

MAINE STATE LEGISLATURE

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



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

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

Daily Edition

First Regular Session
beginning December 5, 2018

pages 1 -

ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
43rd Legislative Day
Tuesday, May 28, 2019

Representative MOONEN of Portland assumed the Chair.
The House met according to adjournment and was called to order by the Speaker Pro Tem.

Prayer by Alan Baughcum, Brunswick Area Interfaith Council.

National Anthem by Calais Middle School and High School Band.

Pledge of Allegiance.

Doctor of the day, Jessica Richmond, M.D., Sebec.

The Journal of Thursday, May 23, 2019 was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act To Clarify the Use of Burying Grounds and Family Burying Grounds"

(H.P. 777) (L.D. 1054)

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **STATE AND LOCAL GOVERNMENT READ** and **ACCEPTED** in the House on May 21, 2019.

Came from the Senate with the Reports **READ** and the Bill and accompanying papers **COMMITTED** to the Committee on **STATE AND LOCAL GOVERNMENT** in **NON-CONCURRENCE**.

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

COMMUNICATIONS

The Following Communication: (H.C. 185)

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

May 28, 2019

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

Dear Clerk Hunt:

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

on May 22, 2019

The Honorable Michael Carey of Lewiston, Sarah A. Churchill of Windham, Robert P. Cummins of Portland, the Honorable Roger J. Katz of Brunswick, Robert C. LeBrasseur of Sabattus, Ronald W. Schneider, Jr. of Wells, the Honorable Joshua A. Tardy of Newport and Mary Zmigrodski of South China for appointment to the Maine Commission on Indigent Legal Services.

Pursuant to Title 4, MRSA §1803, these appointments are contingent on confirmation by the Maine Senate after review by the Joint Standing Committee on Judiciary.

on May 24, 2019

Peter Geiger, for appointment to the State Board of Education Pursuant to Title 20-A, MRSA §401, this appointment is contingent on confirmation by the Maine State Senate after review by the Joint Standing Committee on Labor and Housing.

Sincerely,
S/Sara Gideon
Speaker of the House

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

The Following Communication: (H.C. 186)

**STATE OF MAINE
CLERK'S OFFICE
2 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0002**

May 28, 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:"

Criminal Justice and Public Safety

L.D. 326 An Act To Decriminalize Engaging in Prostitution

L.D. 516 An Act To Establish a Statewide Voluntary Firearm Collection Day and Ongoing Program

L.D. 747 An Act To Promote the Safe Use and Sale of Firearms

L.D. 869 An Act Regarding Gun Control

L.D. 1033 An Act To Protect Children from Accidental Injury Due to Unsafe Storage of Firearms

L.D. 1071 An Act To Prohibit the Sale of High-capacity Magazines

L.D. 1636 An Act To Increase the Efficiency of the Criminal Justice System

Environment and Natural Resources

L.D. 1707 An Act To Ensure Accuracy and Reliability of Environmental Testing by Requiring Compliance Testing by 3rd-parties

Health and Human Services

L.D. 752 An Act To Reduce Food Insecurity and Promote Economic Growth

Health Coverage, Insurance and Financial Services

L.D. 132 An Act To Eliminate Insurance Rating Based on Age, Geographic Location or Smoking History and To Reduce Rate Variability Due to Group Size

Innovation, Development, Economic Advancement and Business

L.D. 3 An Act To Enhance and Increase the Availability of Mental Health Providers in Maine (EMERGENCY)

L.D. 183 An Act To Increase the Number of Teachers in Maine

L.D. 349 An Act To Extend the Refundability of the Educational Opportunity Tax Credit to Students in the Behavioral Health Field

L.D. 386 An Act To Establish a Comprehensive Wildlife Biology Internship Program

L.D. 686 An Act To Ease Record-keeping Requirements for Auctioneers

L.D. 872 An Act To Forgive Education Debt for Certain Health Care Professionals Who Work in the State

- L.D. 1445 An Act To Provide Debt-free Educational Opportunities for Maine Residents
- L.D. 1530 An Act To Expand Incentives To Live and Work in Maine through a Tax Credit for Certain Student Loans
- Judiciary
- L.D. 1503 An Act To Establish the Maine False Claims Act
- L.D. 1522 An Act To Amend the Laws Regarding Orders of Abandonment for Residential Properties in Foreclosure
- Labor and Housing
- L.D. 312 An Act To Reduce the Cost of Workers' Compensation Insurance for Small Employers
- L.D. 1605 An Act To Provide Fair Contracts in the Logging Industry
- L.D. 1736 An Act To Compensate Corrections and Mental Health Workers for Injuries and Illness Suffered While Working
- Taxation
- L.D. 958 An Act To Amend the Maine Income Tax Laws

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 490)
MAINE SENATE
129TH LEGISLATURE
OFFICE OF THE SECRETARY

May 23, 2019
Honorable Sara Gideon
Speaker of the House
2 State House Station
Augusta, Maine 04333

Dear Speaker Gideon:
In accordance with 3 MRSA §158 and Joint Rule 506 of the 129th Maine Legislature, please be advised that the Senate today confirmed the following nomination:
Upon the recommendation of the Committee on Environment and Natural Resources, James W. Gorman, Jr. of Freeport for appointment to the Maine Outdoor Heritage Fund Board.
Best Regards,
S/Darek M. Grant
Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Amend Certain Education Laws"
(H.P. 1270) (L.D. 1785)

Sponsored by Representative KORNFIELD of Bangor.
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 Increase Land Permit by Rule Application Fees"

(H.P. 1269) (L.D. 1784)

Sponsored by Representative BLUME of York.
Submitted by the Department of Environmental Protection pursuant to Joint Rule 204.

Bill "An Act To Update Maine's Sales Prohibition on Upholstered Furniture Treated with Flame-retardant Chemicals"

(H.P. 1271) (L.D. 1786)

Sponsored by Representative FAY of Raymond.
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.

Bill "An Act To Amend the Motorcycle Rider Education and Driver Education Laws"

(H.P. 1267) (L.D. 1782)

Sponsored by Representative WHITE of Waterville.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: AUSTIN of Skowhegan, BRADSTREET of Vassalboro, BRYANT of Windham, COLLINGS of Portland, FECTEAU of Biddeford, MARTIN of Greene, PERKINS of Oakland, SHEATS of Auburn.

Submitted by the Secretary of State pursuant to Joint Rule 204.

Bill "An Act To Amend the Motor Vehicle Laws"

(H.P. 1268) (L.D. 1783)

Sponsored by Representative BRYANT of Windham.
Cosponsored by Senator DIAMOND of Cumberland and Representatives: AUSTIN of Skowhegan, COLLINGS of Portland, MARTIN of Greene, PERKINS of Oakland, SHEATS of Auburn, WHITE of Waterville.

Submitted by the Secretary of State 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.**

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-130)** on Bill "An Act To Require the State To Meet the Mandatory 55 Percent Contribution to Schools"

(S.P. 71) (L.D. 259)

Signed:
Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD 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

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-130)**.

READ.

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

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-138)** on Bill "An Act To Increase the Number of Recipients under the Tuition Waiver Program for Participants in Foster Care"

(S.P. 500) (L.D. 1566)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD 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

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-138)**.

READ.

Representative KORNFELD 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 PRO TEM: The Member may proceed.

Representative **SAMPSON**: Thank you, Mr. Speaker. So this bill is essentially about providing tuition waivers to students who are in the foster care system and currently the University System can provide tuition waivers to up to 30 students. The request here with this bill is to increase that, double that amount, and currently the University System is already providing \$6.5 million worth of tuition waivers which include these young people as well as veterans and those Native Americans. And so, my position is that essentially this should be up to the University System and we should not be mandating more benevolence from the University System. Thank you.

The SPEAKER PRO TEM: 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. 129

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

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

ABSENT - Campbell, Dolloff, Grignon, Harrington, Hickman, Martin R, McLean, Paulhus, Talbot Ross, Terry.

Yes, 89; No, 49; Absent, 10; Excused, 2.

89 having voted in the affirmative and 49 voted in the negative, with 10 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-138)** 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-138)** in concurrence.

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

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass** on Bill "An Act To Ensure Nondiscriminatory Treatment of Public, Educational and Governmental Access Channels by Cable System Operators"

(S.P. 426) (L.D. 1371)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
HANLEY of Pittston
KESSLER of South Portland
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Representative:

FOSTER of Dexter

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

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-135)** on Bill "An Act To Extend from 6 Months to One Year the Notice Period Required under the Maine Tort Claims Act"

(S.P. 157) (L.D. 492)

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

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-135)**.

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" (S-135)** 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-135)** in concurrence.

Nine Members of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** report in Report "A" **Ought to Pass** on Bill "An Act To Protect the Privacy of Online Customer Information"

(S.P. 275) (L.D. 946)

Signed:

Senators:

MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay
RYKERSON of Kittery

One Member of the same Committee reports in Report "B" **Ought to Pass as Amended by Committee Amendment "A" (S-133)** on same Bill.

Signed:

Representative:

FOSTER of Dexter

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-134)** on same Bill.

Signed:
Representative:
HANLEY of Pittston

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

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** Report "A" **Ought to Pass**.

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

Six Members of the Committee on **TAXATION** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-137)** on Bill "An Act To Encourage Savings through Contributions to Family Development Accounts"

(S.P. 401) (L.D. 1305)

Signed:
Senator:
POULIOT of Kennebec

Representatives:
BICKFORD of Auburn
KRYZAK of Acton
MAREAN of Hollis
STANLEY of Medway
STEWART of Presque Isle

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

Signed:
Senator:
CHIPMAN of Cumberland

Representatives:
TIPPING of Orono
CLOUTIER of Lewiston
DENK of Kennebunk
MATLACK of St. George
TERRY of Gorham

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-137)**.

READ.

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

Representative BICKFORD of Auburn **REQUESTED** a roll call on the motion to **ACCEPT** Report "B" **Ought Not to Pass**.

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

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

Representative **BICKFORD**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, New Ventures Maine has a program for income eligible Mainers that allows them to save up to \$1,000 over a period of six months to three years. The family or individual will receive a four to one match. They may use the funds as a down payment on a home, maybe on home repairs, car repairs, other personal

items, maybe they need to purchase a new vehicle, they could use it for a down payment on that, education, other necessities. This bill allows individuals to donate money to this program and they receive a 50% tax credit up to a maximum credit of \$25,000. This program needs funding. We should agree with the Ought to Pass Report that was accepted in the other body. Please vote no on the Ought Not to Pass motion today. Thank you.

The **SPEAKER PRO TEM**: The Chair will remind all Members not to make reference to the actions of the other body.

The Chair advised all members that it is inappropriate to refer to the potential action of the other body in order to influence the vote of the House.

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

Representative **TIPPING**: Thank you, Mr. Speaker. I rise to agree with the Representative from Auburn that this is, indeed, a great program, which is why we already have two tax deductions. One is just charitable giving where if someone were to qualify for this credit they would already qualify under current law for a deduction for charitable giving to this fund. And also the families who use FDA's currently have an exemption for withdrawals. What this would do is create a credit on top of the deduction system for singling out one charitable cause as more important than all the other charities in the state. I don't think that would set good tax precedent for the state. and I don't think it would be good policy. That's why I'm asking you to support the Ought Not to Pass motion. Thank you, Mr. Speaker.

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

ROLL CALL NO. 130

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

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

ABSENT - Dolloff, Grignon, Harrington, Hickman, Martin R, McLean, Paulhus, Terry.

Yes, 74; No, 66; Absent, 8; Excused, 2.

74 having voted in the affirmative and 66 voted in the negative, with 8 being absent and 2 excused, and accordingly Report "B" **Ought Not to Pass** was **ACCEPTED** in **NON-CONCURRENCE** 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-365)** on Bill "An Act To Limit the Number of Charter Schools in Maine"

(H.P. 231) (L.D. 307)

Signed:

Senators:

MILLETT of Cumberland
CARSON of Cumberland

Representatives:

KORNFELD 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 to Pass as Amended by Committee Amendment "B" (H-366)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

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

READ.

Representative KORNFELD 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 PRO TEM: The Member may proceed.

Representative **SAMPSON**: Thank you. So this bill is to cap charter schools. The current situation is that we have a limit of ten charter schools, nine of them are up and running, and this would permanently limit it at ten. It would also remove any local districts who would want to start a charter school would not be allowed to, either.

So, the issue with this is that this is a rather harsh judgement that has come down on charter schools without really looking at the bigger picture. And what has happened here is that we could've had an independent study done on these schools to get a bigger picture of where they are but, instead, we've made snap decisions based on one single snapshot. And what is not being considered is the fact that we have students that are in these schools who have come because many of them were really struggling. So if you're looking at students at a very, very low level and then you see what they're doing in an assessment and they're not doing that great, but what they're not looking at is the improvement that has occurred. So that's just one picture. The other thing they're not taking into consideration here is a number of students that have gone to these schools who had IEPs and are no longer having to receive services. Students who have

been bullied and seriously intimidated in school, left, and are in charter schools and a lot of those children, those stresses have dissipated and they're actually learning and that's the whole objective here, is for students to be learning.

Let me remind everyone that families who put their children in charter schools are already engaged. If there was actually a problem, the parents would remove them. So, this is just another example of not doing our due diligence before a harsh decision is made and I oppose this measure. Thank you.

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

Representative **FECTEAU**: Good morning, Mr. Speaker. I rise in opposition to the pending motion.

To paraphrase one of the charter school directors, there has been an all-out assault on charter schools this legislative term. We have a charter school commission and we should let them do their jobs. And when we disagreed with some of their procedures, as in how to decommission or the process for decommissioning a charter, we communicated that to them, they're going to fix it, and they're going to bring it back to us. So, permanently capping is definitely cart before the horse. And when we're talking about performance and the Maine Education Assessment, when we apply the Maine Education Assessment to our traditional public schools, it's a horrible assessment, but it's somehow a great indicator of success at public charter schools. So it's the same assessment and it's being used differently here.

And the number of schools is already being limited by the charter school commission and by the students that attend those charter schools. If not enough students attend a charter school, it can't stay open. When we're talking about innovation and imagination happening at our charter schools; Cornville, for example, 80% of their students are on free and reduced lunch - 80%. That's a huge number. Thirty percent of those students are special education students, which is almost twice the state average. And where they start with these kids and where they're taking them is really fantastic and it's through innovation and so we shouldn't be stifling that with a cap. So I encourage everyone that we have a system in place, we should let the charter commission do its thing, and we should continue using that system. Thank you.

The SPEAKER PRO TEM: 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. 131

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

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grohoski, Haggan, Hall, Hanington, Hanley, Head, Higgins, Hutchins, Javner, Johansen, Keschl, Kessler, Kinney,

Kryzak, Lockman, Marean, Martin T, Mason, Maxmin, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White B, White D.

ABSENT - Dolloff, Grignon, Harrington, Hickman, Martin R, McLean, Paulhus, Terry.

Yes, 81; No, 59; Absent, 8; Excused, 2.

81 having voted in the affirmative and 59 voted in the negative, with 8 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-365)** 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-365)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass** on Bill "An Act To Expand Options for Consumers of Cable Television in Purchasing Individual Channels and Programs" (H.P. 606) (L.D. 832)

Signed:

Senators:

MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
HANLEY of Pittston
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Senator:

LAWRENCE of York

Representatives:

FOSTER of Dexter
KESSLER of South Portland

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

Representative HANLEY of Pittston **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 PRO TEM**: The Member may proceed.

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, as you can see, I'm on the Ought to Pass Report but I did that for a different reason. The problem with this bill is it's a feel-good bill. It honestly can't do anything. Federal law supersedes state law.

Everyone would like to, including myself, like to purchase channels one by one for cable TV but under federal law that's not allowed and the only way this can be solved is in Washington, not in Augusta. So this bill, even though it has good intentions, is a feel-good piece of legislation. I ask you to follow my light and defeat it. Thank you.

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

Representative **EVANGELOS**: Thank you, Mr. Speaker, Men and Women of the House. Thanks to the Representative from Pittston for addressing a concern. I am feeling good today.

I just wanted everyone to know Public Advocate Hobbins received a letter from the FCC stating that there is no federal preemption preventing this from happening and I have a bulletin here, which I can read to you, from the FCC which states clearly that there is no law that requires cable companies or prohibits cable companies from offering channels on an a la carte basis.

Folks, the problem that we're facing is that our elders, people in their 70s, 80s and 90s, grew up in an era when television was free and in order to receive a program they want to watch called the Boston Red Sox, it costs \$100 in a cable package today to get a package that includes the Red Sox. And it, as Public Advocate Hobbins and I discussed, it actually approaches a 14th Amendment equal protection issue. You know, these people can't afford television and so they're priced out of the market. And I'm sure a lot of you when you went door to door encountered this. People have been priced out of the cable television market. And so we brought this bill forward. Public Advocate Hobbins actually met with the official in Washington D.C. on this exact preemption issue. They issued a letter dated May 7th saying there is no such regulation and the FCC refused to take a stand on it, but they denied there is any preemptive federal law preventing this. It is allowed.

What the bill will do is allow your local franchising authority to offer option. You know, think about it for a second, where else can we go in life where we have to buy a package? We go to the grocery store, we buy the things we want; we go to a restaurant, they have an a la carte menu. And all this bill does is it will allow the public to select from a menu of channels that they want instead of 70 channels that we never watch, being forced to pay for something that we don't use. So, I hope you'll follow the Ought to Pass recommendation on this. Thank you very much, Mr. Speaker.

The **SPEAKER PRO TEM**: 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. 132

YEA - Ackley, Alley, Arata, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Foster, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stover, Sylvester,

Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Dolloff, Grignon, Harrington, Hickman, Martin R, McLean, O'Neil, Paulhus, Perkins.

Yes, 94; No, 45; Absent, 9; Excused, 2.

94 having voted in the affirmative and 45 voted in the negative, with 9 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** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-369)** on Bill "An Act To Study Transmission Solutions To Enable Renewable Energy Investment in the State"

(H.P. 1016) (L.D. 1401)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox
WOODSOME of York

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay
RYKERSON of Kittery

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

Signed:

Representatives:

FOSTER of Dexter
HANLEY of Pittston

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-369)** 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-369)** and sent for concurrence.

Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought Not to Pass** on Bill "An Act To Authorize the Public Utilities Commission To Determine the Amount of the E-9-1-1 Surcharge"

(H.P. 1205) (L.D. 1681)

Signed:

Senators:

LAWRENCE of York
MIRAMANT of Knox

Representatives:

BERRY of Bowdoinham
CAIAZZO of Scarborough
DOUDERA of Camden
GROHOSKI of Ellsworth
KESSLER of South Portland
RILEY of Jay

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-370)** on same Bill.

Signed:

Senator:

WOODSOME of York

Representatives:

FOSTER of Dexter
HANLEY of Pittston
RYKERSON of Kittery

READ.

Representative BERRY of Bowdoinham moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative HANLEY of Pittston **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 PRO TEM**: The Member may proceed.

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this bill would allow or give permission to the PUC, the Public Utilities Commission, to actually lower a tax on the landlines and connection lines that is charged for the E-9-1-1 emergency system. And the reason they're asking for this permission is because right now it's at 45% per line per month. And it would allow them to actually lower the cost of this fee per month on each phone. And the reason they're asking for this is they have too much money in the fund, and the fund can only be used for E-9-1-1 emergency purposes. And so for once in our lives we have a chance to actually lower the burden on our citizens. I ask you to follow my light on this issue.

The **SPEAKER PRO TEM**: 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. 133

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield,

Landry, Madigan C, Martin J, Mastraccio, Matlack, Maxmin, McCreia, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Dolloff, Grignon, Harrington, Hickman, Martin R, McLean, Paulhus.

Yes, 87; No, 54; Absent, 7; Excused, 2.

87 having voted in the affirmative and 54 voted in the negative, with 7 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 **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-362)** on Bill "An Act To Protect the Environment and Public Health by Further Reducing Toxic Chemicals in Packaging"

(H.P. 1043) (L.D. 1433)

Signed:

Senators:

CARSON of Cumberland
FOLEY of York

Representatives:

TUCKER of Brunswick
BLUME of York
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
SKOLFIELD of Weld
ZEIGLER of Montville

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

Signed:

Representatives:

CAMPBELL of Orrington
LYFORD of Eddington

READ.

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

Representative CAMPBELL of Orrington **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 PRO TEM**: The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY**: Thank you, Mr. Speaker, Women and Men of the House. What does this bill do? This bill allows the DEP to create rules to prohibit the sale of food packaging

to which PFAS or perfluoroalkyl and polyfluoroalkyl substances have been added if a safer alternative is available, and in sufficient quantity and comparable cost and performance, and only for large food manufacturers. It does not regulate the in-state manufacturer of small food producers. It phases out the use of phthalates in adhesives in ink, inks in food packaging, a direction that the industry is already headed in.

In 1989, this Legislature passed a law to reduce toxicity in food packaging. This bill amends that law to include chemicals called phthalates and PFAS, if they have been intentionally introduced by the manufacturer.

Much of the process in this bill mirrors the process that this Legislature also put into place when it passed the Kid-Safe Products Act. That law passed in 2008 in both bodies with overwhelming bipartisan support.

PFAS are industrial chemicals used to make nonstick coatings, microwave popcorn bags, and fast food wrappers, and they are also found in stain-resistant and waterproof coatings on carpeting, furniture, and clothing, and in some firefighting foams and gear. There is a great deal of concern around these chemicals because they are very persistent in the environment and bio-accumulative and they don't break down. Other states are beginning to understand the fiscal impact associated with trying to clean them up. The best way to avoid those costs is to stop putting these compounds in the environment in the first place. Phthalates are chemicals that can be used as solvents and in other products like vinyl flooring, adhesives, detergents, lubricating oils, automotive plastics, plastic clothes and personal care products, and they are found in some food packaging inks and adhesives. PFAS and phthalates can be transferred to the food in the package and then ingested by us.

If we knew that these chemicals were safe, this might not be a problem, but we don't know that. There are thousands of compounds in the PFAS class, all with similar properties, but not all have had a thorough study. Some may say these chemicals haven't been proven to be harmful. We've heard this before, time and again. Doctors, scientists and chemists have expressed concern that the newer versions of PFAS chemicals have similar properties, cause similar health issues and will be even more difficult to clean up in the environment than the old ones. Do the generally recognized as safe regulatory process that the federal government uses, hasn't been updated in a long time, and wasn't originally intended to regulate these types of complex chemicals. We were told once that lead was safe. We now know it has serious impacts on child brain development. We were told that mercury wasn't harmful, but we now know exposure to developing brains can cause lifelong disabilities. We were told PCBs were safe but long-term exposure can cause a host of costly health problems. We were told that DDT was safe but now we know that it, too, can cause cancer and led to the decline of the American Bald Eagle population.

PFAS and phthalates are potential hormone disruptors and may cause certain forms of cancer including kidney cancer and testicular cancer, thyroid disease, birth abnormalities and obesity. And they accumulate in our bodies, they have been found in the blood of almost every American. Today we have the opportunity to make a small step towards keeping more of these forever chemicals out of our environment, by phasing out their use over time without putting an undue burden on food packagers and manufacturers. I'm hopeful that this body will see the wisdom in this. This bill will move our state towards a reduction of exposure to chemicals that persist in our environment. By addressing this particular source of

phthalates and PFAS, we'll be getting ahead of additional potential contamination issues by keeping it out of the way stream and away from landfills or composts, and away from ground water and soil. Maine won't be the first state to pass this type of legislation. Washington State has already done so and currently there are 19 other states considering 61 pieces of legislation to phase out PFAS chemicals in various ways. Let's continue to lead on this important environmental issue to protect our health and our environment. This bill is just a gentle nudge to industry to further move in that direction. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Mr. Speaker. The issue of keeping our children safe from toxic chemicals is what got me involved in politics years ago. When my daughter was little and we made charm bracelets for her friends and classmates, we found out there was lead in the charms we were using. As a concerned and informed parent, I went on to find out about many other chemicals in our children's products and I became active with the legislation that became the Kid-Safe Products Act. That law went on to ban BPA, a known hormone disruptor, from baby bottles and sippy cups. But that was just one of the many dangers. I had hoped that in the years after the Kid-Safe Products Act was passed it would continue to address other chemicals like phthalates, but that did not happen.

So, in 2013, I joined the Stroller Brigade, hundreds of women from across the United States, many with their own children, pushing baby strollers, who met with me and lawmakers in Washington D.C. to push for updating of the federal Chemical Safety Act. I still have the tee-shirt from that trip, and we still have too many harmful chemicals in our consumer products. So I ran for office so I could help support legislation like this. We know these chemicals are harmful, we know they should not be in our food containers. This bill does not go far enough, but it does move Maine in the right direction to protect our families' health. My children are now grown and I'm hoping you will help me protect my grandchildren by passing LD 1433.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Arundel, Representative Ingwersen.

Representative **INGWERSEN**: Thank you, Mr. Speaker. Mr. Speaker and good Men and Women of the House, I'd like to speak today for some of my constituents who live right nearby me down in Arundel.

For over a hundred years, Stone Ridge Dairy Farm, about a mile down the road from my house, has offered Mainers a source of healthy, high-quality milk. Fred Stone and his family have for generations been dedicated to providing a nutritious, fresh dairy product for all Mainers to enjoy. However, in November of 2016, the Stone family and their farming life took an unexpected change. Fred received a letter from the local water district, Kennebunk, Kennebunkport and Wells, that summer that they had tested a large commercial well that uses the same aquifer as Stone Ridge Farm does. They tested the water on his property as well and found that both the commercial well and the private well had contained twice the advisory levels of the toxic chemicals that we're speaking of today known as PFAS and PFOA. Fred's cows, of course, drank the water, so he contacted Maine Ag and Oakhurst Dairy, who was buying his milk. Oakhurst tested the milk and found very high levels of PFAS and PFOA in it, as well. So Fred was instructed by Oakhurst to throw out his milk until it tested safe levels again.

Where did this contaminate come from? For 15 years, three times a year from 1989 until 2004, Fred had been spreading sewage sludge on his fields and on about 12 other farms in the area. Sewage sludge was then considered a great soil amendment and it increased the productivity of farms. Further testing after 2016 at Fred Stone's Farm by the DEP found that the highest levels of PFAS and PFOA contamination is where the sludge had been applied. He had stopped applying this sludge over 16 years ago. Over the last two and a half years, Fred Stone and his family have tried very hard to get the milk clean enough to sell again. He has paid for and installed a \$20,000 water filtration system, he's brought in feed from out of state since his hay was also found to have high levels of PFAS and PFOA contamination. Unfortunately, year after year for the last two and a half years, tests have found his milk remaining at unsafe levels and he's been pouring it down the drain since 2016. After paying for the water filtration system, all the milk testing, all the water testing, and facing a loss in his farm's value, all this with no income from the milk, Fred has simply said to me; we are sinking. There was nothing that we can do for Fred at this point, his family, or for Stone Ridge Farm. I recently asked him, a man who's been farming his entire life, what's he going to do? He looked at me in his droll way and he said well, I guess I'll have to get a real job.

So there is nothing we can do, the damage was done years ago when we knew next to nothing about this toxic and pervasive forever chemical, PFAS, and we all thought sewage sludge was a great soil amendment to increase farm productivity, which it is. But what now? Now, we know so much more, and though we can't help Fred and his family save their farm, we can, as legislators, all of us here, responsible for the health and prosperity and the way of life of our citizens, begin to address the terrible legacy of this forever chemical. LD 1433 is a great start in addressing the continued use and eventual contamination of our food chain by this chemical. Please join me in supporting LD 1433. Thank you very much.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orrington, Representative Campbell.

Representative **CAMPBELL**: Thank you, Mr. Speaker, Men and Women of the House. I understand one piece of this legislation, the PFAS. It was really a heart wrenching experience to listen to this good farmer who has basically had his land contaminated by municipal sludge. I also heard, as we all did, the Good Representative from Raymond saying that the industry is moving away from this direction without legislation. My concern is the phthalates. We've added this to a food packaging bill when in fact, as close to the food contact is the bottom of a bottlecap, the little plastic liner inside the bottlecap, and printing on the outside of a package. This product comes to us mostly through rubber gloves, other means of this chemical coming in contact with society.

So, I, as you noticed, am opposing this piece of legislation basically because we're adding these chemicals that generally don't relate to the topic of the legislation, food packaging. Thank you.

The SPEAKER PRO TEM: 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. 134

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera,

Dunphy, Evangelos, Farnsworth, Fay, Fecteau J, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Harrington, Hepler, Higgins, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Kryzak, Landry, Madigan C, Marean, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Connor, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stover, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Head, Javner, Johansen, Keschl, Kinney, Lockman, Lyford, Martin T, Mason, Millett, Morris, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Stetkis, Stewart, Strom, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Dolloff, Grignon, Hickman, Martin R, McLean, Paulhus, Madam Speaker.

Yes, 96; No, 44; Absent, 8; Excused, 2.

96 having voted in the affirmative and 44 voted in the negative, with 8 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-362)** 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-362)** and sent for concurrence.

Majority Report of the Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-361)** on Bill "An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Product Stewardship Program Framework Laws"

(H.P. 1185) (L.D. 1649)

Signed:

Senators:

CARSON of Cumberland
CHENETTE of York
FOLEY of York

Representatives:

TUCKER of Brunswick
BLUME of York
CAMPBELL of Orrington
FAY of Raymond
GRAMLICH of Old Orchard Beach
HOBBS of Wells
ZEIGLER of Montville

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

Signed:

Representatives:

JOHANSEN of Monticello
LYFORD of Eddington

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-361)** 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-361)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-355)** on Bill "An Act To Improve the Health and Economic Security of Older Residents" (H.P. 810) (L.D. 1106)

Signed:

Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

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

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

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

READ.

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

Representative O'CONNOR of Berwick **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 PRO TEM**: 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. 135

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

Morales, Nadeau, O'Neil, 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, Cebra, Corey, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Dolloff, Grignon, Hickman, Martin R, McLean, Paulhus.

Yes, 87; No, 54; Absent, 7; Excused, 2.

87 having voted in the affirmative and 54 voted in the negative, with 7 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-355)** 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-355)** and sent for concurrence.

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-368)** on Resolve, To Require the Department of Health and Human Services To Request a Waiver Relating to Support Services and To Provide Funds To Prevent Homelessness

(H.P. 1019) (L.D. 1404)

Signed:

Senators:

GRATWICK of Penobscot
CLAXTON of Androscoggin
MOORE of Washington

Representatives:

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

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

Signed:

Representatives:

GRIFFIN of Levant
JAVNER of Chester
O'CONNOR of Berwick

READ.

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

Representative O'CONNOR of Berwick **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 PRO TEM: The Member may proceed.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This bill requires DHHS to apply for a waiver from the Centers for Medicaid and Medicare and direct resources to individuals experiencing homelessness. I do realize that this is an important subject, however, this program already takes about \$2.5 million, this increases that by about \$500,000 annually, and I think that we can do better with this money in other places. Thank you.

The SPEAKER PRO TEM: 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. 136

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - Dolloff, Grignon, Hickman, Kinney, Martin R, McLean, Paulhus.

Yes, 87; No, 54; Absent, 7; Excused, 2.

87 having voted in the affirmative and 54 voted in the negative, with 7 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" (H-368)** was **READ** by the Clerk and **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" (H-368)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-357)** on Bill "An Act To Increase Notification Time Periods for Rent Increases and Terminations of Tenancies at Will"

(H.P. 232) (L.D. 308)

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

READ.

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **SYLVESTER**: Thank you, Mr. Speaker.

This is one of those bills where it's important to read the amendment to see how the committee ended up solving the problem that's in front of them. What was put in front of us was a bill that sought a statewide solution to solve a problem in some of the bigger cities where out-of-state folks were coming in and buying apartment buildings and complexes and people were being turned out into the street. And so the bill sought to extend the limit for being able to tell folks to leave from 30 to 60 days and to also increase rent increases from 45 to 70. Well, what we heard from other parts of the state was that statewide solution that was looking to address problems in some of these other cities that wanted to pass this legislation might not fit there. And so the solution that we came up with is kind of a good home rule solution in that cities and municipalities that want to be able to change the way that their rent structure works or their rent notices work are able to do so and those areas that don't want to do that, don't have to. And it's the sort of solution where we let folks who know the areas that they come from fight it out at the local level. So I would ask that you follow the Ought to Pass as Amended Report.

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE. Committee Amendment "A" (H-357)** 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-357)** and sent for concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-358)** on Bill "An Act Regarding the Federal Workforce Innovation and Opportunity Act"

(H.P. 1024) (L.D. 1411)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DUNPHY of Old Town
PEOPLES of Westbrook

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

READ.

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

The Bill was **READ ONCE. Committee Amendment "A" (H-358)** 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-358)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-359)** on Bill "An Act To Allow Student License Holders To Fish for or Take Lobsters during a Closed Season"

(H.P. 711) (L.D. 956)

Signed:

Senators:

MIRAMANT of Knox
VITELLI of Sagadahoc

Representatives:

McCREIGHT of Harpswell
ALLEY of Beals
BEEBE-CENTER of Rockland
BLUME of York
FAULKINGHAM of Winter Harbor
HEPLER of Woolwich
HUTCHINS of Penobscot
JAVNER of Chester
McDONALD of Stonington
TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-360)** on same Bill.

Signed:

Senator:

DOW of Lincoln

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-359)** 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-359)** and sent for concurrence.

Majority Report of the Committee on **MARINE RESOURCES** reporting **Ought Not to Pass** on Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State (EMERGENCY)

(H.P. 1033) (L.D. 1420)

Signed:

Senator:

DOW of Lincoln

Representatives:

- ALLEY of Beals
- BEEBE-CENTER of Rockland
- BLUME of York
- FAULKINGHAM of Winter Harbor
- HUTCHINS of Penobscot
- JAVNER of Chester
- McDONALD of Stonington
- TUELL of East Machias

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-356)** on same Resolve.

Signed:

Senators:

- MIRAMANT of Knox
- VITELLI of Sagadahoc

Representatives:

- McCREIGHT of Harpswell
- HEPLER of Woolwich

READ.

On motion of Representative McCREIGHT of Harpswell, 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**.

CONSENT CALENDAR

First Day

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

(S.P. 368) (L.D. 1194) Bill "An Act To Increase Property Tax Relief for Veterans" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-136)**

(H.P. 925) (L.D. 1283) Resolve, To Advance College Affordability by Convening a Task Force To Recommend a Sustainable Funding Model for Maintaining Maine's Public Higher Education Infrastructure (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1234) (L.D. 1732) Bill "An Act To Eliminate the Scallop Drag Size Limitation in Blue Hill Bay" Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(H.P. 47) (L.D. 46) Bill "An Act To Establish a Substance Use Disorder Clinic at the Cumberland County Jail" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-354)**

(H.P. 282) (L.D. 373) Bill "An Act To Provide MaineCare Coverage for Dental Services to Adults with Intellectual Disabilities or Autism Spectrum Disorder" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-353)**

(H.P. 395) (L.D. 538) Bill "An Act To Ensure Access to Medical Cannabis for Visiting Qualifying Patients" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-347)**

(H.P. 689) (L.D. 934) Resolve, To Review the Implementation of the Maine Background Check Center Act Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-348)**

(H.P. 739) (L.D. 984) Resolve, To Increase Funding for Children's Behavioral Health Issues in Order To Return to the State Children Who Are Currently Housed in Residential Treatment Systems outside of the State and To Suspend Certain Contracts Related to Psychiatric Residential Treatment Facilities Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-352)**

(H.P. 818) (L.D. 1129) Bill "An Act To Clarify Certain Provisions of the Maine Medical Use of Marijuana Act" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-346)**

(H.P. 889) (L.D. 1228) Resolve, Requiring the Department of Health and Human Services To Create a Limited Benefit MaineCare Card for Individuals Eligible for the Medicare Savings Program Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-367)**

(H.P. 950) (L.D. 1315) Bill "An Act To Support Medically Monitored Crisis Support and Intervention" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-351)**

(H.P. 953) (L.D. 1318) Resolve, To Increase Access to Housing-related Support Services Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-349)**

(H.P. 1110) (L.D. 1517) Bill "An Act To Facilitate the Deployment of Small Wireless Facilities in Maine" Committee

on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-363)**

(H.P. 1139) (L.D. 1577) Bill "An Act To Assist Nursing Homes in the Management of Facility Beds" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-350)**

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

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

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Explicitly Prohibit Discrimination Based on the Sex of an Individual

(H.P. 342) (L.D. 433)
(C. "A" H-230)

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

On motion of Representative FECTEAU of Biddeford, **TABLED** pending **FINAL PASSAGE** and later today assigned.

Emergency Measure

An Act To Fully Fund and Restore State-Municipal Revenue Sharing

(H.P. 156) (L.D. 193)
(C. "A" H-260)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gardiner, Representative HARNETT.

Representative **HARNETT**: Thank you, Mr. Speaker. I move in support of the emergency enactor and wish to speak to my motion.

The SPEAKER PRO TEM: The Member may proceed.

Representative **HARNETT**: A bill on restoration of revenue sharing, so will be very brief. I just want to remind the chamber of a few things. State and local governments try to do the exact same thing; we try to provide needed services to our constituents at the lowest possible rate to save them on their taxes. To make that possible, the State and municipalities long ago entered into mutual promises. The municipalities promised to send to the state 100% of all of the sales tax and income taxes generated in their communities. The State also made a promise and that was to return 5% of that money back to the municipalities. The State has broken that promise. The State has broken that promise every year since 2006. That has resulted in a shift to property taxpayers of \$694 million; \$694 million in a regressive tax paid by anybody who owns property in the State of Maine. Today, we can right that wrong by keeping our promise. As the Good Representative from Pittston pointed out earlier today, it is very rare that we get to reduce taxes, that we get to vote for a real reduction in taxes. And what I ask you today is if you are really serious, really serious about providing meaningful property tax relief to your friends, neighbors and constituents, please support this emergency enactor. Thank you very much.

Representative COOPER of Yarmouth **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**

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

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

Representative **KESCHL**: Thank you, Mr. Speaker. I haven't prepared anything on this but there's one thing I want to say, and that's I would vote for this bill if I thought there was money available. And as an Appropriations member, I look at the budget and I don't see the money is available. So if we're truly serious and we want to have this done, perhaps we should all vote for it and find the reductions necessary in the budget to make it. Otherwise, from a fiscal responsibility point of view, I'll have to vote no.

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

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

ROLL CALL NO. 137

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

NAY - Andrews, Arata, Austin S, Bradstreet, Corey, Costain, Curtis, DeVeau, Dillingham, Drinkwater, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Higgins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Theriault, Wadsworth, White D.

ABSENT - Dolloff, Grignon, Hickman, Martin R, McLean, Paulhus.

Yes, 98; No, 44; Absent, 6; Excused, 2.

98 having voted in the affirmative and 44 voted in the negative, with 6 being absent and 2 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act To Make Ballot Questions Easier To Read and Understand for Maine Voters

(H.P. 391) (L.D. 534)
(C. "A" H-277)

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. 131 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Allow the Transfer of a Moose Hunting Permit to a Disabled Veteran

(S.P. 221) (L.D. 708)
(C. "A" S-112)

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. 134 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Strengthen the Lead Poisoning Control Act

(S.P. 336) (L.D. 1116)
(C. "A" S-122)

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 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Change the Name of Township 17, Range 3 to Van Buren Cove

(H.P. 1067) (L.D. 1455)
(C. "A" H-338)

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 5 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Amend Maine Fireworks Laws To Include Flame Effects

(H.P. 1117) (L.D. 1534)
(C. "A" H-286)

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. 115 voted in favor of the same and 14 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Improve Administration of the Maine Aeronautical Advisory Board and the Public Transit Advisory Council

(H.P. 1140) (L.D. 1578)

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. 120 voted in favor of the same and 3 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2019-20

(H.P. 1178) (L.D. 1643)
(C. "A" H-326)

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 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Establish the Commission To Study Children's Mental Health

(H.P. 41) (L.D. 40)
(C. "A" H-246)

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. 123 voted in favor of the same and 3 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

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

Emergency Measure

Resolve, To Reestablish the Commission To Improve the Sentencing, Supervision, Management and Incarceration of Prisoners

(H.P. 603) (L.D. 829)
(C. "A" H-320)

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. 117 voted in favor of the same and 7 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, To Improve Maine's Response to Childhood Trauma

(H.P. 851) (L.D. 1168)
(C. "A" H-323)

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 1 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Portions of Chapter 101: MaineCare Benefits Manual, Chapters II and III, Section 40: Home Health Services, a Late-filed Major Substantive Rule of the Department of Health and Human Services

(H.P. 978) (L.D. 1356)

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. 126 voted in favor of the same and 2 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act Regarding Secondary School Education Concerning Sexual Activity and Sexual Assault

(H.P. 578) (L.D. 773)

(C. "A" H-266)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 26 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Acts

An Act To Change the Composition of the Board of Pesticides Control

(H.P. 37) (L.D. 36)

(C. "A" H-304)

An Act To Require the Department of Inland Fisheries and Wildlife To Promote Safety with Respect to the Handling or Use of Firearms, Watercraft, All-terrain Vehicles and Snowmobiles and in Other Outdoor Activities

(H.P. 103) (L.D. 121)

(C. "A" H-276)

An Act To Increase the Reimbursement Rate for Ambulance Service Paid by the Department of Corrections

(H.P. 178) (L.D. 215)

(C. "A" H-283)

An Act To Increase Funding To Contain and Manage the Spread of Invasive Aquatic Species

(H.P. 198) (L.D. 235)

(C. "A" H-309)

An Act To Adjust the Personal Property Tax Exemption for Farm Machinery

(H.P. 204) (L.D. 241)

(C. "A" H-335)

An Act Regarding Liability for Taking a Blood Sample from an Operator of a Motor Vehicle Involved in a Fatal Crash

(S.P. 76) (L.D. 264)

(C. "A" S-118)

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

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

(S. "A" S-131 to C. "A" H-220)

An Act To Protect Vulnerable Persons from Theft

(H.P. 240) (L.D. 316)

(C. "A" H-297)

An Act To Provide Sustainable Funding for Drinking Water and Wastewater Infrastructure

(H.P. 273) (L.D. 347)

(C. "A" H-206)

An Act To Establish the Right To Practice Complementary and Alternative Health Care Act

(S.P. 104) (L.D. 364)

(C. "A" S-109)

An Act To Encourage the Purchase of Local Produce for Public Schools

(S.P. 132) (L.D. 454)

(C. "A" S-108)

An Act To Require Motorists To Yield to Transit Buses

(S.P. 136) (L.D. 458)

(C. "A" S-129)

An Act To Facilitate Fair Ballot Representation for All Candidates

(H.P. 374) (L.D. 517)

(C. "A" H-164)

An Act To Amend the Laws Governing the Unlawful Cutting of Trees

(S.P. 182) (L.D. 595)

(C. "A" S-126)

An Act To Increase Electric Vehicles in Maine

(H.P. 442) (L.D. 614)

(C. "A" H-300)

An Act To Protect the Integrity of the MaineCare Program

(H.P. 443) (L.D. 615)

(C. "A" H-306)

An Act To Allow a Class III Lobster and Crab Fishing License Holder To Engage More Crew Members

(H.P. 497) (L.D. 676)

(C. "A" H-287)

An Act To Exempt Certain Meals Provided to Food Service Employees from the Sales and Use Tax

(H.P. 514) (L.D. 709)

(C. "A" H-328)

An Act To Increase the School Construction Debt Service Limit

(H.P. 517) (L.D. 712)

(C. "A" H-290)

An Act To Strengthen Maine's Endangered Species Laws

(H.P. 518) (L.D. 713)

(C. "A" H-275)

An Act Concerning Visitation Rights of Great-grandparents

(H.P. 605) (L.D. 831)

(C. "A" H-315)

An Act To Amend the Laws Governing Damages Awarded for Wrongful Death

(H.P. 615) (L.D. 841)

(C. "A" H-314)

An Act To Provide Funding for Hunting Opportunities for Disabled Veterans

(H.P. 639) (L.D. 865)

(C. "A" H-273)

An Act To Support College Completion by Homeless Youth in Maine

(H.P. 640) (L.D. 866)

(C. "A" H-321)

An Act To Require That the Terms of a Settlement to Which a Governmental Entity is a Party Be Made Available to the Public

(H.P. 642) (L.D. 868)
(C. "A" H-269)

An Act To Adopt Eastern Daylight Time Year-round

(H.P. 659) (L.D. 885)
(C. "A" H-307)

An Act To Expressly Allow Nonprofit Corporations To Conduct Electronic Voting

(S.P. 260) (L.D. 894)

An Act To Require Schools To Submit Pest Management Activity Logs and Inspection Results to the Board of Pesticides Control for the Purpose of Providing Information to the Public

(H.P. 672) (L.D. 908)
(C. "A" H-302)

An Act To Amend the Laws on Gross Sexual Assault, Unlawful Sexual Contact and Unlawful Sexual Touching To Include Counseling Professionals

(S.P. 267) (L.D. 913)
(C. "A" S-117)

An Act To Require Additional Lead Screening for Children

(H.P. 731) (L.D. 976)
(C. "A" H-296)

An Act To Maintain High School Diploma Standards by Repealing Proficiency-based Diploma Standards and Adding the Equivalent in Standards Achievement

(H.P. 740) (L.D. 985)
(C. "A" H-322)

An Act Regarding the Definition of "Serious Bodily Injury" in the Maine Criminal Code

(S.P. 302) (L.D. 1023)
(C. "A" S-116)

An Act To Amend the Laws Governing the Substance Use Disorder Services Commission

(H.P. 760) (L.D. 1030)
(C. "A" H-295)

An Act To Prohibit Consideration of Naloxone Purchases in Life Insurance Underwriting

(S.P. 307) (L.D. 1047)
(C. "A" S-106)

An Act To Expand Health Insurance Coverage To Certain State Employees

(H.P. 788) (L.D. 1065)
(C. "A" H-292)

An Act To Allow Acupuncture Detoxification Specialists To Administer an Auricular Acupuncture Treatment for Substance Use and Co-occurring Disorders

(H.P. 809) (L.D. 1105)
(C. "A" H-337)

An Act Regarding All-terrain Vehicles

(H.P. 813) (L.D. 1109)
(C. "A" H-272)

An Act To Allow the Direct Sale of Electricity

(S.P. 359) (L.D. 1173)
(C. "A" S-123)

An Act To Support Community Schools

(S.P. 378) (L.D. 1216)
(C. "A" S-128)

An Act To Provide a Health Care Preceptor Tax Credit

(H.P. 917) (L.D. 1256)
(C. "A" H-331)

An Act To Authorize Certain Health Care Professionals To Perform Abortions

(H.P. 922) (L.D. 1261)

An Act To Enact the Health Insurance Consumer Assistance Program

(S.P. 394) (L.D. 1274)
(C. "A" S-110)

An Act To Support Access to Health Services for Homeless Youth in Maine

(S.P. 395) (L.D. 1275)
(C. "A" S-127)

An Act To Promote Snowmobiling in Maine

(S.P. 403) (L.D. 1307)
(C. "A" S-113)

An Act To Extend Protections for Genetic Information

(H.P. 949) (L.D. 1314)
(C. "A" H-271)

An Act To Prohibit Employer Disciplinary Action against Firefighters and Emergency Medical Services Persons Responding to an Emergency

(H.P. 954) (L.D. 1319)
(C. "A" H-282)

An Act To Provide Equitable Tax Treatment to State-licensed Marijuana Businesses

(H.P. 957) (L.D. 1322)
(C. "A" H-334)

An Act To Provide Flexibility for Efficient and Effective Management of School Management and Leadership Centers

(H.P. 969) (L.D. 1341)
(C. "A" H-325)

An Act To Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and To Amend the Law on Obstructing Criminal Prosecution

(H.P. 996) (L.D. 1375)
(C. "A" H-285)

An Act To Change the Requirements for Recording Plans at the County Registries of Deeds

(H.P. 1007) (L.D. 1393)
(C. "A" H-291)

An Act Regarding the Admissibility of Certain Statements of Juveniles

(H.P. 1011) (L.D. 1397)
(C. "A" H-299)

An Act To Allow Law Enforcement Officers To Wear Insignia on Their Uniforms To Indicate That They Are Veterans

(S.P. 436) (L.D. 1408)
(C. "A" S-115)

An Act To Create an Access to Justice Income Tax Credit

(H.P. 1037) (L.D. 1424)
(C. "A" H-332)

An Act To Amend the Charter of the Rumford-Mexico Sewerage District

(S.P. 449) (L.D. 1469)
(C. "A" S-124)

An Act To Clarify Provisions of the Blueberry Tax

(H.P. 1084) (L.D. 1482)
(C. "A" H-340)

An Act To Improve Efficiency in Communication in the Court System

(H.P. 1109) (L.D. 1516)
(C. "A" H-270)

An Act To Establish "Ballad of the 20th Maine" as the Official State Ballad

(H.P. 1124) (L.D. 1541)

An Act To Clarify Fishing Laws between the Department of Inland Fisheries and Wildlife and the Department of Marine Resources as They Relate to Striped Bass in Inland Waters

(H.P. 1126) (L.D. 1551)
(C. "A" H-308)

An Act To Make Technical Changes to Maine's Marine Resources Laws

(H.P. 1127) (L.D. 1552)
(C. "A" H-289)

An Act To Adjust the Staffing and Resources of the Office of the Public Advocate

(S.P. 492) (L.D. 1557)
(C. "A" S-125)

An Act Authorizing the Deorganization of Magalloway Plantation

(H.P. 1130) (L.D. 1568)
(C. "A" H-339)

An Act To Amend the Laws Governing the Removal of Unlawful Signs

(H.P. 1206) (L.D. 1682)

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

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

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

Resolves

Resolve, Directing the Department of Health and Human Services To Explore the Development of a Behavioral Health Unit at the Cumberland County Jail

(H.P. 202) (L.D. 239)

Resolve, To Require the Department of Health and Human Services To Provide Cost-based Reimbursement to Maine Veterans' Homes

(S.P. 193) (L.D. 606)
(C. "A" S-120)

Resolve, To Provide for Outreach Programs To Assist Women at Risk of Giving Birth to Substance-exposed Infants

(S.P. 212) (L.D. 699)
(C. "A" S-121)

Resolve, To Direct the Department of Labor To Develop a Framework for Encouraging Employers To Identify Safer Alternatives to Hazardous Chemicals

(S.P. 296) (L.D. 1017)
(C. "A" S-114)

Resolve, Directing the Secretary of State To Examine Best Practices in Elections

(H.P. 756) (L.D. 1026)
(C. "A" H-278)

Resolve, To Convene a Stakeholder Group on Funding and Training for the State's Hazardous Materials Emergency Response Teams and the Acquisition of Equipment

(H.P. 768) (L.D. 1038)
(C. "A" H-319)

Resolve, Directing the Maine State Housing Authority To Study and Report on the Need for Modifications To Make Homes Accessible for Senior Citizens and Persons with Disabilities

(H.P. 820) (L.D. 1131)
(C. "A" H-327)

Resolve, Directing the Public Higher Education Systems Coordinating Committee To Study Compensation Equity among Public Higher Education Institutions

(H.P. 1121) (L.D. 1538)
(C. "A" H-324)

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

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

(H.P. 858) (L.D. 1184)
(C. "A" H-244)

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

On motion of Representative STEWART of Presque Isle, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 138

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Collings, Cooper, Craven, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Haggan, Handy, Hanley, Hepler, Hickman, Hobbs, Hubbell, Ingwersen, Kessler, Kornfield, Madigan C, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Peoples, Perry J, Pierce T, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Sylvester, Talbot Ross, Tepler, Theriault, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Carney, Cebra, Cloutier, Corey, Costain, Crockett, Curtis, DeVeau, Dillingham, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grohoski, Hall, Hanington, Harnett, Harrington, Head, Higgins, Hutchins, Hymanson, Javner, Jorgensen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin T, Mason, Mastraccio, Millett, Morris, O'Connor, Ordway, Pebworth, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riley, Rudnicki, Sampson, Stetkis, Stewart, Stover, Strom, Swallow, Terry, Tuell, Wadsworth, White D.

ABSENT - Dolloff, Grignon, Johansen, Martin R, McLean, Paulhus.

Yes, 75; No, 67; Absent, 6; Excused, 2.

75 having voted in the affirmative and 67 voted in the negative, with 6 being absent and 2 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

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

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment, Thursday,

May 23, 2019, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-257)** - Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** on Bill "An Act To Provide Career and Technical Training Options for Electricians"

(H.P. 901) (L.D. 1240)

TABLED - May 16, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT.**

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

The Bill was **READ ONCE.** **Committee Amendment "A" (H-257)** was **READ** by the Clerk.

Representative HANDY of Lewiston **PRESENTED House Amendment "A" (H-336) to Committee Amendment "A" (H-257)**, which was **READ** by the Clerk.

The SPEAKER PRO TEM: The Representative may proceed.

Representative **HANDY:** Thank you, Mr. Speaker, Members of the House. This amendment clarifies the language in Committee Amendment A regarding the requirements for licensure as a journeyman electrician. Under this amendment, graduates of a secondary school career in technical education electrical program are credited with 1,000 hours of work experience in electrical installations and are eligible to sit for the journeyman examination. The amendment specifically provides that the 1,000 hours of credit may not be applied to any other pathway to licensure. Thank you, Mr. Speaker.

Subsequently, **House Amendment "A" (H-336) to Committee Amendment "A" (H-257)** was **ADOPTED.**

Committee Amendment "A" (H-257) as Amended by House Amendment "A" (H-336) thereto was **ADOPTED.**

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-257) as Amended by House Amendment "A" (H-336)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (8) **Ought to Pass as Amended by Committee Amendment "A" (H-284)** - Minority (5) **Ought Not to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Bring Maine's Laws Concerning Implied Consent in Operating a Motor Vehicle into Compliance with Recent Opinions of the United States Supreme Court"

(H.P. 567) (L.D. 762)

TABLED - May 21, 2019 (Till Later Today) by Representative DILLINGHAM of Oxford.

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

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dixfield, Representative Pickett.

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

LD 762 is legislation proposed to fix a problem that does not exist. Indeed, there is nothing to bring Maine's implied consent law into compliance with. This law, having been recently challenged in the Maine Supreme Court, is constitutional and in accordance with the current Fourth Amendment jurisprudence of the United States Supreme Court. Not only is this legislation unnecessary, it is dangerous to Maine's highway safety because it significantly impairs the ability of police officers to investigate and enforce Maine's OUI law by removing any and all consequences for suspected drunk or drugged motorists who refuse a blood or urine test. It is for these reasons that the Department of Public Safety and Bureau of Motor Vehicles testified in opposition to LD 762.

Maine's implied consent law applies to motorists suspected of drunk or drugged driving. It creates a duty to submit to a chemical test when a police officer has probable cause to believe that the motorist is impaired. It imparts civil and evidentiary sanctions upon those that refuse that duty, as well as enhances the minimum penalty for those who may be later convicted of OUI to include a mandatory period of incarceration. There is no incarceration merely for refusing to take the test if the motorist is not convicted of OUI.

Implied consent laws in various forms exist around the country and the general public safety concept behind implied consent laws has been vetted by the United States Supreme Court as a proper use of a state's police powers. If enacted as written, this amendment significantly impairs Maine law enforcement's ability to investigate and prosecute impaired drivers who require chemical evidence gathered via blood or urine which results in the removal of the state's ability to impose civil penalties or evidentiary sanctions for refusing a blood or urine test, which is well within a state's public safety authority. In other words, if this bill passes, there will be no consequences for a suspected drunk or drugged driver who refuses a blood or urine test. And while breath tests are valid, reliable, and a useful tool for police officers investigating most impaired driving crimes, they are not able to gather evidence in about 15% of impaired driving cases due to two factors; breath tests are not portable and, two, breath tests cannot detect drug use or impairment. The Bureau of Motor Vehicles also testified in opposition to this on that merit. Thank you, Mr. Speaker, and I ask you to follow my light and defeat the pending motion.

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

Representative **WARREN:** Thank you, Mr. Speaker. Mr. Speaker, Women and Men of the House, this bill has nothing to do with a urine test, this bill is simply about a blood draw. This bill simply says that according to the Fourth Amendment a police officer or law enforcement officer needs to have a warrant to take your blood. That is all this bill says. In the same way that I would not allow a law enforcement officer to enter my home without a warrant, I would not allow a law enforcement officer to draw blood without a warrant. The Supreme Court is clear on blood draws needing a warrant. Thank you.

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

Representative **STEWART:** Thank you, Mr. Speaker. It's my understanding that if you were to be pulled over and it was suspected that you would be under the influence of alcohol, the officer would have the ability to test you on that spot but beyond that, once you get to the station, you can refuse a

blood draw, but the implication there is that then you're going to be giving up your license. And so it is not that they can just simply stick a needle in you without cause and it's not like they're running around with syringes sort of willy-nilly here, it's more that if you do not want to submit yourself to a blood draw, that's fine, but there are consequences for doing that, and there will be possible other consequences in a court as well beyond that depending on the circumstances of the case and obviously it's all on a case by case basis. But I just wanted to clear that up. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Oakland, Representative Perkins.

Representative **PERKINS**: Thank you, Mr. Speaker. I wasn't going to speak on this but I happen to know this implied consent rule pretty well. The implied consent rule in the State of Maine states, or law states that you don't have to give you blood tests, you don't have to give in to a blood test, it's the police officer will request it, not demanding it, just requesting it. If you say no, you say no; that's all there is to it. The officer won't reach out and punch you in the nose to draw your blood.

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

Representative **TALBOT ROSS**: Thank you, Mr. Speaker. For over 50 years, the United States Supreme Court has held that a blood draw constitutes a search for purposes of the Fourth Amendment. The Fourth Amendment protects citizens from unreasonable government searches and seizures of their persons, houses, papers and effects. This means that in order to extract blood, number one, the police need a warrant or they may use one of the recognized exceptions to the warrant requirement or, two, a person has no duty to submit to a blood draw absent a warrant or any of these exceptions. For the record, some of these exceptions to the Fourth Amendment search warrant requirement are consent, probable cause in which public safety is paramount, exigent circumstances, meaning an emergency, or the plain view doctrine. Because a person has no duty to submit to a warrantless blood draw, the U.S. Supreme Court has also held that a state may not impose criminal penalties for a person's refusal to submit to a warrantless blood draw. It is a violation of the Fourth Amendment to expose a person to criminal penalties for his or her lawful exercise of the right to withhold consent to a blood test. Countless U.S. Supreme Court decisions prohibit the government from forcing a person to waive a constitutional right. This makes sense. Just as the Legislature would never impose criminal penalties as was stated on a person's refusal to submit to a warrantless search of his or her home, computer, or cellphone, Maine may not impose criminal penalties on a person's refusal to submit to the extraction of blood from inside his or her body. Nevertheless, Maine punishes a person's refusal to submit to a warrantless blood draw by requiring a person convicted of OUI to spend a minimum of 96 hours in jail.

By removing the criminal penalties for failing to submit to a warrantless blood draw, this Legislature will bring Maine's law into compliance with the U.S. Supreme Court case law and it would allow Mainers to assert their Fourth Amendment rights without suffering 96 hours in jail. Maine is presently the only state with this statutory framework. We should not be an outlier. We must amend our law. Thank you very much.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Dixfield, Representative Pickett.

Representative **PICKETT**: Thank you, Mr. Speaker. I apologize for rising a second time but I just want to be clear on one point. You do not lose your license for refusing a blood

test. You lose your license if you're convicted of OUI. It's upon the conviction, not for the fact that you refused to do a blood test. Thank you.

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

Representative **MORALES**: Thank you, Mr. Speaker, colleagues in the House. I rise just to explain a little bit about how I see this bill. In order for law enforcement to search your person or your property, they must show probable cause to a judge to obtain a warrant. This is standard Fourth Amendment procedure. This process protects our personal liberty and requires that limitations placed on our liberty be based on fact and law as determined by a judge. Under Maine's motor vehicle statutes for traffic stops and OUIs, the practical impact currently is that the law coerces drivers to submit to a blood draw without a warrant under the threat of an administrative penalty of four days in jail. The warrant process, in my opinion, is standard and it involves a call to a judge, they do this all the time, even at night. I am in favor of this bill because I am simply in favor of due process of the law. Thank you, Mr. Speaker.

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

Representative **FECTEAU**: Thank you, Mr. Speaker. I'm in support of the pending motion. To me, the Fourth Amendment is clear. If the government wants something of mine, it needs a warrant, and while blood is in my body, it's my property. Warrants are very simple to get and we would reject this if it was anything else so I don't know why blood is different. Thank you.

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

Representative **COREY**: Thank you, Mr. Speaker. Mr. Speaker. I would just point out that this isn't a criminal penalty. It's been suggested that this is a criminal penalty. So, thank you.

The **SPEAKER PRO TEM**: 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. 139

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

NAY - Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins, Javner, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stewart, Strom, Theriault, Tuell, Wadsworth, White B, White D.

ABSENT - DeVeau, Dolloff, Grignon, Hubbell, Johansen, Martin R, McLean, Paulhus.

Yes, 93; No, 47; Absent, 8; Excused, 2.

93 having voted in the affirmative and 47 voted in the negative, with 8 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-284)** 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-284)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought to Pass as Amended by Committee Amendment "A" (H-301)** - Minority (2) **Ought Not to Pass** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Net Neutrality and Internet Policy"

(H.P. 986) (L.D. 1364)

TABLED - May 21, 2019 (Till Later Today) by Representative BERRY of Bowdoinham.

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

Subsequently, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-301)** was **READ** by the Clerk.

Representative GROHOSKI of Ellsworth **PRESENTED House Amendment "A" (H-342)** to **Committee Amendment "A" (H-301)**, which was **READ** by the Clerk.

Representative HANLEY of Pittston **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-342)** to **Committee Amendment "A" (H-301)**

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **HANLEY**: Thank you, Mr. Speaker. I rise in opposition to this piece of legislation for one reason. A few years before most of us were born, the wheel was invented and it changed the world. Later on in history, other things came around, say boats that could sail efficiently and safely. We discovered every continent on the earth. Electricity got developed and harnessed and used. And then in my lifetime, our lifetime, the internet was invented and it has changed the world again. It's created Google, Amazon, Netflix, and, you know, 20 years ago there was nothing going on in that world. Now, look at the internet and what it has created. This legislation, by the way, it did it all without government interference.

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Bowdoinham, Representative Berry, and inquires as to why he rises.

Representative **BERRY**: Point of Order, Mr. Speaker.

The SPEAKER PRO TEM: The Member may state his Point of Order.

Representative **BERRY**: Thank you, Mr. Speaker. I just want to clarify that the pending question is the adoption of the amendment, not the bill itself; is that correct?

The SPEAKER PRO TEM: That is correct. The pending question is adoption of House Amendment A. The Member may proceed.

Representative **HANLEY**: Thank you, Mr. Speaker. I think I've said enough. I think you know what I'm trying to say. Thank you.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-342) to Committee Amendment "A" (H-301). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 140

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, 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, Madigan C, Marean, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, 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, Bickford, Blier, Bradstreet, Campbell, Cebra, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Wadsworth, White D.

ABSENT - DeVeau, Dolloff, Grignon, Johansen, Martin R, McLean, Paulhus.

Yes, 92; No, 49; Absent, 7; Excused, 2.

92 having voted in the affirmative and 49 voted in the negative, with 7 being absent and 2 excused, and accordingly **House Amendment "A" (H-342)** to **Committee Amendment "A" (H-301)** was **ADOPTED**.

Committee Amendment "A" (H-301) as Amended by House Amendment "A" (H-342) thereto was **ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-301) as Amended by House Amendment "A" (H-342)** thereto and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-294)** - Committee on **HEALTH AND HUMAN SERVICES** on Resolve, To Improve Access to Neurobehavioral Services

(H.P. 317) (L.D. 408)

TABLED - May 21, 2019 (Till Later Today) by Representative HYMANSON of York.

PENDING - Motion of same Representative to **ACCEPT** the Majority **UGHT NOT TO PASS** Report.

Representative FECTEAU of Biddeford moved that the Resolve and all accompanying papers be **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES**.

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

Representative **STEWART**: Thank you, Mr. Speaker. I think I want to make a Point of Order here because, do we have to back up the previous position of the House in order to do that? That's a parliamentary question and I'm not sure what the answer is there.

The **SPEAKER PRO TEM**: The Chair would answer in the negative. The previous motion in front of us was acceptance of the Majority Ought Not to Pass Report and the motion to send back to committee can be made over that motion pursuant to House Rule 503-A. So, when a question is under debate, a motion may not be received except a motion to, one, adjourn, two, table and assign, three, the previous question, four, commit, five, to table to a day certain, six, to amend, or seven, to postpone indefinitely. So this is the fourth in those lists of motions that are allowed.

Subsequently, the Resolve and all accompanying papers were **COMMITTED** to the Committee on **HEALTH AND HUMAN SERVICES** and sent for concurrence

HOUSE DIVIDED REPORT - Majority (10) **Ought to Pass as Amended by Committee Amendment "A" (H-293)** - Minority (3) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Reduce Youth Cancer Risk"

(H.P. 940) (L.D. 1297)

TABLED - May 21, 2019 (Till Later Today) by Representative **HYMANSON** of York.

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

Representative **O'CONNOR** of Berwick **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 PRO TEM**: The Member may proceed.

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Although all of us would like to prevent cancer in children, we'd like to prevent cancer in everybody, that would be our goal. However, what this bill does is it disallows parents to sign for their children under the age of 18, even if they sign to allow their children under the age of 18 to go into a tanning bed, they will not be allowed. This will prohibit that. And there are some cases where this is actually good for children, children who have psoriasis or acne, and basically this takes away parental control. Thank you.

The **SPEAKER PRO TEM**: 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. 141

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Haggan, Handy, Hanington, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, 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, Cebra, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanley, Harrington, Head, Hutchins, Javner, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Dolloff, Grignon, Johansen, Martin R, McLean, Paulhus, Riseman.

Yes, 93; No, 47; Absent, 8; Excused, 2.

93 having voted in the affirmative and 47 voted in the negative, with 8 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-293)** 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-293)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-305)** - Minority (6) **Ought Not to Pass** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Enact the Maine Death with Dignity Act"

(H.P. 948) (L.D. 1313)

TABLED - May 21, 2019 (Till Later Today) by Representative **HYMANSON** of York.

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

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

Representative **HYMANSON**: Thank you, Mr. Speaker, colleagues in the House. I am rising in support of this motion.

This is a difficult issue to spend time in the session with. Death is a part of life and this bill honors control over life. Through my 32 years practicing medicine as a physician and neurologist in inpatient and outpatient settings, I have witnessed people dying from many different diseases in different ways. For ten years, I chaired the Medical Ethics Committee at Portsmouth Regional Hospital, a hospital with highly complex services. Families and the patient, if they were able, would come together to talk about their values, goals, wishes, ideas of what happens after death, have conversations and try to come to some understanding of what the patient, him or herself, wanted. One added benefit of this law that we're talking about now in other states is that end-of-life conversations have become more open and comprehensive between patients, their families, their physicians and their providers. Sometimes the answer was, do everything you can do, sometimes it was keep me comfortable, surrounded by things I love. We would talk about whether the enemy was death or was it suffering. At that point, some people talked

about wanting personal control at the time of impending death. It is for these people, my patients, that this bill is before you.

I want to share some statistics about similar legislation that currently exists in the United States and then review the bill itself. Oregon, California, Colorado, Vermont, Washington, Hawaii, Washington D.C. and New Jersey have enacted laws like the one before you. This bill is modeled after Oregon's law was passed in 1998, 21 years ago. Importantly, though, this bill has been modified to reflect past public hearings in Maine. In Oregon, 79% of patients who utilized the law had cancer and 8% had neurologic disease like amyotrophic lateral sclerosis, ALS. Ninety-three percent died at home and, importantly, 90% had hospice services at the same time. Data and studies collected by the states show the safeguards in the law work as intended and I refer to articles through peer-reviewed journals, the Journal of Medical Ethics, about evidence concerning the impact on patients in vulnerable groups. Over more than two decades, Oregon's law has, quote, "showed no evidence of heightened risk for the elderly, women, the uninsured, people with low education status, the physically disabled or chronically ill, people with psychiatric illnesses including depression, or racial or ethnic minorities compared with populations", end-quote. Additionally, there has been no slippery slope in laws or evidence of insurance companies that have paid for this process and withheld treatment. The bill before you safeguards against someone with dementia, mental illness, inability to understand or who is coerced to use this process. The public hearing, over a hundred testimonies for this bill was heartfelt and large. People in support and opposed, spoke from their hearts about themselves and their loved ones. What came across so clearly from everyone was how personal this issue is, and it is. That is why we should all have as much control over our death as we have choices.

The bill itself has many safeguards. The patient must be diagnosed within six months of death, the same standard used for hospice, the patient must be competent and voluntarily make two verbal requests and a written request with a waiting period in between of 15 days. Two witnesses must confirm the patient is acting voluntarily, not coerced and is competent. One must not be related. If there is any indication that the patient is not of sound mind, they must be referred to a mental health professional for evaluation. The patient must take the medication themselves without assistance, two physicians must confirm the patient meets the requirement of the law, no health professional can be forced to participate, and all health professionals can opt out. The patient can rescind any request at any time.

I diagnosed and treated a 36-year-old man from Kittery with amyotrophic lateral sclerosis, ALS. He told me when he couldn't get out of bed on his own, he would see no point of living longer. When his hospice nurse called me one day to tell me he couldn't get out of bed on his own, I went to his house to see him. He cried to me that this was his life and he wanted his own death to honor his life. Using this law would've allowed that honor and freedom with humanity. Thank you for supporting this bill.

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

Representative **KINNEY**: Thank you, Mr. Speaker, Men and Women of the House. First, I want to begin with the fact, I rise in opposition to the pending motion.

Currently, the way that this bill is created is it's going to create a perfect crime. Title 17-A, Subchapter 2140, a patient's death certificate pursuant to Section 2842, must list

the underlying terminal disease as the cause of death. We have seen in states where this legislation has been passed where doctors, caregivers, family have pushed to have the patient request this act of suicide. We've been told that this is for people that are within six months of death, so a person with a terminal disease expected to result in death within six months, but it's interpreted to include chronic conditions such as diabetes and because six months is determined without treatment. However, with treatment, in this case insulin, such persons can have years or decades to live. Family members will push their family in order to get things like life insurance policies, which we can't guarantee that they're going to continue to pay out for this. This is suicide. It's murder on the part of the doctor, in a lot of ways.

There are fears that lead someone to consider assisted suicide and they're real and they're legitimate. However, each fear has a corresponding life-affirming answer. For many people who are lonely, suffering, and/or possibly dying, the prospect of death by lethal injection or, in this case, in Maine we're doing a prescription for pills, gives them a feeling of control over their helplessness. There's no reason for a person to suffer uncontrolled pain or to feel they are a burden on family or other caregivers. They should not feel abandoned in their time of greatest need. They shouldn't fear receiving unwanted medical treatment without consent.

You need to know a few certain facts. Intentionally killing a human being is always wrong. It erodes respect and equality of every human being and establishes killing as a solution to problems best solved by caring options. It destroys the trust relationship between medical professionals and patients. People will fear for their life when they're actually in need of help. It threatens the lives of those experiencing depression, the most common factor in suicide attempts. Many requests for assisted death will be granted when help is truly what the person requires. It threatens the lives of people with disabilities, the elderly, and the chronically ill who may be vulnerable to friends, family members or medical caregivers who question their quality of life. People may be pressured into choosing death without giving informed consent. One person's freedom to choose death may be the only choice offered to someone else. Elder abuse and abuse of people with disabilities is a prevalent social scourge and safeguards will never protect the vulnerable person. If killing is an exceptional solution for one problem, what other problems will killing be a solution for?

There is fear that they're going to experience uncontrollable pain, being abandoned, left alone in their final days. They fear receiving unwanted medical treatment without consent, being a burden on family members and other caregivers, fear living with a terminal illness and losing abilities or personal autonomy. They fear the process of dying naturally. Euthanasia and assisted suicide are not necessary. Everyone has the right to refuse unwanted medical treatment. Withholding or withdrawing medical treatment is legal and a common medical practice. Withholding or withdrawing medical treatment is not the same as assisted suicide. Pain management and palliative care can effectively control almost all types of physical pain. Proper palliative care or hospice care provides relief from pain and other distressing symptoms. It affirms life and regards dying as a normal process. It neither hastens nor postpones death. It integrates psychological and spiritual aspects of patient care, offers a support system to help patients live as actively as possible until death, a support system for the family. At this point I got to put a shout out to Androscoggin Home Health Care and Hospice at the time

when my father was dying 20 years ago from complications from lung cancer. They were wonderful for the entire family, not just for my father, and they attended his funeral when he passed. These are wonderful, caring people; caring, not killing. They use a team approach to address needs of patients and their families. It enhances quality of life positively throughout the course of the illness. And it's applicable early in the course of illness in conjunction with other therapies intended to prolong life, includes investigations needed to better understand and manage distressing clinical complications. This hits very close to me, as I lost my 45-year-old cousin on May 9th of this year due to complications from pancreatic cancer. On May 10, 2018, he was given three months to live, without treatment, and he was still very active at the time and aside from the pain that was caused by the cancer, which was how they identified what was wrong, he was relatively healthy. Because he chose treatment over suicide, he was able to celebrate a year's worth of unfortunate lasts with his family. He was the sole breadwinner in his family of five, including three children still in high school. He continued to work up until about a month before he passed. Because of this, he was able to go through a year's worth of bill paying and, again, this was something that was entirely on his shoulders, but now he was able to work with his wife and make sure that she understood what needed to be done after he was gone. He did at one point consider suicide and realized that would've been devastating to his family, would've cost them financial stability at the cost of his life insurance. And I can attest he suffered at the end of life. I was able to visit him just 15 days before he passed away. However, it was not unbearable thanks to the wonderful medical care he received not only through hospice, but through the hospital where when fluid was building up in his abdomen causing pain, they drained it and all of a sudden he kind of came back to life and wanted to start walking around again. One thing, though, that he didn't lose was his mind and continued to help his wife navigate all the idiosyncrasies of running a household with three very active teenagers. Had he taken his life at diagnosis, he would not have been able to coach his kids' softball teams one more time. He wouldn't've had one more Father's Day, Thanksgiving, Christmas or Easter with his family. They knew they were his last, and they made sure they were also the very best. Please vote against the pending motion. Thank you.

The SPEAKER PRO TEM: There are ten Members in the queue.

The Chair recognizes the Representative from Cape Elizabeth, Representative Carney.

Representative **CARNEY**: Thank you, Mr. Speaker, Members of the House. I rise in support of the pending motion.

As many of you know, I am a lawyer and I've looked through LD 1313 very carefully, and I really appreciate the careful process that it lays out for people who are terminally ill and facing tough decision-making. It contains clearly-written steps for a patient and attending physician to follow to ensure that a patient has made an informed decision.

But I'm speaking today not as a lawyer, but as a family member who has suffered a significant loss in the last eight months. Many of you know that in March, my father passed away, and in April, my mother passed away. Some of you also know that in the fall, my brother, Chris, died after suffering from substance use disorder for a long period of time. Each family member's death was so different for them and so different for my family as we helped them through the process. In each case, it was intensely personal in a way I've never experienced before. My brother's death was anguished, my father's was

serene and stoic and I would say that my mother's was peaceful and brief. I don't know if my dad or my brother would have sought out information about death with dignity or would have followed the process to obtain the medication to end the suffering they experienced in the last few weeks of their lives. As a sister and a daughter, I would have liked for them to have the option this bill provides. I would like my loved ones and others here in Maine to have this option. My recent experiences have shown me just how personal death is.

I support LD 1313 because it gives those who will soon die of a terminal illness more control over this intensely personal process of suffering and dying. This vote is about empathy and compassion. Thank you for listening, and I urge you to support the pending motion.

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

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

I concur with the words of the Good Representative from Knox fully. First of all, I believe that God is the author of life, only God can give and only God can take it away. But I also believe that other people who have probably more hands-on experiences with this should be heard as well, and I'd like to read the testimony of a friend of mine who is a pharmacist. He says; I am deeply confounded with the predilection of many legislators' focus on enhancing or facilitating opportunities to participate in killing human beings. From the unborn to now the seemingly incurable, there is such a strong movement to participate in the termination of these lives. As a pharmacist, I have spent my career trying to help cure, and when cure is not possible, to do my best to be supportive and assist with palliative treatments that will hopefully lessen the suffering. Having lost many family members to cancer or other chronic illnesses, I saw firsthand that hospice care was not only available, but that it was extremely effective at supporting end-of-life care. And by effective, I mean that I know for a fact that there's no single dose of drug that will easily end someone's suffering. Even when manufacturing the death of a condemned inmate in a prison, many times it just doesn't go quietly or to plan and at the very least dignity is not a word I would associate with the process. So families at home without support of hospice type care have no idea what can go wrong with self-administration of a suicide dosage. I've even read cases from Oregon where family members admitted to administering the drugs because the patient was unable and probably pending imminent death, anyway. What happens when seizures occur? What happens when the patient vomits after receiving the medication? Where's the dignity if there is not healthcare providers there with the supportive medications often needed to really make sure that the last moments of life truly are dignified?

Television shows and movies have given many of our citizens just the wrong perception about the reality of what happens in death. That is why hospice care is truly a blessing for those families, because there's a good chance that the trauma of watching a relative go through a self-inflicted death is often troubling and it can be haunting for their lifetime. Most folks have no idea what is really possible and could go wrong, and they are not trained or prepared to be aware of the consequences. Although on the flipside this bill would prevent the prescriber from being present so at least we will spare them from the potential ways a process can go sideways, do patients really self-administer? Are relatives that are heirs to the estate allowed in the room? At the point that these patients

finally assume they would self-administer, the reality is that they may already be past the point of self-directing their suicide. There are stories out there of family members admitting to finalizing the administration. Do we know that the patient had really decided at that point? Maybe their final moments were not as troubling as they believed they would be and are in a complete, somewhat peaceful death. You're asking unprepared folks to believe that this process is just so simple and easy and pleasant. First, do no harm. There's no guarantee of dignity in this process at all. Thank you, Mr. Speaker.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Jay, Representative Riley.

Representative RILEY: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise to speak in honor of my long-time friend, Chris Tridor, his late wife, Karen, in support of LD 1313.

Mr. Speaker, my son was born with a catastrophic form of muscular dystrophy. From the outside, it looks a lot like ALS, Lou Gehrig's disease, with symptoms becoming noticeable in the elementary ages. Brian stopped walking at the age of 12 and today, at age 19, he's barely able to lift his hand from his lap. He requires around-the-clock care. He's on heart medication and he's trying to adapt to life with a ventilator, which he will need increasingly in the days to come. More times than I can count, I've held strong to ease him through unfathomable grief as best I can the loss of autonomy, physical pain, social separation and cruel indignities. Let me assure you, Mr. Speaker, when this disease is at its full scale, my best is laughably inadequate. But, Mr. Speaker, my son's life is a life worth living. Brian has always been a joiner; the robotics team, the math team and Leo's Club. He plays saxophone in the school band and in the community band. Two years in a row, we honored him in this chamber as a member of the State Championship Envirothon team. He couldn't play sports so his gym teacher gave him a whistle and taught him to officiate. He won the school Geography Bee and represented the district at the State Championship and his SAT scores made the Johns Hopkins Honor Roll while he was still in middle school. Most summers as a kid, he not only went to the summer camp specially designed for kids with mobility impairments, but also to the former Maine Conservation School where they teach shooting and boating and outdoor skills of every type. When he aged out, they invited him back as a counselor in training and he'll be there again this summer. This kid rocks.

I've spent every day of my life since his diagnosis early in 2002 plotting how best to support him, and in return I have the daily delight of living with this splendid creature. He's taught me to hold strong, to use patience, and the elemental weapon of humor in a battle against a living nightmare. But his disease is progressive and it keeps devouring muscle until there is nothing left to devour. We cannot win. I have always known I cannot win.

Mr. Speaker, of all the difficulties that Brian and I have been through together, by far the worst is having to hold strong for him in the dark moments when we reel from the ways that this disease robs him of his autonomy. There is no level of care, no drug, no alternative plan that can ease that stark reality and we know it is only going to get worse. So, today, Mr. Speaker, I hold strong for him once again and I vote in

favor of a bill that might one day give him that last measure of autonomy and I hope that you'll follow my light.

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

Representative REED: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I also rise in opposition to LD 1313.

I rise today once again and ask that some of you stand with me in opposing this bill. There is nothing that can dignify the taking of one's life by suicide; not now, not ever. As a matter of fact, I can't think of anything more undignified than this bill. As I stand here today, I am somewhat amazed that so many have become so fixated on enhancing and facilitating ways to participate in the taking of a human life in the twilight of his or her years. We all want to die with dignity, don't we? What exactly does that mean? I suppose the best way to die would be to live to a ripe old age, to be in excellent health and to just go to sleep and never wake up. But not everyone is allowed this manner of death. Some will have to deal with debilitating diseases while others will face other forms of terminal illnesses that will require constant care. Is hastening death by ingesting pills more dignified than dying under hospice care? If so, why do we invest so much money teaching caregivers how to provide the best care and the most tenderness in the final stages of life? It is also my understanding that we are not talking about taking just a pill and going to sleep, but rather in some cases taking many pills. Is it possible that the medication might be rejected or expelled? If so, what happens then? I also wonder if the person's personal physician is required to be on hand or the physician who prescribes the medication or if anyone at all will be present in the room after the medication has been taken. And on the ensuing death certificate, how will it be recorded? Will it read death by drug overdose or by whatever the terminal illness was? Certainly you couldn't claim death by cancer or heart failure and be honest about it.

What prompts one to support a bill like this? I am sure it is the thought or the experience of sitting at the bedside of a loved one and watching them suffer and slip away. Yes, this is extremely hard to endure and we all wish we could avoid it. We have all been there and more than likely we'll be there again sometime in our future. But is this the way to make it easier on our loved ones or us? No matter how noble or honorable this might seem to be, in my opinion it is morally wrong. To everything there is a season, a time to every purpose under Heaven. A time to be born, and a time to die.

This used to be called a mercy killing, but it was illegal and it usually resulted in an arrest and incarceration so they had to dress it up with a new title to show more sensitivity and one that now has wider appeal and acceptability, so they came up with death with dignity. I remember back in the 1970s when talks of abortion burst on the scene. It was back then that sooner or later it would eventually get around to taking the lives of the elderly and the terminally ill. Now here we are, and many are convinced that it is good, that it's humane, that it's a dignified thing to do. This bill suggests that if we are terminally ill, it is better to ingest pills to bring on an early death rather than die a natural death. And in this bill, does terminal illness mean anything that's incurable? Does it mean a death will occur within six months with or without medical attention? Does it include liver disease, heart disease or diabetes? Some live a long time with some of these diseases and especially now that so many people have elected to become organ donors. I'm concerned that a physician-assisted death might become an option when an elderly person has an insurance

company whose coverage comes into question and rather than be a burden on the family, he or she might see this as a way out. And I also worry that if this becomes commonplace in Maine, insurance companies because of costs might elect not to provide a life-saving procedure and might offer instead as an alternative physician-assisted suicide.

For years we have heard of situations which an heir to a fortune has engaged in something underhanded to get rid of a rich relative to gain access to an inheritance. Is it possible that this could happen legally should this bill be passed? What happens if the heir is also the Power of Attorney for the family? What about a misdiagnosis of a patient as terminally ill when, in fact, that person's terminal illness might be reversed by a new drug or by a new advanced procedure yet known to exist? And what about just a simple mistake? Doctors can't predict any certainty as to a person's life expectancy. If they have been known from time to time to leave sponges in patients, I guess it's conceivable that they could make such a mistake. Remember a few years ago when Jimmy Carter had a cancerous portion of his liver removed and he was told that the cancer had advanced to his brain? He even resigned his Sunday School class because he believed that he only had two or three weeks to live. A few months later, he was told that his cancer was totally gone. It wasn't long before he was back with Habitat for Humanity, going as strong as ever. What if a physician had convinced him that suicide was a way for him to alleviate a lot of suffering? Now wouldn't that have been a serious loss for humanity? And what about the idea that physician-assisted death, as just being bad medicine? Doctors have always been seen as healers. They have always offered hope to those who had no hope. If a physician is allowed to offer the option of suicide to one struggling with a serious health issue, it would become extremely difficult to see him as one who exudes hope to the hopeless. When a similar bill was being considered in the year 2000, a letter appeared in the Bangor Daily News that summed up the law in this way. As the years pass and vigilance wanes, our society's most vulnerable people will be judged fit or unfit for their place in the world by physicians, unchecked by the law nor by their charge to first do no harm.

Today, here in this House, let's do the right thing. Let's kill the bill, not the patient. Thank you, Mr. Speaker, and thank you, Ladies and Gentlemen of the House.

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

Representative **COOPER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. A number of years ago there was a referendum on this question. At that time, I voted against it. Since then, I have changed my views on the subject and it arises primarily through having witnessed a bad death. It is said that that's what it takes to see the worth of this legislation; a bad death. It was the son of my next-door neighbor and friend. He was 26 at the time, he had brain cancer. And I'd like to read to you a letter that my friend, Sarah Witte wrote to the committee as testimony for why she supported LD 1313.

"In 2009, my son, Andy, was diagnosed with glioblastoma brain cancer. His presenting symptom was a terrible headache. Following a craniotomy, radiation, and chemotherapy, he died a year later at the age of 27. But on the day he was diagnosed, along with finding the best care, I started wondering what my son's death would be like. Andy didn't want to talk about cancer or death, but when the tumor progressed and then later we found out there were no more treatment options, he broke down. He was furious and sad,

but he was also terrified of the explosive headaches coming back. He begged me to help him find a way out. He even talked about finding some heroin and taking an overdose and sadly, we all know how easily that could've happened. In his last week of life at Maine Med and then at Gosnell Hospice House, he was still in pain. Repeat; still in pain. He was on morphine and heavy palliative sedation. For him, that meant still in pain but unable to express it. They said they couldn't give him anymore. There was no comfort until it was all over. If you believe pain can be managed, I'm sorry to tell you that this, as a comfortable belief, is painfully just not true. I will tell you three ways that a prescription for end-of-life drugs would've made my son, Andy's life and death better and these resonate for many people. First, it would have been a simple peace of mind for him just knowing that it was there and not fearing the agony of his head exploding in pain. Many who have the prescription never use it, but it's a precious peace of mind. Second, he would've died at home. We loved him throughout his last breath at Gosnell but he wanted to be at home. Third, it would've allowed him to die in a peaceful act of going to sleep and spent his last week instead of enduring a literally blinding headache, heavily sedated, while he was trying to let go and feel our love all around him. We still want the right treatment as long as we have any hope and we want everyone to have access to palliative and hospice care options. But then we want the right to say it's time when our time comes." I urge you to vote Ought to Pass for LD 1313. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Craven.

Representative **CRAVEN**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, I rise in opposition to this measure.

First, I come from a culture that doesn't sanitize death. Families look after their loved ones at home through their death and dying. In my adult life, I've spent 12 years as a hospice volunteer and the process teaches lessons you can only learn through experience. In my opinion, we need to care for people and let them know they are valued to the very end.

The number one reason that people choose to commit physician-assisted suicide is that they don't want to be a burden to their families, and I think that that robs us of expressing our humanity. Furthermore, this bill as written, well-written as it is, opens the door to elder abuse. People who have had a terminal diagnosis are vulnerable, sometimes despairing, trying to decide what's next and leaving the field wide open for bad actors to manipulate their decisions. Again, the number of reasons people choose assisted suicide is because they do not want to be a burden to their families, making the opportunity for abusers and easy manipulation. I suppose I should be glad about this, but this creates a tiered system and in favor of people of privilege. If the poor wanted to use this method, I can't imagine them being able to secure several doctors' opinions, notarized letters, legal counsel and prescriptions. I'm proud to have invested decades advocating for people who lack the opportunity to speak for themselves and to sit with people who are in the dying process. I've cared for relatives and for people assigned to me on a professional level.

With your permission, Mr. Speaker, I'd like to read a few excerpts from people who have testified in our committee. The first person is a hospice nurse. Her name is Laura Parker from Sidney, Maine, and this is what she says: "I have many issues with the aspects of the language that are contained in LD 1313. Most people seeking to utilize this law are not given one

pill, but rather a hundred pills. They are not assisted to their death by their physician, or it's not required. Once the prescription is written and has been filled, the role of the doctor is not required to be hands on. There have been seizures complicating the process, people have regurgitated the meds or vomited up the medication, and even cases of regained consciousness after ingestion. It's difficult to track how many people have experienced these side effects because in most cases, in Oregon, for example, the healthcare provider was not present at the death. I question if the ingestion of a hundred pills resulting in potential nausea, vomiting, seizures, and side effects is not a tidy or dignified way to die."

The second excerpt is from Kandyce Powell, RN, MSN, Executive Director of the Maine Hospice Council and Center for End of Life: "As an individual with over 40 years' experience in the field of end-of-life care, I hope to share my outrage that not everyone has access to comprehensive resources like hospice and palliative care, which truly offer dignity to those patients and their families. LD 1313 is not the answer to the challenges we are facing. Remember, this is about humanity. I challenge our legislators to look in the mirror and ask, am I properly informed and fully prepared to make a policy decision that will change how our culture looks at the approaches of end of life?" Kandyce Powell.

The second one is: "Do you know that an average of 20 veterans commit suicide every single day? We already have a national crisis without a doctor's help. Our veterans may have returned from the battlefield but their war is far from over. Palliative care and giving help and hope is needed, not physician-assisted suicide."

Another excerpt goes like this: "People are naïve if they don't see the inevitability of insurance companies eventually having the final say in a patient's care. What would be cheaper than government-sanctioned physician-assisted suicide?" Myra Broadway, Board of Nursing Executive. Thank you, Mr. Speaker.

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

Representative **HANLEY**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I rise in opposition to this proposal, and I'll start off with that it's a moral issue and it's delicate but nobody has a right to take an innocent life, even your own life. You didn't create yourself, you have no authority to end yourself.

We all have experienced death in our lives. My mother and father, an older brother just a month ago, a mother-in-law, father-in-law, brother-in-law, others, and all of them died long, slow, lingering deaths, sometimes in great pain. But they didn't suffer in pain because they were treated for it. In this day and age, in our society, you can be treated for pain and die a peaceful death mostly, nothing is perfect, but still, they did not die suffering as they might have in some other country. But we are a unique creature. We are like no other creature on earth. We can take care of each other, we can feed each other, comfort each other, clean each other. We can do this from the beginning of our lives to the very end of our lives. No other creature on earth can behave this way. They are not human beings; we are. We are given something extremely special and to turn our back on someone as they die, so to speak, and to offer that fast way out, is no comfort.

The problem with this bill goes on and on. I can hear the arguments now; but, Grammy, you're old, you're sick and you're rich. It's time to go. And, believe me, you think those conversations won't take place? They certainly will. Also, what kind of message does this send to our society as a whole,

our children? You know, a few months ago we talked on the issues about childhood suicide, especially with the issue around firearms, and now we're discussing the actual taking of lives. It's like we're schizophrenic, we can't make up our mind here what we want to do. But the problem with all of this is that, you know, when someone says they want to kill themselves today, the police will respond and do everything they can to stop that person. What will happen now with the message being sent when a woman calls up and says my husband wants to kill himself, will the 9-1-1 operator say well, it's okay, you have every right to kill yourself, we're not going to get involved with that.

There's also the issue of the slippery slope. I know that that's argued against, but this is only one Legislature. There are many Legislatures to come and they can add to this in any way they want, and we need to be very careful of these things. In the Netherlands right now, which has had assisted suicide for some years, 25% of all deaths are suicides. Think about that. Fifteen years from now, will that be where we are? What about insurance companies? Will they say oh, you've got quite a disease, you're quite ill, you're quite old, we don't have any solution for you except this \$12 prescription for pills. These are all things that can happen. But most of all, we are compassionate creatures created by God and we have no right to end what we had no part in creating. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Verow.

Representative **VEROW**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in opposition to this bill and I have two points of view on that opposition.

One is, Mr. Speaker, we are not Oregon here. We are Maine and our motto, as everybody knows, is "I lead." So, are we thinking about following another state where they had the assisted suicide and for some reason they seem to be promoting this throughout the country? I don't know what end for what purpose that is. Maybe it's financial, I don't know, but you know, our people in Maine are distinct and different and capable of making our own decisions, and it sort of bothered me when they told me this was modeled after another state. And, again, we lead. We are "Dirigo" and if we want to change that name, I hope not.

The other part of this testimony that I'm giving here is we see bills in this Legislature that are the subject of life and death. This bill, death with dignity, is troubling to me. My mother passed away three years ago, 94 years old, Alzheimer's disease. My daughter passed away nine years ago, brain cancer. They left this life when their time came and without any intervention such as this bill would allow and encourage. Both my mother and daughter received excellent care from doctors and nurses in the hospice program and when the time came, they died with dignity. This bill suggests to me that someone who suffered as they did perhaps did not die with dignity.

I looked up the definition of dignity and found this: "Dignity is the state or quality of being worthy of honor or respect." To that end, these great ladies were always worthy of honor and respect.

Mr. Speaker, Ladies and Gentlemen of the House, this is a life and death issue. In the face of this issue, my vote will always be on the side of life and hope. Thank you very much for your attention.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Meyer.

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

As a registered nurse for 25 years, I've worked with many patients who were delivered the unthinkable; the diagnosis of a terminal illness, and begin a journey through our healthcare system, participating in what may be available for treatment, including palliative care and hospice and, finally, dying. Sometimes their journey is peaceful but often it is horrific in spite of all the services, medication and expert care we have to offer. All of us know for certain that death is the inevitable conclusion to our lives. Thankfully, most of us aren't dwelling on the end but rather on our road through life, reaching goals we set for ourselves, enjoying a rich diversity of choices, how, where, and with whom we might live, work, love and grow as human beings. We chart our course with self-directed freedom and if we're honest when we do allow ourselves to think about our own mortality, we envision that we will draw our final breath peacefully and painlessly sometime far into the future.

Mr. Speaker, some of us will not know the gift of a long and healthy life. Some will face the grim knowledge of precisely how we will die. Some will face the reality of untreatable disease and know the agony of progressive fatal illness. The Maine Death with Dignity Act will offer decisionally capable, mentally capable, terminally ill adult patients within six months of their death an option to avoid prolonged suffering. A choice to reject the notion that they must be passive victims to a frequently brutal disease process that often strips them of their dignity and autonomy. This is not an assisted suicide bill. The terminally ill patients who would be given the option to hasten their death have no interest in committing suicide. They have arrived at a decision having exhausted every available means of prolonging the life that they love. These dying patients are not making the desperate, impulsive choice associated with suicide. Suicide is a repudiation of life. These dying patients love life but recognize with clarity that their death is imminent, and wish to avoid unbearable suffering and loss of autonomy by choosing the option for a serene, dignified death. They seek to shorten the agony of their final hours, not to kill themselves. Cancer is killing them. Lou Gehrig's disease is killing them. The disease ravaging their bodies is killing them.

Death with dignity statutes in other states and the one before this body today contains strict eligibility criteria and multiple safeguards protecting dying patients from abuse and coercion. The combined 40 years of experience with death with dignity laws in Oregon, Washington, Vermont, California, Hawaii, and Washington D.C., has demonstrated that the safeguards built into these laws are effective in protecting patients from any form of undue influence. Concerns for coercion and discrimination simply have not come to pass.

Finally, many in the palliative care and hospice field, and some of us who have lost a loved one to terminal illness are aware that many physicians already dispense life-ending medications at the request of patients or their families. States that don't authorize aid in dying have unclear, unenforceable laws and underground practice has no safeguards. Death with dignity laws stop that sort of back hallway prescribing that happens in the shadows and shines light on the process. This legislation would codify a rigorous process that the dying patient must follow before they, and only they, make a decision to obtain and, if they choose, to self-administer the medication.

Seven in 10 Mainers, our constituents, support death with dignity as an end-of-life option for the terminally ill. The majority of those we represent believe that the terminally ill

should have a choice to use aid in dying if their suffering becomes unbearable. I hope none seated here today or anyone we love ever faces the agony that often accompanies untreatable terminal illness. I hope as well that the option for death with dignity is available, and I ask you join me in supporting the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative **HUTCHINS**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Yesterday we celebrated Memorial Day; a time to remember with dignity those honored soldiers that we've lost. Today we talk about death with dignity on a totally different step. One of them is a lie.

Many years ago, my family lost a family member to suicide. It was just a little bit different; she chose to do the suicide on her own, after being treated with electroshock therapy after a nervous breakdown. That was the in-thing at the time, I guess they still use it some, it didn't work then, probably doesn't work today. But I'm here to tell you that death by suicide has no dignity. Thank you very much.

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

Representative **BABBIDGE**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, this difficult issue, the extreme suffering of certain people at the end of their lives brings to us a moral decision that we cannot escape. If we choose action with its consequences, that's a choice. But inaction with its consequences is also a choice. I prefer to give that choice to the patient. For a person with painful, debilitating terminal illness who will suffer more and become more helpless with the passage of time, the question before us this day is who shall have the power, the control to determine the circumstances of one's own life and death. In the interest of personal freedom, in the interest of self-determination, end-of-life decisions despite what others may wish, rightfully belong to the patient. If a person suffers at end of life, it is cruel for a person to have to feel it was forced upon him or her because he or she was not permitted this option to make decisions. That person may choose in the end not to use this option but I believe there is solace in knowing that the power, the choice rightfully belongs to the patient. I believe this bill has been carefully crafted with appropriate protections. I urge my colleagues to support the motion. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: 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. 142

YEA - Ackley, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Cooper, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hobbs, Hubbell, Hymanson, Ingwersen, Johansen, Jorgensen, Keschl, Kessler, Kornfield, Landry, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Meyer, Moonen, Morales, O'Neil, Pebworth, Peoples, Pierce T, Prescott, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Stover, Sylvester, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

NAY - Arata, Austin B, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Collings, Corey, Costain, Craven, Curtis, DeVeau, Dillingham, Doore, Drinkwater, Faulkingham, Fecteau J, Fecteau R, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hutchins,

Javner, Kinney, Kryzak, Lockman, Lyford, Madigan C, Marean, Martin J, Mason, Melaragno, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Perry A, Perry J, Pickett, Pluecker, Reed, Rudnicki, Sampson, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Talbot Ross, Theriault, Tuell, Verow, Wadsworth, White B, White D.

ABSENT - Alley, Andrews, Dolloff, Grignon, Hickman, Martin R, Martin T, Paulhus.

Yes, 72; No, 68; Absent, 8; Excused, 2.

72 having voted in the affirmative and 68 voted in the negative, with 8 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-305)** 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-305)** and sent for concurrence.

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

COMMUNICATIONS

The Following Communication: (H.C. 187)

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

May 28, 2019

Honorable Robert B. Hunt

Clerk of the House

2 State House Station

Augusta, Maine 04333

Dear Clerk Hunt:

Pursuant to my authority under House Rule 201.1 (H), I appoint Representative Matthew W. Moonen of Portland to serve as Speaker Pro Tem to convene the House on May 28, 2019.

Sincerely,

S/Sara Gideon

Speaker of the House

READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act To Eliminate Online Burn Permit Fees for All Areas of the State"

(S.P. 604) (L.D. 1788)

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

REFERRED to the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** in concurrence.

Bill "An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws"

(S.P. 603) (L.D. 1787)

Came from the Senate, **REFERRED** to the Committee on **INLAND FISHERIES AND WILDLIFE** and ordered printed.

REFERRED to the Committee on **INLAND FISHERIES AND WILDLIFE** in concurrence.

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

Representative **TALBOT ROSS**: Thank you, Mr. Speaker. I request unanimous consent to address the House on the record.

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

Representative **TALBOT ROSS**: Thank you, Mr. Speaker. Mr. Speaker, Men and Women of the House, in reference to Roll Call No. 129 on LD 1566; had I been present, I would've voted yea. Thank you.

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

On motion of Representative DILLINGHAM of Oxford, the House adjourned at 2:09 p.m., until 10:00 a.m., Wednesday, May 29, in honor and lasting tribute to Eric T. Wight, of Bethel and Earlene "Kitty" Ahlquist Chadbourne, of Cumberland.