGHT of Harpswell
STROM of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-311)** on same Bill.

Signed:

Representatives:

ACKLEY of Monmouth
HICKMAN of Winthrop
HUBBELL of Bar Harbor

READ.

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

Representative MOONEN of Portland **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: 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. 124

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Carney, Cooper, Corey, Craven, Curtis, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Faulkingham, Fay, Fecteau J, Foley, Foster, Gattine, Gramlich, Griffin, Grohoski, Haggan, Hall, Handy, Hanley, Harnett, Harrington, Head, Hepler, Higgins, Hobbs, Hutchins, Hymanson, Ingwersen, Javner, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Maxmin, McCrea, McCreight, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Perkins, Perry A, Perry J, Pierce T, Pluecker, Prescott, Reckitt, Riley, Roberts-Lovell, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Terry, Theriault, Tucker, Tuell, Verow, Wadsworth, White B, White D.

NAY - Ackley, Beebe-Center, Berry, Cardone, Collings, Daughtry, Evangelos, Farnsworth, Fecteau R, Hickman, Hubbell, Johansen, Mastraccio, Matlack, McDonald, Riseman, Skolfield, Sylvester, Talbot Ross, Tepler, Tipping, Warren, Zeigler, Madam Speaker.

ABSENT - Cebra, Cloutier, Costain, Crockett, Cuddy, DeVeau, Grignon, Hanington, McLean, Peoples, Pickett, Reed, Rykerson.

Yes, 111; No, 24; Absent, 13; Excused, 2.

111 having voted in the affirmative and 24 voted in the negative, with 13 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Open Maine's Primaries and Permit Unenrolled Voters To Cast Ballots in Primary Elections"

(H.P. 174) (L.D. 211)

Signed:

Senators:

LUCHINI of Hancock
CYRWAY of Kennebec
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
ANDREWS of Paris
COOPER of Yarmouth
DOLLOFF of Rumford
HANINGTON of Lincoln
HUBBELL of Bar Harbor
McCREIGHT of Harpswell
STROM of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-312)** on same Bill.

Signed:

Representatives:

ACKLEY of Monmouth
HICKMAN of Winthrop

READ.

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

Representative ACKLEY of Monmouth moved that the Bill be **TABLED** until later in today's session pending the motion of Representative SCHNECK of Bangor to **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **TABLE** until later in today's session pending the motion of Representative SCHNECK of Bangor 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: A roll call has been ordered. The pending question before the House is to Table until later in today's session pending the motion of Representative Schneck of Bangor to Accept the Majority Ought Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 125

YEA - Ackley, Babbidge, Collings, Evangelos, Gramlich, Grohoski, Harnett, Harrington, Higgins, Kessler, Marean, McCrea, O'Neil, Pebworth, Pluecker, Reckitt, Riseman, Sylvester, Talbot Ross, Terry, Wadsworth, Warren.

NAY - Alley, Andrews, Arata, Austin B, Austin S, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cooper, Corey, Craven, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Dunphy, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gattine, Griffin, Haggan, Hall, Handy, Hanley, Head, Hepler, Hickman, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCreight, McDonald, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, Ordway, Paulhus,

Perkins, Perry A, Perry J, Pierce T, Prescott, Riley, Roberts-Lovell, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Theriault, Tipping, Tucker, Tuell, Verow, White B, White D, Zeigler, Madam Speaker.

ABSENT - Cebra, Cloutier, Costain, Crockett, Cuddy, DeVeau, Grignon, Hanington, McLean, Peoples, Pickett, Reed, Rykerson.

Yes, 22; No, 113; Absent, 13; Excused, 2.

22 having voted in the affirmative and 113 voted in the negative, with 13 being absent and 2 excused, and accordingly the motion to **TABLE** until later in today's session pending the motion of Representative Schneck of Bangor to **ACCEPT** the Majority **Ought Not to Pass** Report **FAILED**.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, this is not the first time that Maine Legislature has seen this bill. It has come before us in the 127th and in the 128th and we've sort of seen this repetition of bills before. It's, our efforts on opening Maine's primaries are much like those of the suffragists from the 79th Maine State Legislature. History tells us that after many false starts to grant voting rights for women in Maine, it was the proposing of the federal constitution, the constitutional amendment, in the spring of 1919 in this very chamber and that became the impetus for the Maine State Legislature to vote for its ratification. An amendment to the state constitution was approved by referendum later that year.

The Susan B. Anthony Amendment, the 19th Amendment, opened the door to participation in democracy for half of our population. And so here we are, Madam Speaker, a century later, having a conversation that sounds eerily familiar. What is different today is the growing concern in our country that our democratic traditions are beginning to crumble. Whether it is due to foreign interference in elections, supercharged technologies, voter suppression, a loss of personal privacy, or a political system that is awash in dark money, the reality is, the basic nuts and bolts of our self-government are looking a bit rusty. To many of us, it feels like we are going backwards.

It's often said that there is no single solution that's going to solve a problem of this magnitude, yet a bill like LD 211 is exactly what saved social harmony in 1919. It's part of what made this country the longest surviving representative democracy in history. When we continue to grow the number of people who are stakeholders in American self-government, it becomes easier for all of us to accept the outcome of our elections.

In this measure, Madam Speaker, we are looking at a bill that represents one small step in continuing the expansion of our great American experiment. It's a simple one. Should we allow unenrolled voters the privilege of casting a vote in the primary elections that their tax dollars have paid for? About one-third of Maine voters fall into this category, Madam Speaker. Eighty percent of 500 Mainers polled across the state last session agreed that primary elections should be open to all. They agree that if our tax dollars pay for it, we own it, and anything less is taxation without representation.

Now, I realize that many people will consider party primaries as a private concern and that the freedom of association, a First Amendment right, is what is most important. However, the U.S. Supreme Court has ruled, May of 2017, that open primaries are constitutional. Shouldn't the freedom of association also apply to the freedom not to

associate? Requiring association to vote in a primary funded by all taxpayers is an artificial hurdle that discourages some voters from participating.

Now, I know there are many who are afraid of abuse if Maine opens its primaries. Nonetheless, 38 other states trust unenrolled voters more than we do here in Maine. In those states, voters have exercised their voting privileges responsibly in primaries with no increase in so-called voter fraud or strategic voting or any other type of electoral shenanigans. In fact, the amendment that I prepared for this bill to clearly address these concerns makes this bill just as protective as our existing statute against electoral malfeasance in our current primary system. In fact, the advantage to the parties, I might add, is that opening primaries is another opportunity to engage voters. About 50% of millennials, 50% of veterans of the Iraq and Afghanistan wars are unenrolled. What better way to encourage party building than by nurturing the habit of voting in primaries and supporting candidates with our young people? These demographic groups represent the voters of the future and a path for building long-term support for political parties.

The problem, Madam Speaker, with disengaged citizens is the vicious cycle it creates. People who think that their votes don't count, don't vote. When we encourage voter participation and show that voting has value and merit, we reverse that vicious cycle and turn it into a virtuous one. Looking back to the groundbreaking vote on women's suffrage of the 79th Maine Legislature, the right and just answer seems so obvious to us today. Thanks to them, it's become an unquestioned cornerstone of our institutions. And my hope for this bill is that the legislators of 2119 will look at our process today and wonder why something so obvious to them would seem so controversial to us. The legislators of 1919 recognized that there was a population among them who were being denied a voice. Who were they to deny their mothers, their sisters, wives, and daughters the right to equal participation? Today, I ask you to join me in continuing that legacy of taking bold steps to secure the future of Maine's self-government. The question in front of us today should be, for each Member, are we going to be on the right side of history in a century's time.

I thank you, and I'm happy, well, I guess I won't take any questions. Thank you, Madam Speaker.

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 to the Good Representative from Monmouth, if I may.

The SPEAKER: The Representative may proceed.

Representative **LOCKMAN**: Perhaps I'm mistaken, but is it not true that if an unenrolled voter wishes to cast a ballot in either the Democrat or Republican primary, they can do that on election day by enrolling in the party on election day and then if they choose immediately after voting, un-enrolling. Is that not current law?

The SPEAKER: The Representative from Bradley, Representative Lockman, has posed a question to the Representative from Monmouth if he would like to answer.

Representative **ACKLEY** of Monmouth **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 Representative will defer.

The Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. The question is a reasonable question, Madam Speaker. It's been said that because folks have the ability, unenrolled voters have the ability to register with a party on the day of an election that this bill is therefore a giant nothing-burger. I have a different opinion of that particular observation.

If it is true that there is no effect of this bill, I mean, the short answer to the question, Madam Speaker, is yes, current statute allows an unenrolled voter to enroll on the day of an election, but that is not the only part of the story. If it is true that there is no effect of this bill simply because folks can enroll, then why is it that the League of Women Voters testified in favor of this bill and noted an estimated increase in about 10% in terms of turnout on primary day? Why is it that the Secretary of State's office attached a very significant fiscal note to this bill due to an increase in having to print ballots? Because, Madam Speaker, the rest of the story is that what this bill is about is pretense. There are many principled unenrolled voters who refuse to pretend. If you ask them to join a party so that they can vote in a members-only primary, they would instead choose to know that they have remained true to themselves. Those people of principle are the ones who bristle when they see a process that asks a false question and they are smart enough not to answer it.

Now, our Secretary of State has referred to the voting booth as the sacred alter of our democracy, Madam Speaker. Pretense in the polling place is not something that we should be encouraging. We should not be tolerating a policy that keeps Maine primaries for members only.

The SPEAKER: The Chair recognizes the Representative from Nobleboro, Representative Maxmin.

Representative **MAXMIN**: Thank you, Madam Speaker, Members of the House. I rise in opposition to this motion and in support of open primaries on behalf of my district for two reasons.

The first is equity and access. In my community, 35% of registered voters are unenrolled, 33% are Republicans, 27% are Democrats, and 5% are with another party. That means that more than one-third of people in my district have no say in who their party candidates are in the general election. I had a primary and 27% of people could vote in my primary. If we had open primaries then 62% of registered voters in my communities could have participated in the Democratic primary. With closed primaries, we are isolating power within our parties instead of equalizing access.

The second reason that I support open primaries is that I believe in policies that unite us instead of divide us. We can empower unenrolled voters. Instead of pressuring people to switch to vote with a party we can have political structures that create a platform for all of us to stand together; a platform that we can all stand upon and that highlights what we can do together instead of what divides us. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: Madam Speaker, I'd like to answer the question. Unenrolled voters can register the day of the primary but they have to remain in the party for two months before un-enrolling.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Madam Speaker. I stand in opposition for the motion on the Floor as an Ought Not to Pass motion. And I'm speaking from experience. As a concerned citizen and also as a poll watcher in my small town,

I can tell you that in the primaries at any number of times people have come in to ask to vote in a primary as an unenrolled voter only to be turned away because they did not want to register with a party but they may have had a certain political point of view that they didn't want to express, so any time you have a primary you're probably going to have a cadre of options in an election for any particular party, and I think it's very important that we allow these unenrolled voters to be able to make that choice and to be able to vote in a primary. And I think you'll see based on the results historically that Maine is excellent in the general election, having somewhere over 80% of voters participate. But if you go back to the primaries, you'll see that the participation is quite a bit lower. If we are going to be a democracy that invites participation by citizens, then we need to vote to have open primaries in this state.

So I encourage you to vote against the motion and then we can take a look at adopting the Minority Report. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As with many election changes that have been proposed, proponents often foresee a change in the way campaigns will be conducted and they hope and expect and they propound that it will be; result in greater participation, more civil behavior and so forth and so on. Yet, the Representative from Monmouth, as I recall, said that there was something like 38 states that have open primaries. When I googled it, it was 15, but whether it's 15 or 38, there's a lot. However, do we see a higher rate of participation in those states than we do in Maine? Maine is one of the highest participation rates in the country. We, likewise, see in the states that have open primaries, that they are as divided as the rest of our country. The primary candidates attract the extremes of both parties, for the most part, and that is a problem in our society but having open primaries has not changed that dynamic.

So I see no reason for us to change our law, which makes it easy and quite possible for people to participate if they so choose. So, therefore, I urge the adoption of the current motion. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. The primary is a function of our political party system and nobody seems to want to stand and defend that, and so I just want to put in two cents because I've spent my years of activism, through the party is how I got involved. I was also a Social Studies teacher for 40 years and I encouraged children to be active. I'm the first Democrat to be elected in my town in 94 years, so my children were all Republican, from Republican families. I probably am responsible for more young Republican activism than anybody in the room.

But the point is that although I love my neighbors, I don't get a vote in how many children they're going to have or where they're going to go on vacation. A political party is merely a group of people who are likeminded, generally, on certain issues and therefore they have decided to join together in order to elect people to implement policy. That's all it is. Big tent parties, no dues, no requirements to join, you can have any philosophical background or attitudes that you want, and so the very small requirement that you at least join in order to tell the party who their candidate is, is reasonable, in my opinion. And I think you join a party to tell the party what to do. Everybody is independent. I hope no one in this room doesn't

feel that they have an independent mind. Thank you, Madam Speaker.

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

Representative **KESCHL**: Yes, I would concur with the Good Representative from Kennebunk. You know, I'm a party member, a Republican party member, and I work hard to get candidates for primary elections, I put money forward for primary elections, and to allow those bystanders, those folks who choose not to join the party to participate in the process that I worked and perhaps to defeat one of my candidates, I have problems with. So, I urge you to support the Ought Not to Pass.

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. 126

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Cooper, Corey, Craven, Curtis, Denk, Dillingham, Dolloff, Doore, Drinkwater, Dunphy, Faulkingham, Fecteau J, Fecteau R, Foley, Foster, Gattine, Griffin, Haggan, Hall, Handy, Hanley, Harrington, Head, Hobbs, Hubbell, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Martin J, Martin R, Martin T, Mason, Matlack, McCreight, Melaragno, Millett, Moonen, Morris, Nadeau, O'Connor, O'Neil, Ordway, Peoples, Perkins, Perry A, Perry J, Prescott, Riley, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Tucker, Tuell, Wadsworth, White B, White D, Zeigler.

NAY - Ackley, Bailey, Beebe-Center, Berry, Cardone, Carney, Collings, Crockett, Daughtry, Dodge, Doudera, Evangelos, Farnsworth, Fay, Gramlich, Grohoski, Harnett, Hepler, Hickman, Higgins, Ingwersen, Jorgensen, Kessler, Madigan C, Marean, Maxmin, McCrean, McDonald, Meyer, Morales, Paulhus, Pebworth, Pierce T, Pluecker, Reckitt, Riseman, Roberts-Lovell, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Verow, Warren, Madam Speaker.

ABSENT - Campbell, Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, Mastraccio, McLean, Pickett, Reed, Rykerson, Stearns.

Yes, 89; No, 45; Absent, 14; Excused, 2.

89 having voted in the affirmative and 45 voted in the negative, with 14 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-313)** on Bill "An Act To Apply the Same Auditing Standards to All Candidates and Political Action Committees"

(H.P. 861) (L.D. 1187)

Signed:

Senators:

LUCHINI of Hancock
HERBIG of Waldo

Representatives:

SCHNECK of Bangor
 ACKLEY of Monmouth
 COOPER of Yarmouth
 HICKMAN of Winthrop
 HUBBELL of Bar Harbor
 McCREIGHT of Harpswell

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

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ANDREWS of Paris
 DOLLOFF of Rumford
 HANINGTON of Lincoln
 STROM of Pittsfield

READ.

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

Representative STROM of Pittsfield **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 Pittsfield.

Representative **STROM**: Thank you, Madam Speaker. This bill will make traditionally funded candidates, PACs, committees, follow all the same auditing standards as what the Maine Clean Election candidates follow. But there's a reason why the Maine Clean Election candidates are, a certain percentage of them are audited every election cycle and that's because they are using taxpayer money to fund their campaign, so I think it's fair that an extra eye is kept on that. So I don't think it's unfair that there is a difference between the two and if this bill was to pass, this is going to put a lot more work on our fine individuals we have working over there at Ethics, and so for that reason I hope you'll follow my light and vote Ought Not to Pass.

The **SPEAKER**: The Chair recognizes the Representative from Harrison, Representative Riseman.

Representative **RISEMAN**: Thank you, Madam Speaker. Campaign finance laws and rules are important, and so is their enforcement. They're in place to protect the public right-to-know and prevent corruption and the appearance of corruption in political campaigns. Under the current law, at the end of the election cycle the Maine Ethics Commission is only required to conduct a thorough audit of 20% of the Clean Election candidates. This makes logical sense. In addition to possibly uncovering irregularities and violations, an audit can reveal the adequacy or inadequacy of disclosure requirements, document retention, and other aspects of the campaign law. It only makes sense that these safeguards are applied to all candidates regardless of a candidate type, whether it be Clean Elections or traditional. So please vote to pass the Ought to Pass motion. Thank you.

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

ROLL CALL NO. 127

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Curtis, Dolloff, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - Cebra, Cloutier, Costain, Cuddy, DeVeau, Dillingham, Grignon, Hanington, Mastraccio, McLean, Pickett, Reed, Rykerson, Stearns.

Yes, 91; No, 43; Absent, 14; Excused, 2.

91 having voted in the affirmative and 43 voted in the negative, with 14 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-313)** 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-313)** and sent for concurrence.

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Enact the Maine Citizens' Initiatives Clean Election Act"

(H.P. 1145) (L.D. 1583)

Signed:

Senators:

LUCHINI of Hancock
 HERBIG of Waldo

Representatives:

SCHNECK of Bangor
 ANDREWS of Paris
 COOPER of Yarmouth
 HUBBELL of Bar Harbor
 McCREIGHT of Harpswell
 STROM of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-318)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

ACKLEY of Monmouth
 DOLLOFF of Rumford
 HANINGTON of Lincoln
 HICKMAN of Winthrop

READ.

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

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Corey.

Representative **COREY**: Thank you, Madam Speaker, Members of the House. I rise to oppose the pending motion. I'm speaking in favor of the Act to Enact the Citizens' Initiatives Clean Election Act.

Maine citizens are being left in the dark by a citizen initiative process that has been hijacked by well-monied out-of-state special interests. Our citizens have lost their voice. Maine citizen initiative, void of hearings and work sessions like our legislative process, in theory replaces critical input with a campaign where proponents and opponents make their cases. Of course, that's if both sides get the microphone. When legislators and citizens present testimony in one of Maine's joint standing committees, you hear from them once regarding a bill, whether they have \$5 or \$5 billion in the bank, it does not determine the frequency by which their voices are heard by our legislators. Today, our now special interest initiative process does not afford voters the opportunity to receive well-rounded discussions where proponents, opponents and even those not for or against measures can speak. While legislators take receiving a variety of viewpoints for granted, Maine's citizens are subject to undue influence, leaving then uninformed before making decisions impacting lives. Hopefully we all recognize how this potentially affects the state budget, revenue, the economy and other legislative priorities.

In 1996, voters passed the Maine Clean Election Act with the intent to curb the impact of special interest money in elections and on candidates. Of course, problems still exist due to outside spending that is protected under the First Amendment. Spending money is protected speech. Communicating ideas with wide audience required significant expenditures, whether it be direct mail, paid canvassers or television, radio, and the internet, effective voter education costs. Today, Mainers know that the Maine, our citizen initiative process has become dominated by big money special interests. Many solutions have been offered but few are obstacles for these groups and some politically unsupportable for even the most high-minded legislators. Considering the significantly disproportionate spending between competing interests and when money has become speech, campaign finance is where Maine must address these issues.

As mentioned, the First Amendment protects political spending by equating it to speech. By giving well-organized Maine-based nonprofits and citizen groups the ability to qualify for public financing, we can bring opportunity for different viewpoints to be heard in the citizen initiative process. Public funding of campaigns is a concept that almost every Maine legislator can get their head around and a process that the public generally understands and accepts. I imagine that there is something in this bill for everyone in this chamber to hate and love. This is the only bill that's been proposed in the Legislature to address the funding side of the initiative. That's really the elephant in the room. We should have an expectation that our citizen initiatives are contested and competitive. Public financing brings this. The ability to run a

well-funded campaign should not be based on how much, how many political plutocrats come together to make a statement. Involving the public through the collection of qualifying contributions will assure voter-centered campaigns, citizen-centered campaigns. I've heard some concerns about over the cost that many of us take the money or this money, meaning Clean Election money, for ourselves, including myself. What I'm offering up is an opportunity for Mainers to innovate, have a more informed electorate, and return the citizen initiative process where it belongs; with the citizens.

Please join me in supporting this initiative by opposing the pending motion. Madam Speaker, I request a roll call.

The same Representative **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 Belgrade, Representative Keschl.

Representative **KESCHL**: Yes, while I'm generally opposed to the so-called Clean Election or taxpayer-funded election system, I do understand that it exists and we have to live with it. And I believe that because of that I do support this legislation because, and its intent to balance the citizens' initiative process. So, I urge you to oppose the pending motion.

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. 128

YEA - Alley, Andrews, Arata, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Bradstreet, Brennan, Caiazzo, Cardone, Carney, Cooper, Craven, Crockett, Daughtry, Denk, Dillingham, Dodge, Doore, Doudera, Dunphy, Faulkingham, Fecteau J, Fecteau R, Foley, Gattine, Grohoski, Haggan, Handy, Harrington, Head, Hepler, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Johansen, Jorgensen, Kessler, Kinney, Kornfield, Kryzak, Lockman, Madigan C, Martin J, Martin R, Martin T, Mastraccio, Matlack, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Connor, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Reckitt, Riley, Roberts-Lovell, Schneck, Sharpe, Sheats, Stanley, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Terry, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Austin S, Babine, Blier, Bryant, Campbell, Collings, Corey, Curtis, Dolloff, Drinkwater, Evangelos, Farnsworth, Fay, Foster, Gramlich, Griffin, Hall, Hanley, Harnett, Hickman, Higgins, Javner, Keschl, Landry, Lyford, Marean, Mason, Maxmin, Millett, Morris, Ordway, Perkins, Pluecker, Prescott, Riseman, Rudnicki, Sampson, Skolfield, Sylvester, Talbot Ross, Theriault, Tipping, Tuell, Wadsworth, White D.

ABSENT - Bickford, Cebra, Cloutier, Costain, Cuddy, DeVeau, Grignon, Hanington, McLean, Pickett, Reed, Rykerson, Stearns.

Yes, 89; No, 46; Absent, 13; Excused, 2.

89 having voted in the affirmative and 46 voted in the negative, with 13 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

**ENACTORS
Acts**

An Act To Expand Application of the Maine Agricultural Marketing and Bargaining Act of 1973 to Harvesters and Haulers of Forest Products

(S.P. 444) (L.D. 1459)

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

SENATE PAPERS

The following Joint Order: (S.P. 598)

ORDERED, the House concurring, that when the Senate and House adjourn, they do so until Tuesday, May 28, 2019 at 10:00 in the Morning.

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

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

**ENACTORS
Constitutional Amendment**

RESOLUTION, Proposing an Amendment to the Constitution of Maine Regarding Early Voting

(H.P. 447) (L.D. 619)
(C. "A" H-42)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 85 voted in favor of the same and 49 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Facilitate the Use of Ranked-choice Voting for Governor and Members of the Legislature

(H.P. 1079) (L.D. 1477)
(C. "A" H-236)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being a Constitutional Amendment, a two-thirds vote of the House being necessary, a total was taken. 83 voted in favor of the same and 53 against, and accordingly the Resolution **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

An Act To Ensure the Availability of Community Integration Services

(H.P. 568) (L.D. 763)
(C. "A" H-252)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 85 voted in favor of the same and 50 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Transfer the Kim Wallace Adaptive Equipment Loan Program Fund to the Office of the Treasurer of State

(H.P. 849) (L.D. 1160)
(C. "A" H-258)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 10 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, To Increase Funding for Assertive Community Treatment

(H.P. 824) (L.D. 1135)
(C. "A" H-253)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 85 voted in favor of the same and 47 against, and accordingly the Resolve **FAILED FINAL PASSAGE** and was sent to the Senate.

Emergency Measure

Resolve, To Transfer the Guilford Butler School Property to the Town of South Thomaston

(H.P. 943) (L.D. 1300)
(C. "A" H-264)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapter III, Section 28: Allowances for Rehabilitative and Community Support Services for Children with Cognitive Impairments and Functional Limitations, a Late-filed Major Substantive Rule of the Department of Health and Human Services

(H.P. 1211) (L.D. 1696)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 127 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

SENATE PAPERS

Bill "An Act To Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils"

(S.P. 602) (L.D. 1778)

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

REFERRED to the Committee on **EDUCATION AND CULTURAL AFFAIRS** in concurrence.

Bill "An Act To Reduce the Membership of the Clean-up and Response Fund Review Board"

(S.P. 600) (L.D. 1776)

Bill "An Act To Add Rivers, Streams and Brooks to the Department of Environmental Protection's Compensation Fee Program"

(S.P. 601) (L.D. 1777)

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.

Bill "An Act To Increase the Efficiency of Certain Consumer Credit Protection Laws"

(S.P. 599) (L.D. 1767)

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

REFERRED to the Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** in concurrence.

ORDERS

On motion of Representative HYMANSON of York, the following Joint Order: (H.P. 1266)

ORDERED, the Senate concurring, that the Joint Standing Committee on Health and Human Services shall report out, to the House, a bill relating to options to adjust upper payment limits for services under MaineCare.

READ.

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

Representative **HYMANSON**: Thank you, Madam Speaker. In certain fiscal notes we've been getting in Health and Human Services, they have been hitting up against a new wall we haven't seen before called the upper payment limit. This is a resolve to direct DHHS to negotiate ways to raise the upper payment limit so we don't have to use general funds as we hit this upper payment. Thank you, Madam Speaker.

Subsequently, the Joint Order was **PASSED**.
Sent for concurrence.

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

The SPEAKER: The Chair recognizes the Representative from Beals, Representative Alley.

Representative **ALLEY**: Madam Speaker, I request unanimous consent to address the House on the record.

The SPEAKER: The Representative from Beals has requested unanimous consent to address the House on the record. Hearing no objection, the Representative may proceed on the record.

Representative **ALLEY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, in reference to Roll Call 105, LD 798; had I been present, I would have voted yea. In reference to Roll Call 106, LD 798; had I been present, I would have voted nay. In reference to Roll Call 107 on LD 36; had I been present, I would have voted yea. In reference to Roll Call 108 on LD 318; had I been present, I

would have voted yea. In reference to Roll Call 109, LD 712; had I been present, I would have voted yea. In reference to Roll Call 110 on LD 614; had I been present, I would have voted yea. In reference to Roll Call 111 on LD 1232; had I been present, I would have voted yea. In reference to Roll Call 112 on HP 264; had I been present, I would have voted yea. In reference to Roll Call 113 on LD 193; had I been present, I would have voted yea. In reference to Roll Call 114 on LD 1261; had I been present, I would have voted nay. Thank you.

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

Representative **HANLEY**: Thank you, Madam Speaker. Permission to speak on the record?

The SPEAKER: The Representative from Pittston has requested unanimous consent to speak on the record. Hearing no objection, the Representative may proceed on the record.

Representative **HANLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Please remember that Monday is Memorial Day and that is a day that we remember those that have given their lives in service to this nation. So whatever problems you and I might have personally or professionally, they don't amount to much to those that are in their graves. So please remember that this weekend. Thank you.

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

On motion of Representative PIERCE of Falmouth, the House adjourned at 2:15 p.m., until 10:00 a.m., Tuesday, May 28, 2019 pursuant to the Joint Order (S.P. 598) and in honor and lasting tribute to Albert "Jody" Alphonse Gaudreau, Jr., of Gilead and Florence M. McCann, of Falmouth.