

MAINE STATE LEGISLATURE

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One Hundred and Twenty-Ninth Legislature
State of Maine

Daily Edition

First Regular Session
beginning December 5, 2018

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ONE HUNDRED TWENTY-NINTH LEGISLATURE
FIRST REGULAR SESSION
49th Legislative Day
Thursday, June 6, 2019

The Speaker resumed the Chair.

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

Prayer by Pastor Jamie Dickson, Kingdom Life Church, Oakland.

National Anthem by Winslow Junior High School Band.

Pledge of Allegiance.

Doctor of the day, Jens Rueter, M.D., Bangor.

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

The SPEAKER: So, Colleagues, on the record, I just wanted to address the Membership at the start of today. I thought it might be helpful to review some of the rules of debate in the House. And I understand from various conversations yesterday that perhaps there is some confusion around both what the rules are but also the Chair's interpretation of those rules. And so I thought some clarification might be helpful for all of us so that we can move forward together in a manner that allows us to do our work and to feel good about it with each other, as well.

So, I wanted to start by just mentioning a couple of things. So the first is that our job here in the chamber, literally, is to be able to focus on a matter that's before us and to debate or deliberate that matter, and then to be able to vote on it and to do it in a manner that's consistent with the decorum of the House. But I'll also just say that whoever happens to occupy this role, whether it is the person who is elected Speaker for a two-year term or the Speaker Pro Tem, it is at their discretion to a great degree in accordance with the rules in how they enforce the rules. And one of the challenges of doing that is that as you seek to have consistency and fairness in the rules, as you seek to enforce those rules for the good of the House and the decorum of the House, it is challenging because you want to leave enough room for there to be debate, and yet you want to keep everything tight enough so that people know what to expect and what is allowed. And I will just say that for this Speaker, one of my determinations has been that I have wanted to err on the side of allowing a little more freedom in debate and my reason for that is pretty specific, and that is that I feel most especially for the party that is in the minority that if the rules of debate were too strictly enforced that there would often not be a chance to present the minority's point of view. So, for example, if there were a Divided Report with two Ought to Pass Reports, I would like there to be a way for a Member who is on the Minority Report to be able to creatively talk about the Minority Report. They might say if only the report before us included A, B, and C provisions.

So, I know this is a little bit of an unusual conversation but I want to actually review a couple of things because I think it will be helpful to us going forward. So, the first is that debate is limited to the bill before us. If the bill was amended in committee, it is still allowable to reference the original bill because that bill is the genesis, essentially. And, additionally, the amendment before us might just be an amended fiscal note. So, for the sake of consistency, I just want that to be understood. And then, additionally, if the motion before us is

an Ought Not to Pass motion, to be clear, that opens up the ability for debate on the entire question, okay? So, I know that there have been points of order called during this legislative session, for example, that questioned that if the motion is Indefinite Postponement or Ought Not to Pass, it means the whole bill is open for debate. And then, I'm just going to actually read a couple of things from our Mason's Manual because I think that they'll be helpful for us to think about.

First, debate must always have relation to some definite question that is under consideration by the body. That being said, and I can think of many, many instances in just the past five months where Members of any party or unenrolled Members stand to argue about a bill that oftentimes that includes a larger scope or it might include, if you are the Representative from Brunswick, for example, a funny story about your mother and a thermometer as you begin. But I do try to make allowances for people to be able to explain why the bill is relevant, and that is the way that I've done things in this chamber and will continue to try to do to the greatest degree possible. However, I will recognize that there have been some instances where there's a good deal of a speech that has absolutely nothing to do at all with the question before us and I will be for the next few weeks in front of us more strict about enforcing that and interrupting Members on issues of that, or also on issues, whether it is turning to look at or talk to another Member instead of directing your attention to the rostrum, and things of that nature.

I will also say that a Member who resorts to persistent irrelevance or persistent repetition after the Member has been reminded of a rule may be directed to discontinue speaking at that point. I'll also just mention that the debate on a bill is confined to the bill that's under consideration. It does not extend to criticism of other bills that are before the House, that have been passed by the House, or that are in committee. And that is a transgression we've seen frequently on the Floor and I will be very strict about enforcing that from this point forward.

It's also out of order to refer in debate to a bill or other matter that is not yet reported by a committee and, again, this is something that we see happen frequently, so I am giving people this reminder right now. And, finally, there are a lot of rules and I'm not going to read all of them to you. I am reading from Mason's Manual and, as all of you probably know, we are governed by the Constitution and then our House Rules and then our Joint Rules, and then usage and precedence, and, finally, Mason's, but Mason's is the most specific about our rules. So, I do want to just read the following to you: Members must not be permitted by their conduct to deny to others that which they claim for themselves. It's the duty of all Members to conduct themselves so as not to obstruct the like rights of other Members. Freedom of speech involves obedience to the rules of debate. The language used by Members during debate should be temperate, decorous, and respectful.

So, as you see, some of these rules are very specific, some of them are not, and they are open to interpretation. And what I just want to assure all the Members of the body is that my goal is to be fair and consistent, no matter which Member is speaking, no matter if you belong to any party or no party at all, and I will continue to try to do that to the best of my ability. And we have just maybe two weeks of work left in front of us, maybe a little less. We've got long days ahead of us. But we are in this together and I know that we all have a great deal of respect for each other, that we want to do good work for the people of Maine, and that we're going to be able to remain focused on that. And the last thing I'll just say in closing is that,

I am really available to talk to for any individual. If you have a question about how something has gone on a particular day or what is allowable or why something happened or that you want me to understand a disagreement you have, I'm really open to hearing that and I want to hear it so that we can continue to do better and I can continue to do better as Speaker for you.

So, thank you so much for your attention to this matter.

The Journal of yesterday was read and approved.

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

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

**CONSENT CALENDAR
First Day**

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

(S.P. 595) (L.D. 1763) Bill "An Act To Transfer Responsibility for Licensing of Land-based Aquaculture from the Department of Agriculture, Conservation and Forestry to the Department of Marine Resources" (EMERGENCY) Committee on **MARINE RESOURCES** reporting **Ought to Pass**

(S.P. 53) (L.D. 166) Bill "An Act To Protect Schoolchildren by Increasing the Penalty for Unlawful Passing of a School Bus" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-207)**

(S.P. 423) (L.D. 1355) Bill "An Act To Expand the 1998 Special Retirement Plan To Include Civilian Employees Who Work for the Department of Public Safety Crime Lab and Computer Crimes Unit" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-201)**

(S.P. 490) (L.D. 1555) Bill "An Act To Improve Highway Maintenance Safety" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-206)**

(H.P. 1281) (L.D. 1800) Bill "An Act To Modernize the E-9-1-1 Laws To Include Text Messaging and Other Methods of Contacting E-9-1-1" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass**

(H.P. 549) (L.D. 744) Resolve, Authorizing the Commissioner of Administrative and Financial Services To Convey the Interests in Certain Real Property Located in East Millinocket Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-489)**

(H.P. 695) (L.D. 940) Bill "An Act To Increase the Number of Franklin County Commissioners" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-488)**

(H.P. 921) (L.D. 1260) Bill "An Act Regarding Short-term, Limited-duration Health Plans" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-476)**

(H.P. 1170) (L.D. 1627) Bill "An Act To Authorize the Use of Autocycles" Committee on **TRANSPORTATION**

reporting **Ought to Pass as Amended by Committee Amendment "A" (H-487)**

(H.P. 1180) (L.D. 1645) Bill "An Act To Create Affordable Workforce and Senior Housing and Preserve Affordable Rural Housing" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-481)**

(H.P. 1207) (L.D. 1683) Bill "An Act To Clarify the Definition of 'Consumer-owned Transmission and Distribution Utility'" (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-478)**

(H.P. 1212) (L.D. 1697) Bill "An Act Regarding the Timeliness of Payments to the State" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-479)**

(H.P. 1248) (L.D. 1753) Bill "An Act Amending the Charter of the Boothbay-Boothbay Harbor Community School District" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-486)**

(H.P. 1275) (L.D. 1796) Resolve, To Study Transmission Grid Reliability and Rate Stability in Northern Maine Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-480)**

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

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Pursuant to Statute

Department of Administrative and Financial Services

Representative SCHNECK for the **Department of Administrative and Financial Services** pursuant to the Maine Revised Statutes, Title 5, section 8072 asks leave to report that the accompanying Resolve, Regarding Legislative Review of Chapter 1: Adult Use Marijuana, a Late-filed Major Substantive Rule of the Department of Administrative and Financial Services, Office of Marijuana Policy (EMERGENCY) (H.P. 1308) (L.D. 1837)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Resolve **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Sent for concurrence.

**CONSENT CALENDAR
First Day**

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

(H.P. 749) (L.D. 1007) Bill "An Act To Expand and Enhance Maine's Behavioral Health Direct Care Workforce" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-499)**

(H.P. 1015) (L.D. 1400) Bill "An Act To Improve Recruitment and Retention in State Law Enforcement by Offering Retirement Service Credit and To Improve Retirement Benefits for Veterans of the Cold War" Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-495)**

(H.P. 1228) (L.D. 1717) Bill "An Act To Clarify and Correct Maine's Fish and Wildlife Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-492)**

(H.P. 1238) (L.D. 1740) Bill "An Act To Clarify Inland Fisheries and Wildlife Laws Regarding Boating and Hunting Licensing" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-491)**

(H.P. 1262) (L.D. 1775) Bill "An Act To Protect Sustenance Fishing" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-490)**

(H.P. 1269) (L.D. 1784) Bill "An Act To Increase Land Permit by Rule Application Fees" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-502)**

(H.P. 1289) (L.D. 1809) Resolve, To Increase Funding for Evidence-based Therapies for Treating Emotional and Behavioral Problems in Children (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-500)**

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

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

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

**SENATE PAPERS
Non-Concurrent Matter**

Resolve, To Require a Study of Greenhouse Gas Emissions Reductions from the Proposed Central Maine Power Company Transmission Corridor (EMERGENCY)

(S.P. 202) (L.D. 640)
(H. "A" H-345 to C. "A" S-82)

FAILED of **FINAL PASSAGE** in the House on June 4, 2019.

Came from the Senate **FINALLY PASSED** in **NON-CONCURRENCE**.

Speaker Pro Tem MOONEN of Portland moved that the House **RECEDE AND CONCUR**.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative STEWART: Thank you very much, Mr. Speaker. I just want to make sure that everybody is clear on exactly what this motion is. It would require 101 affirmative votes in order to actually Recede and Concur with the Senate. We've had a number of roll calls on this bill already and I would respectfully ask that my colleagues follow my light so that we

can adopt an insist motion, rather than this one. Thank you very much.

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

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. 184

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Cardone, Carney, Cooper, Corey, Crockett, Daughtry, Denk, Dodge, Dolloff, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grignon, Grohoski, Hall, Handy, Harnett, Hepler, Hickman, Hobbs, Hymanson, Ingwersen, Keschl, Kessler, Kornfield, Landry, Madigan C, Marean, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Paulhus, Pebworth, Pierce T, Pluecker, Reckitt, Riseman, Roberts-Lovell, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stover, Talbot Ross, Tepler, Tipping, Tucker, Warren, White B, Zeigler.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Bryant, Caiazza, Cebra, Cloutier, Collings, Costain, Craven, Cuddy, Curtis, Dillingham, Drinkwater, Dunphy, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hanington, Hanley, Harrington, Head, Hubbell, Hutchins, Javner, Johansen, Jorgensen, Kinney, Kryzak, Lockman, Lyford, Martin J, Martin R, Martin T, Mason, Mastraccio, McLean, Millett, O'Connor, Ordway, Peoples, Perkins, Perry A, Perry J, Pickett, Prescott, Reed, Rudnicki, Rykerson, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Tuell, Wadsworth, White D.

ABSENT - Campbell, DeVeau, Doore, Gattine, Higgins, Riley, Sylvester, Verow, Madam Speaker.

Yes, 74; No, 65; Absent, 9; Excused, 2.

74 having voted in the affirmative and 65 voted in the negative, with 9 being absent and 2 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, the House voted to **INSIST**.

Non-Concurrent Matter

Bill "An Act To Promote Keeping Workers in Maine" (H.P. 538) (L.D. 733)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280) in the House on May 21, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-280) AS AMENDED BY SENATE AMENDMENT "A" (S-208)** thereto in **NON-CONCURRENCE**.

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

Non-Concurrent Matter

Bill "An Act To Limit the Influence of Lobbyists by Expanding the Prohibition on Accepting Political Contributions" (S.P. 18) (L.D. 54)

PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132) in the House on May 29, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-132)**

AS AMENDED BY SENATE AMENDMENT "B" (S-196)
thereto in **NON-CONCURRENCE**.

Speaker Pro Tem MOONEN of Portland moved that the House **RECEDE AND CONCUR**.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, sir. I rise in support of the recede and concur motion.

We often talk about getting money out of politics and reducing lobbyists' influence. Well, this is it. What is before us is an opportunity to do just that and we've never been so close to real reform. This motion would ensure that we are banning lobbyist contribution to legislators and the Chief Executive candidates for those offices and their political action committees, also known as PACs. If we truly want to prevent lobbyists from financially influencing policy and politics when it comes to sitting officials and those seeking those offices, then we need to extend the ban to their PACs and this motion gets us there. PACs accept unlimited contributions so leaving them out defeats the purpose of the bill. With the new amended version, party committees and ballot question committees could still be able to accept lobbyists' contribution even when legislators are decision-makers or fundraisers. We would still allow lobbying firms and clients of lobbyists to contribute. We are just zeroing in on the people we interact with on a daily basis to prevent undue influence and take money out of the equation. This moves the needle for comprehensive campaign finance reform.

Join me, the Maine League of Women Voters, Maine Citizens for Clean Elections, Maine Education Association, and others who all support this version of the bill. I urge the body to follow my light.

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

ROLL CALL NO. 185

YEA - Ackley, Alley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Carney, Cloutier, Collings, Cooper, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Hobbs, Hymanson, Ingwersen, Jorgensen, Kessler, Landry, Madigan C, Marean, Martin R, Mastraccio, Maxmin, McCrean, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Sharpe, Sheats, Stover, Talbot Ross, Tepler, Terry, Tipping, Tucker, White B, Zeigler.

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Campbell, Cardone, Cebra, Corey, Costain, Craven, Curtis, Dillingham, Dolloff, Drinkwater, Dunphy, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Hubbell, Hutchins, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Lockman, Lyford, Martin J, Martin T, Mason, Matlack, McCreight, Millett, Morris, O'Connor, Ordway, Peoples, Perkins, Perry A, Perry J, Pickett, Prescott, Reed, Rudnicki, Sampson, Schneck, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White D.

ABSENT - DeVeau, Doore, Gattine, Higgins, Sylvester, Verow, Madam Speaker.

Yes, 70; No, 71; Absent, 7; Excused, 2.

70 having voted in the affirmative and 71 voted in the negative, with 7 being absent and 2 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

Subsequently, Speaker Pro Tem MOONEN of Portland moved that the House **INSIST**.

Representative FECTEAU of Biddeford **REQUESTED** a roll call on the motion to **INSIST**.

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

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

ROLL CALL NO. 186

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Bailey, Beebe-Center, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gramlich, Griffin, Grignon, Grohoski, Haggan, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Matlack, Maxmin, McCrean, McCreight, McDonald, McLean, Meyer, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riseman, Roberts-Lovell, Rudnicki, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Wadsworth, Warren, White B, White D, Zeigler.

NAY - Ackley, Babine, Berry, Cardone, Mastraccio, Melaragno, Moonen, Riley, Rykerson.

ABSENT - DeVeau, Doore, Gattine, Higgins, Millett, Sylvester, Verow, Madam Speaker.

Yes, 131; No, 9; Absent, 8; Excused, 2.

131 having voted in the affirmative and 9 voted in the negative, with 8 being absent and 2 excused, and accordingly the House voted to **INSIST**.

COMMUNICATIONS

The Following Communication: (H.C. 195)

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

June 6, 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:"

Environment and Natural Resources

L.D. 1802

An Act To Make Minor Changes and Corrections to Statutes Administered by or

- Innovation, Development, Economic Advancement and Business
L.D. 50
- Concerning the Department of Environmental Protection
An Act To Implement the Recommendations of the Government Oversight Committee To Improve the Development of a Long-range Strategic Plan for Economic Improvement in the State
- L.D. 461
An Act To Improve the Affordability of Higher Education
- L.D. 532
Resolve, Directing Professional Licensing and Certification Boards To Study the Barriers To Obtaining Professional Licensure and Certification
- L.D. 768
Resolve, To Establish the Commission To Research the Economic Disparities of Racial and Ethnic Populations (EMERGENCY)
- L.D. 769
Resolve, To Direct the Commissioner of Professional and Financial Regulation To Create a Working Group To Study Credentialing Skilled Individuals with Foreign Credentials
- L.D. 890
An Act To Expand Workforce Access by Creating Apprenticeship Programs To Increase Access to Licensure in Certain Occupations
- Transportation
L.D. 1157
An Act To Fix Maine's Roads and Bridges by Establishing a Seasonal Gasoline Tax Adjustment

Sincerely,
S/Robert B. Hunt
Clerk of House

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

The Following Communication: (S.C. 562)

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

June 5, 2019

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

Dear Speaker Gideon:

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

Upon the recommendation of the Committee on Environment and Natural Resources,

- The Honorable Robert S. Duchesne of Old Town for reappointment, to the Board of Environmental Protection;
- Robert M. Sanford of Gorham for appointment, to the Board of Environmental Protection.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

READ and **ORDERED PLACED ON FILE.**

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

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Marcus Christopher, of Skowhegan, who has earned the distinction of being named Salutatorian of the 2019 graduating class of Skowhegan Area High School. We extend our congratulations and best wishes;

(SLS 628)

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

READ and **PASSED** in concurrence.

Recognizing:

Robert Taylor Kruse, of Norridgewock, who has earned the distinction of being named Valedictorian of the 2019 graduating class of Skowhegan Area High School. We extend our congratulations and best wishes;

(SLS 629)

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

READ and **PASSED** in concurrence.

Recognizing:

Tessa Mott, of Lincolnville, who has earned the distinction of being named Salutatorian of the 2019 graduating class of Camden Hills Regional High School. We extend our congratulations and best wishes;

(HLS 499)

Presented by Representative DOUDERA of Camden.

Cosponsored by Senator HERBIG of Waldo, Representative ZEIGLER of Montville.

On **OBJECTION** of Representative DOUDERA of Camden, was **REMOVED** from the Special Sentiment Calendar.

READ and **PASSED** and sent for concurrence.

Recognizing:

Augusta Stockman, of Camden, who has earned the distinction of being named Valedictorian of the 2019 graduating class of Camden Hills Regional High School. We extend our congratulations and best wishes;

(HLS 500)

Presented by Representative DOUDERA of Camden.

Cosponsored by Senator MIRAMANT of Knox.

On **OBJECTION** of Representative DOUDERA of Camden, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I just want to take a few quick, quick minutes to congratulate these two ladies who have driven over from the coast after having their first marching practice for graduation. I just want to say; Tessa and Augusta, congratulations. We're very proud of you. We wish you the

best of luck and we hope that wherever your future plans take you, that you come back to Maine because we need your talents and your energy. Thank you.

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

In Memory of:

Wayne "Pooch" Drown, of Gorham, a widely known and respected Gorham Police Department school resource officer working at Gorham High School. Officer Drown had a 45-year career in public safety, which began in 1974, when he joined the Gorham Fire Department as a volunteer firefighter. He worked his way up to captain in the department. In 1982, he became a reserve police officer for the Gorham Police Department, becoming a full-time officer in 1984. He was promoted to police detective in 1986 and became Gorham High School's full-time school resource officer in 1998. He was involved in the Maine Special Olympics, including the very first Special Olympics in the State, and participated in the Maine Law Enforcement Torch Run for Special Olympics since it began in 1984. He refereed local basketball games and coached golf and softball at the high school. He received several awards, especially for his achievements in community policing. In January, the Maine Association of Police gave him its Larry Gross Cop's Cop Award, recognizing his commitment to the well-being of his fellow officers, both on and off duty, as well as his work ethic. Officer Drown will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(SLS 638)

On **OBJECTION** of Representative TERRY of Gorham, was **REMOVED** from the Special Sentiment Calendar.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Terry.

Representative **TERRY**: Thank you, Mr. Speaker. Wayne Drown was the school resource officer at Gorham High School for over 20 years. Honestly, when my older girls were in high school, I was glad that I had only heard of SRO Pooch and I didn't have the opportunity to actually know him. In my high school, knowing the SRO was a sure sign you were up to no good. My SRO's name was Mike and we knew each other.

I had heard that Pooch was an attentive and caring SRO, and there were a slew of kids and now adults in Gorham that he had helped stay out of harm's way for over 20 years. I had heard that Pooch had all the best qualities of an ideal police officer and, more importantly, he was the living embodiment of the word "friend." I had heard that he was an avid Gorham athletic team fan, from the littlest kids who did rec sports, to the champion high school teams and even the not-so-champion teams. I had heard he was a great coach and had one-liners that people around the town repeat on a regular basis. And then I finally had the chance to meet Pooch. My youngest daughter joined the golf team her freshman year in high school and Pooch was her coach.

She was one of only four girls on a team of about 35 kids. She and her fellow teammates on the girls' team were a little intimidated being brand-new golfers, mostly freshmen, and such a small group of girls amid a bunch of upper classmen veteran golfers with years of teambuilding behind them. Pooch took those girls right under his wing. He cultivated the girls and taught them to play the game in a calculated way but to have fun with it. Knowing being on the team was sometimes a struggle for them, after away games he'd sneak them all out for

burgers and fries on the way home. He was so dedicated to teaching these girls to enjoy the game and stick to it, he used every opportunity to make it a pleasant experience for them, even by dragging them there so he could give them pep talks on the way to games and on the way back.

My dad, a serial golfer, has always said that golf teaches you life lessons at every hole. Pooch had the habit of telling the nervous team; slow down, it ain't the Kentucky Derby. My daughter says that those words stick with her every day. Whenever she finds herself questioning what to do, either on the golf course or taking a test or tackling a project, she hears Pooch's words in her ear and it focuses her.

Pooch had a wonderful effect on my child and countless other children, parents, and colleagues, and Gorham sports enthusiasts. His memory of legacy of good work is greatly missed in our town and we were all really lucky to know him. Thank you.

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

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

UNFINISHED BUSINESS

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

Expression of Legislative Sentiment Recognizing Holden Willard, of Raymond

(HLS 383)

TABLED - May 21, 2019 (Till Later Today) by Representative FAY of Raymond.

PENDING - PASSAGE.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Raymond, Representative Fay.

Representative **FAY**: Thank you, Mr. Speaker. When we learned that Holden Willard was awarded the best at show for his self-portrait from the Cultural Center of Cape Cod's The Works International Art Competition, our entire community shone with pride.

Holden is currently a student at Montserrat College of Art in Beverly after graduating from Raymond and Windham schools. According to the Windham Eagle newspaper, Willard has been an artist/drawer/painter from a very young age but because he was discouraged by others who told him to forget about pursuing such a venture, Willard stopped what he loved doing most; I was told that being a painter isn't possible as a career option and I was told to forget about it, so I did forget about it, although I continued drawing. It wasn't until I was a senior in high school when I began to receive more positive feedback that being an artist was definitely a possibility and I started painting seriously.

In describing his work, Holden tells us that it's extremely gratifying to see that the person I painted feels as if their voice comes through the paint. It's a special and very intimate understanding between the painter and the sitter, and that empathy is widely important to me.

So, this morning, I'm honored that this body is recognizing his resilience and persistence in following his passion for painting and portraiture, and I look forward to saying I knew him when.

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-204)** on Bill "An Act Regarding the Determination of the Prevailing Wage Rate for Public Works Projects"

(S.P. 430) (L.D. 1386)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-204)**.

READ.

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

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

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

Representative **BRADSTREET**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. This bill calls for wage data to be collected at a time when labor costs are highest and to use the highest figure obtained to determine a prevailing wage rate for public works projects. This imposes an artificially high prevailing wage which Maine taxpayers will have to pay for. Why not use a wage that is averaged over a full year, which is a more accurate reflection of what wages really are?

Works projects, many already being curtailed or stopped due to high costs, will suffer with the passage of this bill and Maine will continue to have a plethora of potholes. Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you, Mr. Speaker. What this bill is intended to do and what it does do is get better data for DOL.

Currently, prevailing wage rates are set based on data that's collected in the second and third weeks of September, which is a time when fewer construction workers are employed, and that leads to less data and if you have less data to average together, you have a less representative number at the end of it. By collecting data at a time when there are more people working, we'll have a better understanding of what is actually being paid and we can actually look at the wage that truly does prevail in an area, which is the entire point of the prevailing wage system. It is to make sure that the state, through it's incredible purchasing power of construction services, neither drives down nor drives up wages in an area but, instead, pays the wage that prevails for the trade. This bill does that by requiring extra data, it requires data to be collected and reported on during a period where more people are working but allows contractors to report that data at a later time when there would be less of a paperwork burden on the contractors. I hope folks will support the Ought to Pass as Amended Report. 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. 187

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

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

ABSENT - DeVeau, Doore, Gattine, Head, Higgins, McLean, Millett, Sylvester, Terry, Verow, Madam Speaker.

Yes, 81; No, 56; Absent, 11; Excused, 2.

81 having voted in the affirmative and 56 voted in the negative, with 11 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-204)** 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-204)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-203)** on Bill "An Act To Prevent Wage Theft and Promote Employer Accountability" (S.P. 473) (L.D. 1524)

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

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

Signed:
Senator:

GUERIN of Penobscot

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-203)**.

READ.

Representative CARNEY of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

The SPEAKER PRO TEM: The Member may proceed.

Representative **CARNEY**: Thank you. Members of the House, LD 1524 is a bill that is directed at wage theft prevention. The bill addresses a serious problem that harms both employees and businesses. It is unfair that employees are not paid for the work they've done. It is equally unfair that these employers gain a competitive advantage over other businesses, by not paying their employees.

LD 1524 addresses the fundamental unfairness of this situation in two ways. First, it allows the Maine Department of Labor or an employee who is deprived of pay for hours worked, to bring an action for an injunction to stop the unfair practices. If a court issues an injunction, the employer must pay reasonable attorney's fees and costs. Secondly, in the most egregious cases where the Department of Labor has already found two or more instances of wage theft and the wage theft impacts ten or more employees, or the wage theft involves two or more weeks of pay, the Commissioner of Labor, but not an individual, just the Commissioner of Labor, can initiate a cease operations order. This begins a multi-step process that both provides due process and creates opportunities to resolve the unpaid wage issue before a cease operations order is even imposed. Ultimately, an employer can get immediate relief

from a cease operations order by paying the wages owed and ending the unfair practices going forward.

This bill is about changing behavior. There are businesses in our State that repeatedly fail to pay their employees. Current wage claims allowed by our existing laws don't protect employees or competing businesses from the unfairness of these egregious repeat offenders of Maine's wage laws. This bill will.

In fairness to employees who have worked hard to support their families and employers who abide by our wage laws, I urge my colleagues to support the Ought to Pass as Amended motion.

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

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

The SPEAKER 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 in opposition to the pending motion.

I'd like to thank the Good Representative from Cape Elizabeth. I do agree that wage theft is a serious situation and I do understand the gravity of it. We've already adopted and engrossed LD 857, which adequately deals with wage theft. Give it time to work.

A big problem with this particular bill is that it gives -- it allows for cease operations orders, not a stop work order, so a violation by one branch of a company can jeopardize the wellbeing of all the employees of that organization, whether or not they work at the branch in question by closing down their workplace. Please vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Carney.

Representative **CARNEY**: Thank you, Mr. Speaker. I would just like to clarify, and I apologize for not including this in my initial presentation, that the cease operations order is required by the statute to be as narrowly tailored as possible to achieve the desired effect. 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. 188

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

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

Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Morris, O'Connor, Ordway, Perkins, Pickett, Prescott, Reed, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Doore, Gattine, Higgins, Millett, Sylvester, Verow, Madam Speaker.

Yes, 86; No, 54; Absent, 8; Excused, 2.

86 having voted in the affirmative and 54 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" (S-203)** 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-203)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-202)** on Bill "An Act To Protect State Employees When Their Contracts Have Expired" (S.P. 483) (L.D. 1546)

Signed:

Senators:

BELLOWS of Kennebec
LAWRENCE of York

Representatives:

SYLVESTER of Portland
CARNEY of Cape Elizabeth
CUDDY of Winterport
DOORE of Augusta
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
MORRIS of Turner

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-202)**.

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-202)** 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-202)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-199)** on Bill "An Act To Exclude Collectively Bargained Salary and Job Promotion Increases from the Earnable Compensation Limitation for Retirement Purposes"

(S.P. 517) (L.D. 1620)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-199)**.

READ.

Representative CARNEY of Cape Elizabeth moved that the House **ACCEPT** the Majority **Ought to Pass as Amended** Report.

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

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

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

Representative **BRADSTREET**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I do rise in opposition to the pending motion and I urge that we be very, very careful here because the overriding issue is that this bill would be part of the unraveling of previous measures that were taken to deal with what was previously an unsustainable and unaffordable path.

The State's pension program was in deep jeopardy. We fixed it. Let's not go back to that situation. Our current system is affordable, it's fair, and it's sustainable. Please join me in voting against this motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cape Elizabeth, Representative Carney.

Representative **CARNEY**: Thank you, Mr. Speaker, Members of the House. I'd like to speak to LD 1620 because I think that this is a legislation that actually promotes fairness.

This legislation amends the definition of earnable compensation in the Maine State Retirement System to provide that collectively bargained pay increases and job promotions can be considered in determining average final compensation for purposes of state retirement benefits. Currently, the definition excludes yearly increases of more than 5% or increases that total 10% raise over the course of the last three years of employment. The original exclusion is aimed at preventing artificial inflation of pay during the last three years of employment pursuant to an individual employment contract, and for the purpose of benefiting a specific individual. The examples the committee heard of during testimony included school administration officials. The pay increases that this bill would allow to be included, collectively bargained raises and job promotions, are not focused on individuals and simply don't create a concern about artificial increases in salary at the end of employment. I urge my colleagues to vote Ought to Pass as Amended.

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. 189

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, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCraight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pickett, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stover, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler.

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

ABSENT - DeVeau, Doore, Gattine, Higgins, Millett, Sylvester, Theriault, Verow, Madam Speaker.

Yes, 86; No, 53; Absent, 9; Excused, 2.

86 having voted in the affirmative and 53 voted in the negative, with 9 being absent and 2 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-199)** 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-199)** in concurrence.

Majority Report of the Committee on **LABOR AND HOUSING** reporting **Ought to Pass as Amended by**

Committee Amendment "A" (S-200) on Bill "An Act To Clarify Prevailing Wage Rates on State Projects Using Federal Funds" (S.P. 535) (L.D. 1658)

Signed:

Senator:

BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

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

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-200)**.

READ.

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

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

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

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

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

The issue with this bill is that it would inevitably drive up costs of public works projects, much of which must be borne by local municipal taxpayers. Please continue to allow local officials to exercise their fiduciary responsibilities to their citizens. They're well-qualified to do so, so let's allow them to do it. Please vote no on the pending motion. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Winterport, Representative Cuddy.

Representative **CUDDY**: Thank you, Mr. Speaker. I'd like to start by saying how nice it is to work with the Good Representative from Vassalboro most of the morning here. It's been very nice, indeed.

The purpose of this is, again, the idea behind the prevailing wage is to ensure that the wage that prevails in the area is the one that will continue to be paid on state projects because the State is the largest consumer of construction services around, and we do not want to artificially drive up or down wages, we just want to have the wage that prevails be the wage that is paid on projects where the State is funding the

project. Thank you very much, Mr. Speaker. I hope people will join me in supporting the Ought to Pass as Amended motion.

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. 190

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, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Matlack, Maxmin, McCrema, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - DeVeau, Doore, Gattine, Higgins, Sylvester, Theriault, Verow.

Yes, 84; No, 57; Absent, 7; Excused, 2.

84 having voted in the affirmative and 57 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" (S-200)** 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-200)** in concurrence.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Majority (10) **Ought Not to Pass** - Minority (3) **Ought to Pass as Amended by Committee Amendment "A" (H-259)** - Committee on **TAXATION** on Bill "An Act To Exempt Overtime Pay from Individual Income Tax"

(H.P. 718) (L.D. 963)

TABLED - May 16, 2019 (Till Later Today) by Representative TIPPING of Orono.

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

Representative DILLINGHAM of Oxford **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 Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you. The exempt overtime paid for individual income tax is a very important bill.

In the State of Maine, we have about seven months to get projects done. This requires a lot of overtime work in the construction field. We compete against a state right next to us that has no income tax, and we need workers up here, and many workers know when they meet a certain amount of time after 40 hours that they're there basically working for free because it all goes to taxes.

I've heard people talk about fairness. You know, fairness would be to not tax people when they're away from their families and putting a lot of hours in trying to get these projects completed. So I'd really appreciate it if everyone followed my light on this bill. Thank you.

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

Representative **TIPPING**: Thank you, Mr. Speaker. I appreciate the previous speaker's comments. I just want to raise a few concerns with this bill, which is why it has a bipartisan Majority Ought Not to Pass motion before us.

The bill does not exempt for Maine income tax overtime pay received by a Maine resident working for a company outside of Maine, raising constitutional concerns that we'd be benefitting Mainers against the Commerce Clause. The bill also does not establish a way for Maine Revenue Service to see what income is derived from overtime pay and what income is not derived from overtime pay. And the bill does not address compensatory time agreements used to satisfy the State's overtime pay requirement, applicable to Executive or Judicial employees under the labor law.

In addition to that, I am still struggling with this idea that working overtime means a hundred percent of your overtime pay goes completely to taxes. That's not how I understand the marginal tax rates to work. So, although I appreciate the bill that was brought to our committee, I ask you to join me in supporting the Ought Not to Pass motion. Thank you.

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

Representative **DOLLOFF**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I can speak personally from my personal experiences on this bill because my husband works for Cianbro. He has gone to every state and it doesn't matter what state he goes and works in, Maine tax is always taken out. He's been with them for over 20 years. A lot of these projects, he looks at his overtime pay and he asks, it's like why bother working because it all went to taxes. The only way that it wouldn't go to taxes is if he added seven days working schedule.

So, I don't know how the State would set it up to exempt overtime. That, I'm sure, they can figure out. This bill to exempt overtime will only help our hardworking people in the State of Maine at least bring more money into their families. Thank you.

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

Representative **O'CONNOR**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Every time I see a bill

that can lower people's taxes in one way or another, I think that is a great thing.

People work really, really hard. Some people don't even work 40 hours but those who do are bringing revenues into this state, they are being productive, and they are the people that I think should be rewarded and allowed to keep every nickel that they make that's over 40 hours a week because, once again, I know for a fact that they know better how to spend that money than myself or anybody else in this body. Thank you.

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

Representative **BICKFORD**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'm not rising to encourage anyone to follow my light or to vote any certain way. I just want to point out a matter of fact. Two hundred dollars in overtime, the most you will pay in Maine income tax is \$14.10. 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 Not to Pass Report. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 191

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

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

ABSENT - DeVeau, Doore, Gattine, Higgins, Sylvester, Theriault, Verow.

Yes, 90; No, 51; Absent, 7; Excused, 2.

90 having voted in the affirmative and 51 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.

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought Not to Pass** on Bill "An Act To Create an Additional Pathway To Certify Industrial Arts Teachers To Foster Career and Technical Subjects in Maine Schools"

(H.P. 991) (L.D. 1369)

Signed:

Senators:

MILLETT of Cumberland

CARSON of Cumberland

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-473)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

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

READ.

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

Representative SAMPSON of Alfred **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 Chair recognizes the Representative from Alfred, Representative Sampson.

Representative **SAMPSON**: Thank you, Mr. Speaker. So, LD 1369 speaks about the need to create additional pathways to certify Industrial Arts teachers.

We have a current emergency in this State with a lack of Industrial Arts teachers. We also need opportunities for a larger number of students to be exposed to skills and potential career options in high-skilled opportunities. Decades ago, we had many Industrial Arts programs, but not so much now, and we are losing them. We are running out of Industrial Arts teachers as they retire, and are in a desperate place without means by which we can replace these teachers because we don't have a place to train them. So we have to be resourceful. Although the Department of Education has an Industrial Arts endorsement and a means by which conditional certifications can be awarded, we have no pathway for these potentially interested teachers. Since there's no place to train them in this state, they're not coming out as Industrial Arts teachers, so we have to look at industry and folks that are in the field and there is no way to get them into the classroom.

So, the Minority Report establishes an endorsement and credential pathway to allow new teachers to enter this field through what's defined as the experiential lab. Students would get some expertise and experience with a host of trade-related skills, such as, but not limited to, automotive repair, diagnostics, mechanics, welding, electrical, carpentry, computer-aided design, etcetera. I would ask that you would vote no on this motion so that we can move the Minority Report. Thank you.

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

Representative **FECTEAU**: Thank you, Mr. Speaker. I oppose the pending motion.

I stand here today to protect an educational dinosaur; the Industrial Arts teacher. The number of teachers are quickly dwindling and there are IA teachers who feel obligated to come out of retirement and teach for many more years.

We can't endorse new IA educators because you can't study it in either Maine or Massachusetts. I work in a school that has a vibrant Industrial Arts program, with one of the most fantastic educators I've ever met. Students are drawn to this teacher, his program, and the skills they acquire. Parents want more IA teachers, students want more IA teachers, and a group of students in the Education Committee unanimously threw their support behind expanding career and technical education options earlier this session.

We need to understand that Industrial Arts educators don't come from the same traditional pathway. The Minority Report recognizes this and would grant them a conditional certification so they can enter the classroom while they work on a professional certification. I refuse to vote against the reasonable will of my students and their parents. Join me today in voting down this motion, and provide these IA teachers with the reinforcements they need. Thank you.

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. I, too, also rise against this motion.

We've had in my county, in Hancock County, two different meetings with school superintendents who pleaded with us, and I'm not overusing that word, to find a way to get more people to be able to teach some of the Industrial Arts programs. And I realize that the superintendents are not union members and so perhaps, that is part of the reason why they don't try to fall in line with the unions. Unfortunately, about 80 people in here seem to be doing that. When the vast majority of the people in this State --

The SPEAKER PRO TEM: The Member will defer. The Chair recognizes the Representative from Bangor, Representative Kornfield.

Representative **KORNFIELD**: Mr. Speaker, I feel he's questioning the motives of the other side.

On **POINT OF ORDER**, Representative KORNFIELD of Bangor objected to the comments of Representative HUTCHINS of Penobscot because he was questioning the motives of other members of the House.

The SPEAKER PRO TEM: The Chair would answer that I believe the Member was speaking about superintendents and their motives and not the motives of Members of this body, which is what the rule applies to.

The Chair advised Representative KORNFIELD of Bangor that the remarks of Representative HUTCHINS of Penobscot were germane to the pending question.

The SPEAKER PRO TEM: The Member may proceed.

Representative **HUTCHINS**: Like I said, the superintendents pleaded with us to make it easier to hire people for this purpose. Over the many years that I ran a construction business, I can remember one year that I hired the Industrial Arts teacher at our local high school during the summer months. My son, who was in his Industrial Arts class, or Industrial Construction class, I should say, in high school, it was his senior year, and so the tables were turned. I had my son be his boss for the summer, which was kind of an interesting juxtaposition.

But my point in all of this, is the fact that we need Industrial Arts teachers, and the systems that we now have in working order are not, they're not working. And we need to

think about the students that need this extra instruction and we need many students to work in the Industrial Arts fields because those are the types of jobs that will keep people in the State quicker than many, say, computer jobs. Lots of people prefer to do the construction jobs. I, myself, love pouring concrete and nailing up rafters; it's great fun. But we are not serving our young people well if we cannot help them with the instruction that will help them in this process. Thank you very much.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I brought this bill forward for Sacopee Valley High School because there's no colleges in Maine, New Hampshire, or Vermont that are offering a four-year IA teaching degree anymore so it's almost impossible to find IA teachers and the programs are disappearing. Thank you.

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. 192

YEA – Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Cuddy, Daughtry, Denk, Dodge, Doudera, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hobbs, Hymanson, Ingwersen, Jorgensen, Kornfield, Madigan C, Martin R, Mastraccio, Matlack, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Perry A, Perry J, Pierce T, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Crockett, Curtis, Dillingham, Dolloff, Drinkwater, Dunphy, Evangelos, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hepler, Hickman, Hutchins, Javner, Johansen, Keschl, Kessler, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin T, Mason, Maxmin, McDonald, Millett, Morris, O'Connor, Ordway, Peoples, Perkins, Pickett, Pluecker, Prescott, Reckitt, Reed, Riley, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Doore, Gattine, Higgins, Hubbell, Sylvester, Verow.

Yes, 65; No, 76; Absent, 7; Excused, 2.

65 having voted in the affirmative and 76 voted in the negative, with 7 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative KORNFIELD of Bangor, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-473)** 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-473)** 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-477)** on Bill "An Act To Support Electrification of Certain Technologies for the Benefit of Maine Consumers and Utility Systems and the Environment"

(H.P. 1071) (L.D. 1464)

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
RYKERSON of Kittery

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

Signed:

Senator:

WOODSOME of York

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-477)** 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-477)** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-463)** on Bill "An Act To Provide for Municipalities To Allow Grocery Stores up to 10,000 Square Feet To Open on Thanksgiving, Easter and Christmas" (EMERGENCY)

(H.P. 16) (L.D. 15)

Signed:

Senator:

HERBIG of Waldo

Representatives:

AUSTIN of Gray
CROCKETT of Portland
HARRINGTON of Sanford
HIGGINS of Dover-Foxcroft
PERRY of Bangor
STETKIS of Canaan

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

Signed:

Senators:

GUERIN of Penobscot
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
FECTEAU of Biddeford
HANDY of Lewiston

READ.

Representative DAUGHTRY of Brunswick moved that the House **ACCEPT** the Minority **Ought Not to Pass** Report.

Representative STETKIS of Canaan **REQUESTED** a roll call on the motion to **ACCEPT** the Minority **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 Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker. I stand in opposition to the Minority Report being presented here today on LD 15.

LD 15 addresses an old blue law that needs to once again be amended. In today's society, there are many more citizens who are indifferent to the holidays of Thanksgiving, Easter, or Christmas. Continuing to restrict work opportunities or the purchasing of basic household necessities in just a handful of communities, most of which are in rural Maine where local citizens generally have fewer options than in more populated areas of our state, no longer makes sense.

In these very same communities, due to more than two dozen current exemptions to this old blue law that allow work and/or purchasing opportunities, include businesses like newspapers, radio, TV stations, hotels, motels, tourist and trailer camps, restaurants, garages and motor vehicle service stations, pharmacies, greenhouses, other industries that are normally kept in continuous operation, movie theaters, sports, athletics, athletic events, bowling alleys, music concerts, and the list goes on.

Thank you and please vote down the current Minority Report so that we can provide some more opportunities for our local rural Maine citizens. Thank you.

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. I stand in opposition to the pending motion.

This bill does seem to come back each year and passes often with bipartisan support. I had submitted this bill back in December. It was referenced on January 2nd and I was hopeful we could have it passed by Easter of this year but unfortunately, legislative time took over and this bill didn't have a public hearing until April 18th, which was three days before Easter. So, this bill has been amended with the emergency preamble being removed. The overall gist of the bill does remain.

Many, if not all of the grocery stores that fall under this very specific definition are locally owned and operated. They employ members of the community who appreciate flexible schedules offered by their employers. The owners of these stores, in order to continue to help the communities where they

operate, have been very receptive to this proposal. This will not affect large grocery stores like Hannaford, Shaw's, Market Basket, Walmart, Target, and similar big box chains. It was the store owners trying to support their communities where they operate. These stores have grown in order to offer more goods and services to their respective communities. For example, in Unity, the Unity Shop 'n Save grew to above the 5,000 square foot threshold and moved the local pharmacy inside the store to help make shopping easier for the community while offering more products on their store shelves. This particular store is more than 30-minute drive to other larger stores in Belfast, Waterville, or Bangor.

These three holidays often revolve around family gatherings at the dining room table. In order to have food at these tables, many people shop at grocery stores. Unfortunately, some people, while busy preparing the meal, realize a crucial ingredient is missing. And I think about a cute little Christmas song by The Waitresses called Christmas Wrapping which follows a couple that for some reason has had trouble connecting for a date all year long. I'm still not going to sing this to the committee for that, but the final verse goes like this; A&P has provided me with the world's smallest turkey already in the oven nice and hot. Oh, darn, guess what I forgot? So on with the boots, back out in the snow, to the only all-night grocery, when what to my wondering eyes should appear in the line is that guy I've been chasing all year. I'm spending this one alone, he said, need a break, this year's been crazy. I said me too but why are you, you mean you forgot cranberries, too? Then suddenly we laughed and laughed, caught on to what was happening, that Christmas magic's brought this tale to a very happy ending.

This is a small local business bill and I hope we can have similar bipartisan support from this body once again. Let's finally bring this tale to a very happy ending. Follow my light. Thank you.

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

Representative **TUELL**: Thank you, Mr. Speaker. I would concur with the Representative from Knox on a lot of that. I know we have a lot of small rural businesses that would feel the same way. But, to me, and I've gone back and forth on this over the years. At one point I voted against it, at one point I voted for it. The final selling point, though, is we're a local control state. We do have the home rule authority, and I do believe in that, and I believe we need to uphold it and let local communities put this decision back to where it belongs, in the local community.

I sometimes think, Mr. Speaker, if we did more of that, we wouldn't be facing so many of the problems we face in this building. And, to that end, I would oppose the pending motion and encourage you all to do so, as well. Thank you, Mr. Speaker.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eddington, Representative Lyford.

Representative **LYFORD**: Thank you, Mr. Speaker. I also oppose this bill.

One of these stores is in my district and it really is kind of an unfair situation that a larger store selling the same products can be open and a smaller store selling the same products should be open. So, just talking about fairness here, I know Senator Herbig has the same situation in her town and she has endorsed this type of situation, so I would hope you'd oppose this bill and vote in favor.

The SPEAKER PRO TEM: The Chair will remind all Members not to make reference to Members of other bodies

during Floor debate and also not to refer to Members by their name.

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 Portland, Representative Jorgensen.

Representative **JORGENSEN**: Thank you, Mr. Speaker. May I ask a question through the Chair?

The SPEAKER PRO TEM: The Member may proceed.

Representative **JORGENSEN**: Thank you. My understanding is that if you own one of these particular types of store, under current law you can open the store on one of these holidays yourself if you work there as the owner. Is that true?

The SPEAKER PRO TEM: The Representative from Portland has posed a question through the Chair to anyone who cares to answer.

The Chair recognizes the Representative from Biddeford, Representative Fecteau.

Representative **FECTEAU**: Thank you, Mr. Speaker. It is the case that the owner and members of the owner's family are able to work in these businesses on these days if they so choose.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion before us.

This prohibition only exists for three holidays. We're talking about three days for workers to have a day home with their families, specifically on days that we all, I'm sure, have our own fond memories of being with loved ones, of being over, you know, a Thanksgiving meal or being with friends over the winter holidays. We're talking about just three days off for Maine workers.

Also, there's no demand for the general public for this change. The only people who sent in testimony were, you know, a select group of folks. This is also the fourth attempt for this bill to come through this chamber, and I think we've had great conversations in prior Legislatures about the importance of having a few days off.

As the Good Representative from Portland asked and the Good Representative from Biddeford answered, already folks who are in this size can open their businesses if it is the owner and their family. This is something I know well as a small business owner, I've had the conversation since we opened about what we do on holidays and making sure that if we are going to be open that we're not putting an undue burden on our staff on a holiday.

Also, this would be unfair because it creates a weird cutoff, leaving only a few businesses over the 10,000 square foot mark. So, I urge you to follow my light and make sure that Maine workers have some quality time off on important holidays. Thank you.

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

The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Mr. Speaker. I apologize for rising a second time but some of the questions that have come up have struck me to speak further on this issue.

Several people are concerned about the employees being forced to work and there is in this bill, which is actually

already in statute, regarding how back in the '80s when the Sunday blue laws were removed. If an employer decreases the average weekly work hours of an employee who has declined to work on Sundays, it is prima facie evidence that the employer has required Sunday work as a condition of employment in violation of this section and this section is where the three holidays are coming into, as well. And many people in my district that have been excited about the idea that maybe they can finally be able to shop at their grocery store on these days when they have forgotten, as I said earlier, their cranberries, which are not easily found at a local convenience store.

And, I'm concerned, I'd like to know where the statute is that says that the family members can open their business because a family-owned grocery store in Searsport, one of the ones that requested this legislation in years past, had been in their parking lot cleaning their yard, picking up leaves and brush and sand on Thanksgiving day when they had customers stop by all excited; oh, good, you're here, I can come in and get cream for the mashed potatoes or something and they looked at the customer and said I'm sorry, the state law says I cannot open the store. And this was the owners, they were the family members, and they were not allowed to be open under their understanding. So I would love to know where that statute is because my district, my grocery store and the one in Searsport which are both located in Waldo County, not far from myself, would really appreciate knowing that they would be allowed to be open if they were there because they would be more than happy to do so, but they've been under the understanding that they're not allowed to do so, and in order for these stores to be open, there's one further step that these stores have to take and they have to get their municipalities to pass an ordinance to allow them to be able to open. So there's still time for the municipalities and the people in the area to say no, we don't want you to be open, we want you to stay home with your families, and that's part of why I can support this, because I'm very faithful in my religion and I'm not one that would go out and shop on Christmas, Thanksgiving, I don't even shop Black Friday because I can't stand the idea of trampling people the day after giving thanks for all that I already have. So, this gives the communities an opportunity to weigh in beyond and it gives local control.

This is truly a small business bill and I hope you can support it. Thank you.

The SPEAKER PRO TEM: The Chair would like to clarify; was the Member posing a question through the Chair?

Representative **KINNEY**: Yes, sure.

The SPEAKER PRO TEM: The Representative from Knox, Representative Kinney, has posed a question through the Chair to anyone who cares to answer.

The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Mr. Speaker, and I apologize for rising a second time. I just wanted to clarify a few things.

Under current law, actually, the Rite-Aids, the Cumberland Farms, the McDonalds, the Taco Bells, all those, I believe they are currently allowed to be open for business and that puts our local small business, the non-corporate businesses at a disadvantage. So, the idea that a substantial amount of workers are going to be away from their families, I don't believe is going to be the case. Thank you.

The SPEAKER PRO TEM: The pending question is Acceptance of the Minority Ought Not to Pass Report and a roll call is in order.

The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Yes, I would like to pose a question, if --

The SPEAKER PRO TEM: The Member may proceed.

Representative **KESCHL**: Yes, I notice that this bill refers to only Christian holidays. Is there a reason why not other holidays would be included?

The SPEAKER PRO TEM: The Representative from Belgrade, Representative Keschl, has posed a question through the Chair to anyone who cares to answer.

The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker. I rise to answer the question. It's because it's currently in Maine statute, but would be open to opening it to more holidays.

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

ROLL CALL NO. 193

YEA - Arata, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Craven, Daughtry, Denk, Dodge, Doudera, Drinkwater, Dunphy, Farnsworth, Fecteau R, Gattine, Gramlich, Griffin, Grohoski, Handy, Hanley, Hickman, Hubbell, Ingwersen, Jorgensen, Kessler, Kornfield, Madigan C, Martin J, Martin R, Mason, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, O'Neil, Paulhus, Peoples, Roberts-Lovell, Rykerson, Schneck, Sharpe, Skolfield, Stanley, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Austin S, Bailey, Bickford, Campbell, Cebra, Cloutier, Cooper, Corey, Costain, Crockett, Cuddy, Curtis, Dillingham, Dolloff, Evangelos, Faulkingham, Fay, Fecteau J, Foley, Foster, Grignon, Haggan, Hall, Hanington, Harnett, Harrington, Head, Hepler, Hobbs, Hutchins, Hymanson, Javner, Johansen, Keschl, Kinney, Landry, Lockman, Lyford, Marean, Martin T, Mastraccio, McLean, Millett, Morris, Nadeau, O'Connor, Ordway, Pebworth, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riley, Riseman, Rudnicki, Sampson, Sheats, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

ABSENT - DeVeau, Doore, Higgins, Kryzak, Sylvester, Verow.

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

67 having voted in the affirmative and 75 voted in the negative, with 6 being absent and 2 excused, and accordingly the Minority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative DAUGHTRY of Brunswick, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-463)** 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-463)** and sent for concurrence.

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

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

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-468)** on Bill "An Act To Increase the Minimum Grant Amount under the Maine State Grant Program"

(H.P. 366) (L.D. 509)

Signed:
Senator:

HERBIG of Waldo

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft

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

Signed:
Senator:

GUERIN of Penobscot

Representative:

STETKIS of Canaan

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-468)** 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-468)** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-465)** on Resolve, Directing the Commissioner of Professional and Financial Regulation To Conduct a Sunrise Review Regarding the Proposal To License Heavy Equipment Operators

(H.P. 668) (L.D. 904)

Signed:
Senators:

HERBIG of Waldo
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston

HIGGINS of Dover-Foxcroft
PERRY of Bangor

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

Signed:
Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray
HARRINGTON of Sanford
STETKIS of Canaan

READ.

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

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

Representative **STETKIS**: Thank you, Mr. Speaker. I stand in opposition to the current motion.

I would prefer that the department's limited time and resources would be spent on the idea of reducing barriers to careers and new people entering the workforce as opposed to creating more. This session in the new IDEA Committee, we've heard many bills from all corners of the State from every political spectrum that their constituents are having issues getting into the workforce due to the over burdensome regulation on some of these occupational licenses and I think the department's time could be better spent reducing those. Thank you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I rise to explain this bill and its amendment.

This is simply moving forward with a sunrise review to let the department examine whether we should be licensing folks who are using very, very heavy weightlifting equipment such as large cranes that you'll see on a large construction site. This doesn't necessarily move that we're moving forward with the licensure, but it puts this sunrise review in the hands of the folks who are most familiar with licensure in the industry, and is looking to see if there's any threat to public health and safety if folks aren't properly trained and properly licensed. And, after that sunrise review, it would be coming back to the Legislature for us to weigh in on again.

We heard very clearly from folks in the industry and from folks who work with this type of machinery and equipment, that this is something that is needed, that this is something on job sites that we need to be making sure that all of the operators of these types of heavy equipment are fully licensed and fully trained. And I urge you to follow my light and support the Majority Report.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. Although I'm not completely familiar with every detail in this bill and what it's trying to address, I can speak to operators of cranes.

OSHA regulations require that they be trained. It is obviously up to the employer to make sure that happens and they are certainly at risk to litigation or decisions from OSHA if they do not have trained individuals, but that includes any of

the smaller hydraulic portable cranes up to the largest that are available on a worksite. Thank you, Mr. Speaker.

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

Representative KINNEY: Thank you, Mr. Speaker. May I pose a question through the Chair?

The SPEAKER PRO TEM: The Member may proceed.

Representative KINNEY: I'm trying to read the bill, my phone is a little small. I'm trying to understand; how will this affect farmers?

The SPEAKER PRO TEM: The Representative from Knox, Representative Kinney, has posed a question through the Chair to anyone who cares to answer.

The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative DAUGHTRY: Thank you, Mr. Speaker. I rise to answer the question.

It would exempt farmers as well as, most importantly, it would be exempting folks in our very important forestry and paper and pulp industry. This would be strictly looking at construction operators.

Additionally, while OSHA does cover the folks who are working with this type of equipment, this is an additional safety mechanism to make sure that everyone's on the same board when it comes to safety.

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. This bill seems to except the fact, maybe, that the only people eligible to okay whether someone can run a piece of equipment is somebody that works for the State and many, many construction companies around the state would object to that.

When I got home last night, the first thing I did was get on the backhoe to use it, and many of us that do construction and those types of things that use heavy equipment learned it without getting a license from the state, and it doesn't mean that we're less prepared to use it than someone that perhaps worked through the DOT and learned how to use a particular piece of equipment. But I think we need to be careful not to reach the point where we think everything that we do has to have state okay. There are many agencies, most of them private businesses, that do an extremely good job of training people to run the pieces of equipment that they have. I think of Cianbro, for instance, who does training on many aspects of places they work. I did a little hiring for Cianbro once for a little while for about a year and we trained the people that we hired to do these things. I think at that time there were about 1,500 employees at Cianbro. I think today there's something like 6,000, and they do a great job of training their people and we just don't need the State to have their finger in every possible thing that we do. It just ends up costing taxpayers more money and businesses that are trying to operate in the state. Thank you.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-465)** 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-465)** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-467)** on Bill "An Act To Establish the Maine Workforce, Research, Development and Student Achievement Institute"

(H.P. 970) (L.D. 1342)

Signed:

Senators:

HERBIG of Waldo
GUERIN of Penobscot
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
AUSTIN of Gray
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
HIGGINS of Dover-Foxcroft
PERRY of Bangor

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

Signed:

Representative:

STETKIS of Canaan

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-467)** 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-467)** and sent for concurrence.

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-464)** on Bill "An Act To Attract, Build and Retain an Early Childhood Education Workforce through Increased Training, Education and Career Pathways"

(H.P. 1146) (L.D. 1584)

Signed:

Senators:

HERBIG of Waldo
MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick
BABINE of Scarborough
CROCKETT of Portland
FECTEAU of Biddeford
HANDY of Lewiston
PERRY of Bangor

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray

HIGGINS of Dover-Foxcroft

STETKIS of Canaan

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-464)** 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-464)** and sent for concurrence.

ENACTORS

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food

(H.P. 583) (L.D. 795)

(C. "A" H-430)

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 Increase Funding for Career and Technical Education for Fiscal Year 2019-20

(S.P. 98) (L.D. 358)

(C. "A" S-190)

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

Representative FECTEAU of Biddeford **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.

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. 194

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, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen,

Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stover, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, 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, Doore, Gattine, Higgins, Kinney, Maxmin, Sylvester, Verow, Madam Speaker.

Yes, 86; No, 53; Absent, 9; Excused, 2.

86 having voted in the affirmative and 53 voted in the negative, with 9 being absent and 2 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and was sent to the Senate.

Emergency Measure

An Act Regarding Utility Reorganizations

(S.P. 495) (L.D. 1560)

(C. "A" S-192)

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

Representative BERRY of Bowdoinham **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.

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. 195

YEA - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Costain, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doudera, Drinkwater, Dunphy, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gramlich, Griffin, Grignon, Grohoski, Haggan, Hall, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Hobbs, Hubbell, Hutchins, Hymanson, Ingwersen, Javner, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Millett, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Reed, Riseman, Roberts-Lovell, Rykerson, Sampson, Schneck, Sharpe, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Wadsworth, Warren, White B, Zeigler, Madam Speaker.

NAY - Johansen, Lockman, Rudnicki, White D.

ABSENT - DeVeau, Doore, Gattine, Higgins, Maxmin, Riley, Sylvester, Verow.

Yes, 136; No, 4; Absent, 8; Excused, 2.

136 having voted in the affirmative and 4 voted in the negative, with 8 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

Emergency Measure

Resolve, To Improve Access to Bariatric Care
(H.P. 140) (L.D. 177)
(C. "A" H-472)

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

Emergency Measure

Resolve, To Establish the Committee To Study and Develop Recommendations To Address Guardianship Challenges That Delay Patient Discharges from Hospitals
(H.P. 890) (L.D. 1229)
(C. "A" H-452)

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

Emergency Mandate

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; S. "A" S-197)

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. 128 voted in favor of the same and 7 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker Pro Tem and sent to the Senate.

Mandate

An Act To Implement the Recommendations of the Right To Know Advisory Committee Concerning Freedom of Access Training for Public Officials
(H.P. 1029) (L.D. 1416)
(C. "A" H-451)

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. 113 voted in favor of the same and 16 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 Align Wages for Direct Care Workers for Persons with Intellectual Disabilities or Autism with the Minimum Wage
(H.P. 308) (L.D. 399)
(C. "A" H-412)

An Act To Establish the Wood Energy Investment Program
(S.P. 266) (L.D. 912)
(C. "A" S-193)

An Act To Promote Social and Emotional Learning and Development for Young Children
(S.P. 287) (L.D. 997)
(C. "A" S-191)

An Act To Increase Access to Transportation for Workforce and Other Essential Transportation Needs
(H.P. 919) (L.D. 1258)
(C. "A" H-453)

An Act To Enact the Maine Uniform Directed Trust Act
(H.P. 1075) (L.D. 1468)

An Act Regarding Persons Who Are Found Not Criminally Responsible and Are Sent out of State for Treatment
(H.P. 1105) (L.D. 1512)
(C. "A" H-469)

An Act To Improve the Department of Corrections' Response to Emergency Situations by Amending Provisions Related to Vehicles Operated by Certain Department Employees
(H.P. 1138) (L.D. 1576)
(C. "A" H-455)

An Act To Allow the Dissolution of Regional School Units Composed of a Single Municipality
(H.P. 1151) (L.D. 1592)
(C. "A" H-474)

An Act To Set Off Court Fines, Surcharges and Assessments against Lottery Winnings
(H.P. 1161) (L.D. 1609)

An Act To Implement Recommendations of the Department of Environmental Protection Regarding the State's Container Redemption Laws
(H.P. 1171) (L.D. 1628)
(C. "A" H-461)

An Act To Provide for Gubernatorial Appointments to the Maine Charter School Commission
(S.P. 527) (L.D. 1638)
(C. "A" S-171)

An Act To Clarify Ranked-choice Voting Laws
(S.P. 540) (L.D. 1663)
(C. "A" S-194)

An Act To Ensure Public Notification of Air Quality Violations
(S.P. 562) (L.D. 1706)
(C. "A" S-189)

An Act To Amend the So-called Dig Safe Law
(S.P. 569) (L.D. 1720)

An Act To Amend the Campaign Reports and Finances Laws and the Maine Clean Election Act
(S.P. 570) (L.D. 1721)
(C. "A" S-195)

An Act To Create a Carrier License for Pelagic and Anadromous Fish
(H.P. 1231) (L.D. 1729)
(C. "A" H-457)

An Act Regarding the Tagging and Sale of Shellfish
(H.P. 1244) (L.D. 1745)
(C. "A" H-456)

An Act Regarding Prostitution
(H.P. 1305) (L.D. 1834)

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, To Require the Department of Health and Human Services To Develop a Plan for Neurobehavioral Beds
(H.P. 317) (L.D. 408)
(C. "B" H-471)

Resolve, Regarding the Impact of Minimum Wage Increases and Paid Time Off Requirements on MaineCare Reimbursement Rates
(H.P. 654) (L.D. 880)
(C. "A" H-470)

Resolve, Directing the Department of Transportation To Incorporate Transportation Demand Management Strategies in Its Rules Pertaining to Traffic Movement Permits
(H.P. 884) (L.D. 1223)
(C. "A" H-454)

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 To Reclassify Certain Waters of the State
(H.P. 1242) (L.D. 1743)
(C. "A" H-462)

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

On motion of Representative FECTEAU of Biddeford, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

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

UNFINISHED BUSINESS

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

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-435)** - Report "B" (3) **Ought Not to Pass** - Report "C" (2) **Ought to Pass as Amended by Committee Amendment "B" (H-436)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding Transmission and Distribution Utilities"

(H.P. 1004) (L.D. 1383)

TABLED - June 4, 2019 (Till Later Today) by Representative **BERRY** of Bowdoinham.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, since the days of the Boston Puritans and the Great Proprietors, the people of Maine have been determined to stand up for our rights to our land. From the Wabanaki to the Scots-Irish, Maine's inhabitants have often been pushed aside to make way for the interests of our neighbors to the south or even those across the Atlantic.

For this very reason, we in Maine jealously protect the principle of home rule. We have been exceedingly careful, even in our Constitution, about protecting this sacred principle. Today, Mr. Speaker, we have the opportunity and duty to protect it once again. Where once Maine stood between the fur trade and the fish trade, between the French and the English, today we stand between a massive demand for electricity to our south and a massive potential supply, both here in our State and to our north in Canada. As we electrify both transportation and building heating and cooling, the demands on our grid are expected to triple over the coming decades. And, so, for these reasons, we have begun a whole new ballgame.

Of the 46 different projects that responded to the Massachusetts 83D request for 9.45 terawatt hours of electricity, the pending proposal before Maine regulators is only one. And of those 46 options, it is the only one that potentially allows for the first time ever in Maine history the seizure of private property or the trampling of local control by a private for-profit line.

The bill before us by our colleague from Athens, Maine, that is, and it's great to see him back with us today, his bill addresses two things. First, the seizure of private property and, second, the overriding of local control. In each of these areas, we have throughout our history used them sparingly. We have allowed them for public roads and for public utilities because public utilities were understood to be acting specifically for their Maine customers for reliability, not for a merchant line serving other regions. They have been the only private corporations entrusted with these extraordinary powers. The only private entities allowed to seize private property and override local ordinance. If passed, LD 1383 would apply the same rules to these extension cord merchant line projects. The same rules that currently apply to all other private business projects, whether it is a solar farm, a wind farm, a vegetable farm, or a Cumberland Farms.

The rules of the past have served us well, but, today, Mr. Speaker, our public utilities are no longer truly public. They are owned by distant shareholders and they are engaged for the first time in a new ballgame, a kind of project unseen before in the history of our state. And so the measure before us would adjust the rules very modestly, very surgically, to create a level playing field. If passed, the bill would require that these new high-impact transmission corridors play by the same rules, as solar or wind or other Maine-based projects. Since CMP, Avangrid, Iberdrola, has begun for the first time ever to compete against our own renewable generators, who also create jobs and economic benefits to our state, undeniably, it is only fair that they play by the same rules.

Two important clarifications about this bill; it is inaccurate to suggest, as some have and may do today, that this bill is being pushed by those who oppose clean energy. There are those on both sides who might be characterized that way, but those who fought the hardest for clean energy here in Maine, NRCM, Maine Renewable Energy Association, and many

others, support this bill and have worked hard to set the record straight. Secondly, it is inaccurate to say, as we may hear today and we have heard before, that this measure would prevent necessarily the CMP corridor from being built. CMP has stated that they do not intend to seize private property or to override local ordinances. If they decide that they do need to do those things, to change the route, for example, or to change an ordinance in Caratunk, they can work with willing landowners and bargain with local communities to make things right. They have plenty of money to do so. According to the independent audit at the PUC, CMP, Avangrid, Iberdrola stand to make \$1.2 billion in profits over the first 20 years of this line. HydroQuebec stands to make \$10 billion. They have hired dozens of lobbyists, they have created nonprofits and Astroturf. They have spent over a million dollars on ads. They have hired not one, but two of our past Chief Executives. If they can do all this, Mr. Speaker, surely they can work to make their project right for a few communities who will sacrifice part of what makes them special and who are asking us, their Legislature, to listen to them. And, if approved as is, Mr. Speaker, the line may not need to use these powers at all.

Today, I hope we will listen to the people of Maine. Let us say yes to them, not yes to special interests on any side. Let us say yes to real climate solutions, solutions that build on our own tremendous potential to be an exporter of our own clean energy. Let us say yes to home rule, say yes to a level playing field for all for-profit businesses, including our own. And say yes to a fair deal for Maine communities and Maine landowners. Thank you, Mr. Speaker, and I request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass As Amended**.

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Athens, Representative Grignon.

Representative **GRIGNON**: Thank you, Speaker Pro Tem. I rise to speak to the importance of local control, the importance of Mainers making decisions for themselves without the intrusion of being told by state government that they must have something foisted upon them that they do not want.

Freedom is based on being able to make a decision for yourself without being infringed upon by state, federal, and, yes, sometimes large corporations. Our country was founded upon throwing off the shackles off a country across the Atlantic Ocean that wished to tell us what to do. Now, a corporation across the Atlantic is trying to throw the shackles on us from Spain. All we're asking is that the corporation go to the towns that want them there and not infringe on the liberties of the towns that do not want them.

Protecting people's property rights from state government, federal government, or corporations is vitally important. I ask what will be next? Who will be next? Who will infringe on our rights to live as we choose to without interference? We have a saying here in Maine, the way life should be. If we strip the rights of the towns to allow large corporations to do as they want, when they want, the phrase will be possibly the way life could have been. If anyone has traveled up the 201 corridor, they'd know that the corridor is deemed a federal scenic highway and there's very small communities up through there but they take great pride in the view sheds and the way they live up there and I can all but feel for what's going on and understand their plight, so I ask that you follow my light on this. Thank you.

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

The Chair recognizes the Representative from South Portland, Representative Kessler.

Representative **KESSLER**: Thank you, Mr. Speaker. We in this chamber have a responsibility to represent the people of our districts. I can say with utmost confidence that the people of South Portland overwhelmingly oppose the NECEC.

The people of South Portland want the Legislature to represent the will of the people and that's why I'm going to be voting in favor of this motion. Thank you, Mr. Speaker.

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

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

I believe in local control for local issues. If you vote in favor of this bill, you will be allowing a single community, 69 population, to veto a project that affects our whole regional grid and would lower electrical prices. So, I urge you to vote in opposition to this bill.

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

Representative **HARNETT**: Thank you, Mr. Speaker. Good afternoon, Colleagues in the House. I rise in support of the motion regarding LD 1383.

Maine is and has always been a home rule state. As a general matter, a private developer in a municipality does not get to override a local ordinance. This is true --

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

Representative **HARNETT**: Thank you. This is true for all development; not some, all. And it was certainly true during the six years that I served as the Mayor of Gardiner.

I ask you as you vote today; why should a different standard apply to a private for-profit enterprise for a project which is not intended or designed for reliability with respect to the provision of electricity to Maine residents? This is a major and problematic loophole in Maine law and it is important to correct that and we can do that by enacting LD 1383 as amended. Thank you.

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

Representative **FOSTER**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I'd pose a question, if I could, through the Speaker.

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

Representative **FOSTER**: My question is for anyone that can answer; would this bill, if it passes into law, also give the same opportunities to citizens in municipalities should a large-scale 600-foot wind tower project be placed in regards to roads and utility lines? Thank you, Mr. Speaker.

The **SPEAKER PRO TEM**: The Member has posed a question through the Chair to anyone who may answer.

The Chair recognizes the Representative from Bowdoinham, Representative Berry.

Representative **BERRY**: If the question is whether a wind farm would be able to override local ordinance or to seize people's land, there were some decisions in the expedited territory that allowed some overriding of local ordinances but there was an exemption process in 2016 which essentially reversed that and allowed for restoration of local control. Thank you, Mr. Speaker.

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 is about respecting local control. It's about listening to Maine people who are urging us to protect their local interests.

Let me read the list of 15 Maine towns that have voted to rescind their support for the CMP corridor or to outright oppose the project: Farmington, Caratunk, West Forks, The Forks, Alna, Jackman, Dennistown, Moose River, Embden, Wilton, Wiscasset, Pownal, Starks, Industry, New Sharon. The Franklin County Commissioners also voted to rescind their support for the project. More towns are scheduled to vote soon on whether to rescind their support or to oppose the project, including Anson, Jay, and Greenville.

This bill is about respecting the concerns of Maine people in these towns. It's about demonstrating that the Legislature is listening, that all of us are listening, and it's about making sure that CMP doesn't trample their interests.

I urge you to support local interests by voting yes on the pending motion.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Scarborough, Representative Caiazzo.

Representative **CAIAZZO**: Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House, I find myself in the unpleasant position of rising in opposition to the motion presented by my good friend, the Representative from Bowdoinham.

Mr. Speaker, before joining you all here in the Legislature, I worked in the power generation industry selling capital equipment for over 25 years. In that time, I've been privileged to participate in project negotiations in over 30 countries. Depending on the complexity of the project, a company can spend upwards of several millions of dollars just preparing a bid for consideration, and that is with no guarantee of winning the project or recouping these costs. As one might imagine, business is conducted quite differently depending on where you are on the planet. What separates our success in drawing investment from countries like Russia, China, or Saudi Arabia, is the belief in regulatory consistency. If companies are going to invest substantial costs in developing, implementing, and operating such large and capital-intense projects, they should have a reasonable expectation that the rules under which they are participating will not change in the middle of the project.

Mr. Speaker, I am in no way suggesting that we should not regulate industry. To the contrary, no matter how restrictive or unfair our regulations may be, so long as they are clear, consistent, and applied equally over all participants, then it can be left to the individual company as to whether or not they will choose to invest in this market. Now, I know that international business and regulatory nuances can be complex and people's eyes have already started to gloss over, so if you'll allow me an indulgence, Mr. Speaker, I'd like to provide an analogy for you.

When I was a young boy growing up on Munjoy Hill in Portland, we used to play kickball in a field next to Shailor School. Now, we didn't have any teachers or referees to oversee our play so it was largely left to those who chose to participate to work things out. We would often meet at the beginning of the game to discuss the particular rules that would apply; where were the foul lines, whether we could include walks or not or, specifically, no throwing at each other's heads, etcetera, etcetera. After several minutes of intense negotiations, the game would proceed reasonably well until, invariably, there would be that one kid who insisted on trying to take peoples' heads off as they were rounding the bases. After

the foregone stoppage of play to, quote, settle things up, the kid would proceed to argue that the head really meant the face or any particular part of the face which had not been hit so that he could completely justify giving you a bloody nose. As you can imagine, after being beamed in the head enough times, nobody wanted to play kickball with this kid.

Mr. Speaker, I want to be very clear here. I do not believe that the proponents of this bill are intending to damage the economy of the State of Maine in any way. On the contrary, I believe that every individual in this chamber feels as they are doing what they believe is in the very best interests of the great State of Maine. However, my fear is that in our zeal to oppose a specific project, we're creating an unintended consequence of regulatory instability and, believe me, investors are watching.

My point, Mr. Speaker, is that Maine has a lawful and well-thought-out process for approving projects such as the NECE Corridor. A process endorsed by this body through legislation and precedent. And while I absolutely respect my fellow colleagues' decision to oppose this specific project for whatever reason they may have, I cannot in all good conscience support changing the rules in the middle of the game, which is precisely what LD 1383 does.

So, please, Mr. Speaker, Members of the chamber, follow my light in voting against this measure and help us keep Maine from being that one kid that nobody wants to play with.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Rockland, Representative Beebe-Center.

Representative **BEEBE-CENTER**: Thank you, Mr. Speaker. I rise today in support of the pending motion.

Maine's communities face many challenges and have many problems they need to address. They do this by finding common ground and working together for the best interests of the community. In finding this common ground on issues like property taxes, road repair, education funding, and helping our neighbors, they use a system that respects the will of the people. This allows our towns to function and communities to be at their best.

This bill seeks to ensure that the will of the people is not ignored when it comes to the construction of CMP's proposed corridor or any other for-profit power transmission project that seeks to traverse our towns. CMP should have to play by the same rules that any other for-profit entity does when they want to build something. They should have to apply for the permits and, most importantly, work with town residents and officials and the community to get approval for construction just like Walmart, Walgreen's, a new gas station, or a wind farm.

Under current law, they can come in and take land by eminent domain and build whatever they want, no matter what the people that live there say. I believe that anything this corridor seeks to accomplish can be done without trampling our towns' rights and ignoring what the people who live in those towns want. Local control and home rule are how we do things in Maine, and if you believe in those concepts then you should support this motion. Thank you.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker. And I know that we, as Members of this House, have thought and heard a lot about this topic and I know it's a lot to focus on but I'm hopeful that my testimony may clarify some questions that you have as it deals with the substance of the bill, so I will begin.

Yes, this bill is about the CMP corridor but it is also about so much more. This bill is about reconsidering a utility's ability

to use eminent domain and to override local ordinances. Utilities are currently granted these rights in statute because historically utilities have undertaken projects that benefit the people of Maine. In the case of an electric transmission and distribution utility, the benefit is to improve service for Maine ratepayers. But we are entering an unprecedented era of electrification, in which these utilities go well beyond reliability and are moving into what are known as elective transmission upgrades. These are transmission lines that do not improve service to Maine ratepayers. These are transmission lines that are wholly funded by the developer because ratepayers cannot be expected to pay for these investments which produce no service improvements. These are transmission lines that are built solely for profit.

Let's be clear; I am not opposed to a utility diversifying its business model to make a profit. What I am concerned about is that the State has granted these utilities an unfair advantage over all other private businesses in Maine. Title 1, Section 816 of the Maine Revised Statutes protects the landowners from eminent domain, quote, for the purposes of private, retail, office, commercial, industrial, or residential development, end-quote. This same section of Statute gives public utilities an exception to that rule. Why? Because, historically utilities have provided critical service to Maine people. In this bill, the State reclaims its right to limit eminent domain for elective transmission upgrades. The utility would need to get local government approval and Public Utilities Commission approval before taking land for its own benefit.

Nothing in this bill prohibits a public utility from negotiating with willing landowners to buy their land rather than using eminent domain. Nothing prohibits them from using eminent domain if granted that right for a specific project by local government and our Public Utilities Commission. This bill simply restores protection for landowners to prevent their land from being taken without a proper oversight process. This bill also removes the current automatic exemption from municipal zoning ordinances for elective transmission projects. Zoning ordinances cannot just appear overnight. According to our Statute, there must be public participation, a comprehensive plan, and a zoning map before an ordinance can be adopted. Even state agencies must comply with proper local zoning. A project built solely for the profit of a utility business should not get special treatment regarding local zoning. If a zoning change is required for the elective project, the utility should do like any other person or business does, apply for a variance.

To be clear; CMP has informed the Energy, Utilities and Technology Committee that it owns the land proposed for this corridor, that it has no intention of using eminent domain for this project. Let me repeat that; this bill has no impact on CMP's interest in acquiring land for this project. That is why this is not emergency legislation. It is, however, a critical adjustment in statute to protect landowners and local community ordinances. Some will argue, and have, that we are moving the goal posts for these public utilities. I would argue that our job as legislators is to fix laws that we find flaws in them as our constituents require. In my view, the State never should have granted these rights for the construction of elective transmission lines. But, honestly, I think those people who sat in our seats before us never contemplated this future that we are now entering. They left us with a serious inequity between Maine businesses, that protects neither our private landowners nor our local control.

Yes, we have become aware of this problem because of the CMP corridor project, but that project is not why we must consider the rules for elective nonprofit transmission upgrades.

Such a project has every right to purchase land like any other business and should have to abide by local zoning like any other business, not with any special privileges granted by this state.

Please join me in supporting this motion to ensure that for-profit transmission projects follow the same rules as all other companies doing business in Maine.

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

ROLL CALL NO. 196

YEA - Ackley, Alley, Andrews, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blier, Blume, Brennan, Cardone, Carney, Collings, Cooper, Corey, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau J, Fecteau R, Gramlich, Grignon, Grohoski, Hall, Handy, Harnett, Head, Hepler, Hickman, Higgins, Hobbs, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kinney, Kryzak, Landry, Madigan C, Marean, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Pickett, Pierce T, Pluecker, Prescott, Riley, Riseman, Roberts-Lovell, Sharpe, Sheats, Stover, Talbot Ross, Tepler, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Arata, Austin S, Babine, Bickford, Bradstreet, Bryant, Caiazza, Campbell, Cebra, Cloutier, Costain, Craven, Crockett, Cuddy, Curtis, Drinkwater, Faulkingham, Foley, Foster, Griffin, Haggan, Hanington, Hanley, Harrington, Hubbell, Hutchins, Javner, Johansen, Kornfield, Lockman, Lyford, Martin J, Martin R, Martin T, Mason, Mastraccio, O'Connor, Ordway, Perkins, Perry A, Perry J, Reckitt, Reed, Rudnicki, Rykerson, Sampson, Schneck, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Wadsworth, White B, White D.

ABSENT - DeVeau, Doore, Gattine, Millett, Sylvester, Verow.

Yes, 83; No, 59; Absent, 6; Excused, 2.

83 having voted in the affirmative and 59 voted in the negative, with 6 being absent and 2 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-435)** 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-435)** and sent for concurrence.

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

HOUSE DIVIDED REPORT - Report "A" (8) **Ought to Pass as Amended by Committee Amendment "A" (H-437)** - Report "B" (4) **Ought Not to Pass** - Report "C" (1) **Ought to Pass as Amended by Committee Amendment "B" (H-438)** - Committee on **ENERGY, UTILITIES AND TECHNOLOGY** on Bill "An Act Regarding Energy Transmission Corridors" (EMERGENCY)

(H.P. 985) (L.D. 1363)

TABLED - June 4, 2019 (Till Later Today) by Representative BERRY of Bowdoinham.

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

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

Representative **BERRY**: Thank you, Mr. Speaker. Mr. Speaker and Men and Women of the House, the bill before us –

The **SPEAKER PRO TEM**: The Member will defer. The House will be in order. The Member may proceed.

Representative **BERRY**: Thank you. The bill before us would require that when a corridor such as we have been discussing is proposed, that promises made regarding property taxes are kept. And this is necessary because in the past the actual property tax assessments have been as low as 17% of what was promised.

It would require a community benefits package that is more than what Maine has been promised to date but significantly less than what the State of Vermont, for example, has been promised if the line goes there. This package for community benefits would be similar to what we already require of wind farms. Again, it would require a level playing field for generation including Maine's own solutions. Thirdly, it would require that at least two-thirds of local governments through which the high-impact electric transmission line will pass approve the line and allows that vote to be by local government officers or by referendum vote, if preferred by the residents.

Again, we would be creating a level playing field for the new ballgame that is being played regionally from Quebec to Massachusetts and beyond. I have sat in rooms in as far south as Pennsylvania and have listened to presentations by HydroQuebec seeking a higher price for the resource that they propose to sell through the CMP corridor. This is a new ballgame.

We need local control, we need to listen to the people of Maine, we need to level the playing field for Maine's own renewable opportunities. And we need to allow for other options to come forward for Massachusetts if the shoe does not fit here. The project in Vermont would offer significantly more community benefits; \$720 million, to be exact. It has significantly more local support. In fact, there is no opposition in Vermont, it is permitted municipally, it is permitted by the State, and it is even permitted by the federal government. If the award of the Massachusetts RFP were to go to Vermont today, it could begin to be built immediately. Massachusetts has ranked the Vermont project third.

And, finally, Mr. Speaker, it is inaccurate to say, as some have done, that we cannot or should not adjust the rules when a new game is being played. Or, when we consider that game to be rigged against the people of Maine, to be hitting them in the head with the ball, to borrow a statement from my good friend from Scarborough.

In fact, just an hour ago, Mr. Speaker, all but four Members of this body voted for a bill that adjusted the rules for a pending proceeding at the Maine PUC. The \$1.3 billion acquisition –

The **SPEAKER PRO TEM**: The Member will defer. The Chair will remind Members not to make reference to other bills. Thank you.

The Chair reminded all Members to stay as close as possible to the pending question.

Representative **BERRY**: And so we have done this in the past and we can do so if we see fit today. We have, when necessary, on a bipartisan basis, adjusted rules and standards for pending proceedings because it was in the best interests of Maine people to do so, not just today but as far back as 2007

and 2008, when a bipartisan vote on a similar matter on a pending proceeding also took place. Thank you, Mr. Speaker.

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

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

We've heard about how the carbon benefits of the NECEC are questionable and then we hear that it would be better in Vermont. We don't have control over the RFP process in Massachusetts. If it's better in Vermont, what's different? The same energy is coming from the same place, HydroQuebec, in a different place. So, it sounds to me like a NIMBY complaint. I agree local control is good. I also agree that the tax benefits as promised, should be fulfilled. The other part of this bill, I don't agree with; we're not leveling the playing field, we're changing the boundaries. Thank you.

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

Representative **WADSWORTH**: Thank you, Mr. Speaker, Ladies and Gentlemen of the House. I've spent the previous four years on the Energy Committee. The six New England states are on one grid and the grid operator, ISO New England, has told the committee without new power coming into New England by 2024, we can start experiencing rolling blackouts. That's less than five years away.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Ellsworth, Representative Grohoski.

Representative **GROHOSKI**: Thank you, Mr. Speaker. First, I want to be clear that what I have to share with everyone today has nothing to do with the carbon benefits that may or may not occur from this project, it is more about the process at hand.

I stand today in support of this motion, which seeks to protect our local municipalities and guarantee them a benefit if they are to host an elective transmission line which, you may recall, is a line that is built for profit, not for grid reliability to Maine ratepayers. I represent the people of Ellsworth and Trenton who, I will note, are not CMP ratepayers. We are in Emera territory and therefore have no interest in this conversation related to CMP performance. However, the people I represent are overwhelmingly concerned and opposed to this proposed NECEC project which would pass through western Maine and, although I know that in Ellsworth we are far from this project and from its developers, you might be wondering why do my constituents care. They care because they know how important tourism can be to the economic vitality of a region, in our case the Acadia region. They care because they, too, ATV, snowmobile, paddle, hunt, and fish on land that they love. They care because they can imagine what a corridor of this magnitude would mean for us. They know that if this project goes through using a permitting process that does not allow for any local input, we could be next and we will have no say. They agree that for a project of this magnitude to be permitted, there must be local involvement.

This bill considers only very specific types of projects, ones that we have not yet seen in Maine but no doubt will begin to see more and more as we electrify our transportation and heating sectors. For a transmission project to fall within the scope of this legislation, all of the following must apply: It must be greater than 50 miles in length, it must be operating at a high voltage, it is not a transmission line that is constructed, owned, and operated by an electricity generator in order to interconnect their facility to the grid, meaning that, for example, lines built by grid-scale solar or wind projects to connect the

grid are excluded from this legislation. Finally, it must also be a project that is not built for reliability to the Maine grid. If a project falls into this scope, which as I explained is fairly narrow, then and only then do the following protections for our communities apply; the company must pay municipalities the tax amount projected, not a lesser amount determined later, there must be a community benefits package to the state, which is specified in the bill, with minimum qualifications. And, finally, the affected communities must determine if they do or do not support the project through their elected officials or through a local referendum. Two-thirds of the communities must approve the project for it to receive Public Utilities Commission approval. Thus, no one community has the ability to prohibit a project on its own.

Some will argue that passing this legislation sends a bad signal to business. I would contend that a regulated public utility which has a state-approved monopoly to provide electrical service to Maine ratepayers is not your average business. As state government, we can, and must provide the rules by which we allow a monopoly to do business because there is no free market competition. I believe we each owe it to our constituents and all the people of Maine to set up appropriate protections and local control for elective for-profit transmission projects.

For me and my constituents, this question goes well beyond the CMP corridor. This is a question of how a regulated monopoly should be allowed to do business here in Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Caiazzo.

Representative **CAIAZZO**: Thank you, Mr. Speaker. Mr. Speaker, with all due respect to my distinguished colleague from Bowdoinham, I do not believe it is inaccurate to point out that there is a lawful and existing process in place which has been developed to deal with a situation like this, and that process has not been concluded yet.

This bill does move the goal post in the middle of the game. It's pure and simple. It's regressive, not progressive; it's reactive, not proactive; and it's punitive and not encouraging. And, Mr. Speaker, I would like to remind the Good Representative from Bowdoinham that the ball he doesn't see coming is usually the one that hurts the most. Thank you.

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

Representative **BERRY**: Thank you, Mr. Speaker. That's a hard act to follow.

Mr. Speaker, I think the question that was raised by the Representative from Kittery, my friend from Kittery, deserves an answer and, if I understood correctly, the question essentially was if some of us feel that the line that is pending in regulatory proceedings here in Maine does not have a net greenhouse gas benefit as it is currently constructed, then therefore, there should be no reference to other alternatives. And, Mr. Speaker, that simply doesn't hold water.

If this project is going to be built because Massachusetts does, in fact, insist upon it, and if Maine considers it not to be a good deal for Maine, then there are 45 other alternatives besides the one before Maine. One of those, the Vermont project, is third in the queue. It is entirely buried, it is entirely permitted, it has a project labor agreement with local workforce training components, and it has three times the net benefit to that state that the proposal being offered to Maine has for ours.

Mr. Speaker, I think it's entirely appropriate that we stand up for Maine in the new ballgame that is being played and that we not allow ourselves to be hit in the head. Thank you.

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

Representative **RYKERSON**: Thank you, Mr. Speaker. I sincerely apologize for rising again. I do have to say one thing. If you want to vote for this bill and send the benefits to Vermont, even if they're three times the benefits of Maine, good for you

Representative FECTEAU of Biddeford **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass as Amended**.

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

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

ROLL CALL NO. 197

YEA - Ackley, Alley, Andrews, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Cardone, Cooper, Corey, Daughtry, Denk, Dillingham, Dodge, Dolloff, Doudera, Evangelos, Farnsworth, Fay, Fecteau J, Fecteau R, Gramlich, Grignon, Grohoski, Hall, Handy, Harnett, Head, Hepler, Higgins, Hobbs, Hymanson, Ingwersen, Keschl, Kessler, Kinney, Landry, Marean, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Morris, O'Neil, Paulhus, Pebworth, Peoples, Pickett, Pluecker, Prescott, Riley, Riseman, Roberts-Lovell, Sharpe, Sheats, Skolfield, Stover, Talbot Ross, Tepler, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Caiazzo, Campbell, Carney, Cebra, Cloutier, Collings, Costain, Craven, Cuddy, Curtis, Drinkwater, Dunphy, Faulkingham, Foley, Foster, Griffin, Haggan, Hanington, Hanley, Harrington, Hubbell, Hutchins, Javner, Johansen, Jorgensen, Kornfield, Kryzak, Lockman, Lyford, Madigan C, Martin J, Martin T, Mason, Mastraccio, O'Connor, Ordway, Perkins, Perry A, Perry J, Pierce T, Reckitt, Reed, Rudnicki, Rykerson, Sampson, Schneck, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Wadsworth, White B, White D.

ABSENT - Austin B, Crockett, DeVeau, Doore, Gattine, Hickman, Martin R, Millett, Nadeau, Sylvester, Verow.

Yes, 74; No, 63; Absent, 11; Excused, 2.

74 having voted in the affirmative and 63 voted in the negative, with 11 being absent and 2 excused, and accordingly Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-437)** 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**.

Representative BERRY of Bowdoinham **PRESENTED** **House Amendment "A" (H-504)** which was **READ** by the Clerk.

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT** **House Amendment "A" (H-504)**.

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 Presque Isle, Representative Stewart.

Representative **STEWART**: Thank you, Mr. Speaker. I rose to figure out what that Committee Amendment, or the

House Amendment was and was hoping that the Clerk would read through it, which he did so amply fast, and we now understand what it is. Thank you.

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

Representative STEWART: Thank you very much, Mr. Speaker. I feel as though we've been down this road a couple of times and I would ask that my colleagues follow my light in not removing the emergency preamble on this bill, as it's an end-around in order to get it to pass on a final enactment. 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-504). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 198

YEA - Ackley, Alley, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazza, Cardone, Collings, Cooper, Corey, Daughtry, Denk, Dodge, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kornfield, Landry, Marean, Matlack, Maxmin, McCreag, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Sharpe, Sheats, Skolfield, Stover, Talbot Ross, Tepler, Tipping, Tucker, Tuell, Warren, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Babine, Bickford, Blier, Bradstreet, Bryant, Campbell, Carney, Cebra, Cloutier, Costain, Cuddy, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Fecteau R, Foley, Foster, Griffin, Grignon, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Kinney, Kryzak, Lockman, Lyford, Madigan C, Martin J, Martin T, Mason, Mastraccio, Morris, O'Connor, Ordway, Perkins, Perry A, Perry J, Pickett, Prescott, Reed, Rudnicki, Rykerson, Sampson, Schneck, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Terry, Theriault, Wadsworth, White B, White D.

ABSENT - Austin B, Craven, Crockett, DeVeau, Doore, Gattine, Hickman, Martin R, Millett, Sylvester, Verow.

Yes, 70; No, 67; Absent, 11; Excused, 2.

70 having voted in the affirmative and 67 voted in the negative, with 11 being absent and 2 excused, and accordingly **House Amendment "A" (H-504) was ADOTPED.**

The SPEAKER PRO TEM: The Chair recognizes the Representative from Paris, Representative Andrews, and inquires as to his Point of Order.

Representative ANDREWS: Thank you, Mr. Speaker. I thought it was 101 votes for that. I could be incorrect.

The SPEAKER PRO TEM: The Chair would answer in the negative. The question was Adoption of House Amendment "A", which is majority vote.

Subsequently, under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-437) and House Amendment "A" (H-504)** and sent for concurrence.

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

The Speaker resumed the Chair.

The House was called to order by the Speaker.

REPORTS OF COMMITTEE

Divided Report

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-466)** on Bill "An Act To Allow for the Sale of Nonprescription Drugs through Vending Machines"

(H.P. 38) (L.D. 37)

Signed:

Senators:

HERBIG of Waldo

MILLETT of Cumberland

Representatives:

DAUGHTRY of Brunswick

BABINE of Scarborough

CROCKETT of Portland

FECTEAU of Biddeford

HANDY of Lewiston

HIGGINS of Dover-Foxcroft

PERRY of Bangor

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

Signed:

Senator:

GUERIN of Penobscot

Representatives:

AUSTIN of Gray

STETKIS of Canaan

READ.

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

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

Representative AUSTIN: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Despite the title of this bill, I want to just share that upon the testimony that we heard in our committee, it felt very much like an attempt to do one thing --

The SPEAKER: The Member will defer, and my apologies for asking the Member to defer, but it is so difficult to hear you because there's so much chatter in the chamber. Thank you, Members of the House. The Member may continue.

Representative AUSTIN: Thank you, Madam Speaker. I know they don't want to miss this, so I'll start over.

Ladies and Gentlemen, despite the title of this bill, upon being in the committee that heard it and upon hearing the actual individual testimonies, it really became somewhat evident to myself and to some of my committee that this was solely an attempt to be able to sell more morning-after pills to the public.

I was here when the morning-after pill became law and so I understand that, and that's an accepted piece of law now and is accepted piece of practice. But I will share that my concerns on this is that being in a vending machine, it allows it to be available to any age. Now, when I say any age, I do mean any age and, of course, to any sex, and therefore I feel the supervision of that is questionable. Currently, we have substantial access to this drug and I feel, and I felt at the time

the original law went through, that it is much better that clinicians and doctors and pharmacists have some opportunity of oversight, to be able to speak to those who feel the need at the time to purchase this particular drug.

I questioned at the work session whether or not places of young people, school-age children at recreational facilities was not allowed and I hope I'm accurate, at least it was my impression, people brought up well, it's not allowed in the public school setting. Well, many towns have recreational programs that are not necessarily held within and on the property of our school facilities, so I felt that was a concern and, again, certainly it lacks oversight.

And the other thing that I think concerns me is I believe this is an attempt to be able to offer services to rural areas. Again, my concern of oversight in rural areas where a very young woman may make the choice to use the morning-after pill I would be concerned that no one know and there'd be no one in case of emergency. I did ask at the hearing of the Maine Medical Association, I believe some of the most striking testimony was the anxiety with which young women felt about this situation when they realize what possibly could have taken seed and so they repeatedly used the word anxious. And, again, being a mother and now a Grammy, I asked the Maine Medical Association about with anxiety and the certain very specific timeframe within which this piece of medication needs to be orally taken, if they run too close to the deadline or over the deadline would there be a concern that young women without oversight might take more than one pill. And they were not able to answer me and I think that their lies -- therein lies one of the very concerns. If they do not know how many pills can be taken at one close period of time, and what that may endanger any young woman into facing, and perhaps alone and unaided and unguided that was why I withheld my support.

So, I thank you for that and I realize there are other forms of medications such as Tylenol and aspirin and other things that will be in these but, again, this is something that I think at least if someone enters into a pharmacy or whatever, public facility, they can avail themselves of some adult oversight. Thank you very much.

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

Representative **TERRY**: Thank you, Madam Speaker. This bill is really an update to a 1936 law that prohibited snake oil salesmen from selling their product wherever they wanted to, including carnivals, including vendors, and then in 1968, was included in the law to update the language from vending to vending machines.

It is true that emergency contraception is available or would be available in a vending machine. So would allergy medicine, like the Representative from Gray said, so would Advil or other kinds of medicine that people need sort of on the fly, sometimes in the middle of the night, sometimes when their local pharmacy is closed. The basic gist of this is that we're allowing a little bit more access than what we have currently. Pharmacies close at 9:00 at night, doctor's offices and clinics close even earlier than that, and for college campuses, for bus stations, for places where a vending machine could be put where an operator of such could make some money off of it, I think that there is no real reason that we shouldn't allow a business to expand in this regard.

As far as emergency contraception goes, any person is allowed to walk into any pharmacy, any store, I believe the last place I saw it was in Walmart, can go in at any time and purchase this. The point of this, allowing vending machines to hold these medicines as well, is for people that don't have

access to those places during business hours or after business hours. I think it's a way to let the college campuses and, again, bus stations, airports, be able to give to their customers or students what they need in off-hours. Thank you.

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

Representative **KINNEY**: Thank you, Madam Speaker. I have a teenage daughter and I can't send her to school with Tylenol or ibuprofen, pardon the too much information part, but for menstrual cramps. I can't send her to school with those over-the-counter drugs. But she could technically go to the corner store where they have one of these vending machines, pick it up herself. I mean, she's got access to it at home, but it seems to me that we're just not helping parents at all anymore. Parents have a right to know what their kids are doing and this is just a scary thing. We got rid of vending machines for cigarettes years and years ago because it was a terrible idea that kids were having access to these things. And this is a very dangerous path for us to be going down.

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

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

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

Representative **O'CONNOR**: Pose a question to the Chair, please?

The SPEAKER: The Representative may proceed.

Representative **O'CONNOR**: Thank you. Could someone tell me how much the morning-after pill costs?

The SPEAKER: The Representative from Berwick has posed a question through the Chair.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative **HANDY**: Thank you, Madam Speaker. About \$60.

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

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise in strong support of the motion on the Floor.

This is a bill that seeks to amend a law that dates back to 1937, as the Good Representative from Gorham said. The language was updated regarding this in 1987 but it's not been changed since that time. This is an antiquated law that's been, you know, updated in other states.

And I want to make clear what this bill is about. This is about making sure that over-the-counter prescriptions that are already available in most major stores that sell these products can be available within a vending machine. We actually are one of the few states that have this type of provision. Most states actually across the nation actually already allow this. And many drug companies have been moving to have these sort of accessible over-the-counter machines so that you can easily access things like Advil, Benadryl, Tums. Heck, you know, after a large meal, if a store is closed and you need something like Pepto-Bismol, that's what this was looking to be able to put forward. In fact, companies like CVS and Walgreens have been expanding their business and looking at automated retail vending machines stocked with over-the-counter health products including remedies for allergy, pain relief, digestive health, and cough and cold. It's hoping to serve residents and travelers in urgent need when a store might be closed.

Also, as I said, we wouldn't be the only state. Right now, we have Arizona, Connecticut, Kansas, Maryland, Oregon, Tennessee, as well as many others that allow this type of medication to be dispensed via vending machines. So this is really about making sure that Mainers have access to medications that are already available. I want to stress, these are over-the-counter medications. This is something that anyone of any age can walk into any store currently and purchase without an ID. These are not prescription drugs.

Importantly, we did have some concerns and the committee worked hard to amend this bill to make sure that these vending machines would be in safe places, they wouldn't be available at schools, also that it had to be clear who was the license holder for the vending machine as well as a clear contact information for them, and that the products were being stored in a manner and temperature controlled according to the manufacturer's specifications.

So, I urge you to follow my light. This is an important update to an antiquated law in Maine's statutes. Thank you.

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

Representative **DOLLOFF**: Thank you, Madam Speaker. May I pose a question through the Chair, please?

The SPEAKER: The Representative may proceed.

Representative **DOLLOFF**: Thank you. I'm just wondering if this morning-after pill can be purchased through these machines with any of the TANF benefits or the EBT cards or anything like that.

The SPEAKER: The Representative from Rumford has posed a question through the Chair if there is anyone who wants to answer.

The Chair recognizes the Representative from Gorham, Representative Terry.

Representative **TERRY**: Thank you, Madam Speaker. No; no TANF cards. It will be a cash and debit card only.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise in opposition to the bill.

Just because drugs are nonprescription does not necessarily mean that they are always safe. Overuse of Tylenol can cause serious liver damage and giving these nonprescription drugs out in vending machines provides access to children, and children don't always make the wisest decisions. Sometimes they do some pretty stupid things and I don't think that we should, even if it's just Tylenol and whatnot, I don't think we should be handing that out in vending machines where young kids can get their hands on it because, you know, like I said, young kids don't always make the wisest decisions and I think that this could be potentially a very dangerous situation. I urge the Members to vote no on the motion.

The SPEAKER: The Chair recognizes the Representative from Levant, Representative Griffin.

Representative **GRIFFIN**: Thank you, Madam Speaker. I have a question that I'd like to ask.

The SPEAKER: The Representative may proceed with the question.

Representative **GRIFFIN**: Has there ever been any studies on nonprescription drug abuse?

The SPEAKER: The Representative from Levant has posed a question through the Chair if there is anyone who is able to answer.

The Chair recognizes the Representative from Brunswick, Representative Daughtry.

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I rise to answer the question, two of the questions that were posed.

There have been studies about over-the-counter prescriptions and this is something that the federal government as well as the Maine Board of Pharmacy is constantly keeping an eye on. But I also want to answer the question from the good man from Winter Harbor that these are prescriptions that are already available in stores without an ID. Children can already access these types of medications. Currently, with the increase of self-checkouts, someone can walk into a store and, you know, buy a thing of milk and a thing of Pepto-Bismol and some antacids and some painkillers and go through a self-checkout and already not have an involvement with someone there. These are medications that have been said by the FDA, I want to repeat again, by the FDA, that they are safe for over-the-counter. This is not anything that would require a prescription or an ID for purchase.

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

ROLL CALL NO. 199

YEA - Ackley, Alley, Andrews, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazza, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Cuddy, Daughtry, Denk, Dodge, 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, McLean, Melaragno, Meyer, Moonen, Morales, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Skoffield, Strom, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

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

ABSENT - Crockett, DeVeau, Doore, Hickman, Martin R, Stover, Sylvester, Theriault, Verow.

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

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

The Bill was **READ ONCE. Committee Amendment "A" (H-466) 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-466)** and sent for concurrence.

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

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

Representative **ACKLEY**: Thank you, Madam Speaker. Request unanimous consent to address the House on the record.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, in reference to Roll Call No. 174 on LD 1263, had I been present, I would have voted yea. In reference to Roll Call No. 175 on LD 1626, had I been present, I would have voted yea. In reference to Roll Call No. 176, LD 795, had I been present, I would have voted yea. And, in reference to Roll Call No. 177, LD 640, had I been present, I would have voted yea.

The SPEAKER: The Chair recognizes the Representative from Carmel, Representative Reed who wishes to address the House on the record.

Representative **REED**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I proudly and thankfully rise this afternoon to pay homage to the Americans and Allies who 75 years ago on this day, June 6, 1944 entered the turbulent waters of the English Channel to storm the beaches of Normandy.

The planning, the cooperation, the coordination, the magnitude of this undertaking would eventually lead to the surrender of Germany less than a year later in May of '45. The great Winston Churchill would say of this opening of a second front in Europe, if this is not the beginning of the end, it is the end of the beginning. Today, we know that it was the beginning of the end for the tyrants of that time. By the day's end of June 6, 1944, more than 156 troops had successfully stormed the beaches while suffering heavy losses at the hands of the well-fortified German forces who were well-entrenched on the banks overlooking the beaches. After that initial wave of six divisions, many more waves would follow, encompassing more than 39 divisions, equaling more than a million troops. By the evening of June 11th, those beaches would be securely in the hands of the Allies. From that day of the greatest amphibious invasion in the history of warfare would begin the battle for Normandy that would last until August of '44, and then to the eventual liberation of France and the long push all the way to Berlin and the end of Hitler's reign of terror.

Some years later, World War II members of all branches of our military would be declared to be the greatest generation, many of them now in their 90s and we are losing them at the rate of more than 400 a day. If you know any of these special people, thank them personally and let them know that you appreciate them. Don't wait and later have regrets.

Also, a special thank you to all the Members of this body, who have served in our country's military forces. We salute you and say a great big thank you for your service.

And I'd like to close by a story that's often told by Joe Bonsall of the Oak Ridge Boys who often closes a concert with this story:

He was a streetwise kid from Philly, just 19 in '44. Joined up in Uncle Sam's Army, hit the beach, and fought a war. A

decorated hero, he never talks about those days, but because of guys like G.I. Joe our country is free today. She was a woman's Army Corps, raised in Carolina dirt, escorting wounded young men home from a burning hell on earth. The first time that she saw him, he was broken and alone. Lillie fell in love that day, when he winked and said hello. And Lillie sang this song to G.I. Joe. Let me hold you in my arms, handsome soldier. Take my hand, for we are going home today. Let me kiss away your tears, let me pray away your fears. I'll stay here with you till they carry us away. They married in the spring, all dressed up in Army green, took out a loan and bought a home and raised a family. The war returned to G.I. Joe in 1965. The old wounds came back to haunt him but Lillie's love kept him alive. Now they're living in a veteran's home, they've both grown old and gray. The medals earned a long time ago now hang there in a case. Sometimes she finds him weeping as he lies there in his bed, the distant sounds of battle, they still echo in his head. And Lillie sings this song to G.I. Joe. Let me hold you in my arms, handsome soldier. Take my hand, for we are going home today. Let me wipe away those tears, let me pray away your fears. I'll stay here with you till they carry us away. Someday they'll rest in Arlington, beneath the red, the white, and the blue, safe in the arms of Jesus when their journey here is through. An American love story, not unlike a lot of others, except that G.I. Joe and Lillie was Joe Bonsall's father and his mother.

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

CONSENT CALENDAR

First Day

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

(S.P. 605) (L.D. 1789) Bill "An Act To Restore the Authority of the Board of Environmental Protection" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass**

(S.P. 617) (L.D. 1827) Resolve, To Designate a Bridge in Indian Purchase Township the Detective Benjamin Campbell Bridge Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 26) (L.D. 73) Bill "An Act To Provide an Income Tax Credit for Certain Student Loan Repayments" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-219)**

(S.P. 80) (L.D. 268) Bill "An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-218)**

(S.P. 158) (L.D. 493) Bill "An Act To Provide Lung Cancer Counseling and Screening for MaineCare Recipients" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-223)**

(S.P. 389) (L.D. 1269) Bill "An Act To Update the Laws Governing Child Safety Seats and Seat Belts" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-217)**

(S.P. 508) (L.D. 1602) Resolve, Establishing the Working Group on Mental Health (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-213)**

(S.P. 550) (L.D. 1679) Bill "An Act To Establish the Maine Climate Change Council To Assist Maine To Mitigate, Prepare for and Adapt to Climate Change" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-221)**

(S.P. 577) (L.D. 1735) Bill "An Act To Clarify the Pathway for a Registered Dispensary under the Maine Medical Use of Marijuana Act To Become a For-profit Entity" (EMERGENCY) Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-214)**

(S.P. 597) (L.D. 1766) Bill "An Act To Transform Maine's Heat Pump Market To Advance Economic Security and Climate Objectives" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-220)**

(S.P. 600) (L.D. 1776) Bill "An Act To Reduce the Membership of the Clean-up and Response Fund Review Board" Committee on **ENVIRONMENT AND NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-210)**

(H.P. 1284) (L.D. 1803) Bill "An Act To Update the Laws Regarding Death and Marriage Records" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 1287) (L.D. 1807) Bill "An Act To Amend Certain Laws Related to Members of the Military and the Maine National Guard" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass**

(H.P. 1293) (L.D. 1816) Bill "An Act To Ensure the Safety and Well-being of Infants Affected by Substance Exposure" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 766) (L.D. 1036) Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System To Support Workforce Development (EMERGENCY) Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-506)**

(H.P. 882) (L.D. 1222) Bill "An Act Regarding Electric Bicycles" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-511)**

(H.P. 1040) (L.D. 1430) Bill "An Act To Create Tax Equity among Renewable Energy Investments" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-507)**

(H.P. 1053) (L.D. 1441) Bill "An Act To Align the Laws Governing Dental Therapy with Standards Established by the American Dental Association Commission on Dental Accreditation" Committee on **HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-503)**

(H.P. 1064) (L.D. 1452) Bill "An Act Regarding the Collection of the Sales and Use Tax by Marketplace Facilitators" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-508)**

(H.P. 1093) (L.D. 1491) Bill "An Act To Establish the Maine Work Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-509)**

(H.P. 1097) (L.D. 1505) Bill "An Act To Amend the Marijuana Laws To Correct Inconsistencies in Recently Enacted Laws" (EMERGENCY) Committee on **HEALTH AND**

HUMAN SERVICES reporting **Ought to Pass as Amended by Committee Amendment "A" (H-513)**

(H.P. 1200) (L.D. 1676) Bill "An Act To Enhance the Ability of the State To Prosecute the Crime of Operating Under the Influence" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-512)**

(H.P. 1256) (L.D. 1769) Bill "An Act To Make Various Changes to the Motor Vehicle Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-515)**

(H.P. 1260) (L.D. 1773) Bill "An Act To Clarify Bonding Authority for School Management and Leadership Centers" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-505)**

(H.P. 1267) (L.D. 1782) Bill "An Act To Amend the Motorcycle Rider Education and Driver Education Laws" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-510)**

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

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

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

REPORTS OF COMMITTEE

Divided Reports

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act To Restore the Laws Governing the Reunification of Parents and Children" (H.P. 150) (L.D. 187)

Signed:
Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec
KEIM of Oxford

Representatives:

BAILEY of Saco
BABBIDGE of Kennebec
CARDONE of Bangor
CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden
HARNETT of Gardiner
RECKITT of South Portland

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

Signed:

Representatives:

EVANGELOS of Friendship
TALBOT ROSS of Portland

READ.

Representative BAILEY of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative GRAMLICH of Old Orchard Beach **REQUESTED** a roll call on the motion to **ACCEPT** the Majority Ought Not to Pass Report.

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

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

Representative **GRAMLICH**: Thank you, Madam Speaker, Women and Men of the House. Good evening. I rise against the pending motion.

I put this particular piece of legislation in, which simply restores the language in the child abuse statutes to include family reunification as a priority. The data and research suggests that family reunification being a priority is the best thing for children. Even in the most compromised situations, we know that the best place for children is to be with their families.

The other piece of this particular piece of legislation is to assure that the department is working on rehabilitation efforts with children and their families. It's critically important that we move in that direction to assure that staff working the front line, child protective workers and other staff that are working the front line, understand with clarity that it's critically important that the department work toward reunification as a priority. The language that was changed last fall includes that there will be reasonable efforts made to reunite a family with their children. "Reasonable" is a very subjective term, it makes it very challenging for frontline workers to really know where the department stands. Having been a social worker for 35 years, working in the department for 13 years, I can speak firsthand to this. We know that it's a priority for kids and I urge you to vote against the pending motion and move the Minority Report. Thank you, Madam Speaker.

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

Representative **BRENNAN**: Thank you, Madam Speaker, Men and Women of the House. Sadly, unfortunately, the outcomes for children in child welfare are worse than other children in the State of Maine and across the country. They have higher rates of school dropout, they have lower rates of attending college, they have higher rates of substance use, and they have much higher rates of involvement in the juvenile justice system.

As the Good Representative from Old Orchard just pointed out, research shows, best practices shows, and we know children do better in their family. That's why it's important that we have a state policy that makes it a priority for children in the child welfare system to be reunified with their family. And I hate to say this, but Maine is not performing as well as the rest of the country. In other states and across the country, over half, almost 54% of children are reunified with their family. In Maine, we're not even at half of reunification. So we have a noticeable problem here in the State of Maine that is further exacerbated by language in statute now that says reunification is no longer a priority.

So I hope that people will vote against this pending motion and have Maine once again be a leader in child welfare and working to promote family reunification, make families and children a priority in the child welfare system, and follow best practices across the country and follow what is best for Maine children. Thank you.

Representative STEWART of Presque Isle inquired if a Quorum was present.

The Chair ordered a quorum call.

More than half of the members responding, the Chair declared a Quorum present.

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

Representative **HYMANSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I'm going to be voting against this motion as well, and I wanted to give you some history.

So, a number of years ago, tragically Justin Marr was killed by his foster parent and during that time reunification became really what people talked about. And some of that, as always, the pendulum swings, but in recent years the opiate crisis has really been a troubling development in the lives of kids who are taken from their parents and reunification has been very difficult. Add to that a decrease in access to community supports and add to that that parents would lose their MaineCare when they lost their kids because suddenly their salaries would go up and so they would lose their MaineCare based on that. Thankfully, we've rectified that this session, which is terrific. So we've put some of the access to community supports back.

Last year, after the tragic deaths of the two children, people started to look at reunification again and the pendulum swung. So, we put in the phrase reasonable efforts and, true, reasonable doesn't have a great meaning, it depends on what you think reasonable is. My companion bill to this one was that we go to best efforts as a kind of neutral way but that didn't go through committee well. So, we're really left with putting back the old language, which is supporting reunification. And the reason why that's important is because it does give a signal to the courts that that's the important effort that should go on, and it's a better phrase than just reasonable effort should go on.

I'll also say that during the time, the number of years when the phrase reunification was in policy, we still had a large decline in the number of reunifications, so the language didn't really matter. It was really the loss of community supports and the opiate crisis that made it very difficult. But I think it is a higher standard, it is one that all efforts, all studies show that reunification is the gold standard and kids do much better in very difficult situations to be reunified. So, I'm going to vote against this motion and I would like the old language restored with reunification. Thank you

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

ROLL CALL NO. 200

YEA - Ackley, Andrews, Austin S, Babbidge, Bickford, Blier, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Drinkwater, Fay, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harnett, Harrington, Head, Higgins, Javner, Johansen, Keschl, Kinney, Kryzak, Marean, Martin T, Mason, Mastraccio, Millett, Morris, Ordway, Pebworth, Perkins, Pickett, Prescott, Reed, Riseman, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, White D.

NAY - Alley, Austin B, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Faulkingham, Fecteau J, Fecteau R, Foley, Gramlich, Grohoski, Handy,

Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Lockman, Lyford, Madigan C, Martin J, Martin R, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Connor, O'Neil, Paulhus, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Tepler, Tipping, Tucker, Warren, Zeigler, Madam Speaker.

ABSENT - Arata, Bradstreet, Bryant, Cuddy, DeVeau, Dolloff, Dunphy, Gattine, Grignon, Hutchins, Riley, Skolfield, Stover, Sylvester, Talbot Ross, Terry, Theriault, Verow, White B.

Yes, 52; No, 77; Absent, 19; Excused, 2.

52 having voted in the affirmative and 77 voted in the negative, with 19 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative BAILEY of Saco, the Minority **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 **JUDICIARY** reporting **Ought to Pass** on Bill "An Act Regarding Recording of Witness Interviews"

(H.P. 589) (L.D. 801)

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
DeVEAU of Caribou
HAGGAN of Hampden

READ.

On motion of Representative BAILEY of Saco, 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** sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast (H.P. 796) (L.D. 1073)

Signed:

Senators:

CARPENTER of Aroostook
BELLOWS of Kennebec
KEIM of Oxford

Representatives:

BAILEY of Saco
CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden
HARNETT of Gardiner
RECKITT of South Portland
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (H-475)** on same Resolve.

Signed:

Representatives:

BABBIDGE of Kennebunk
CARDONE of Bangor
EVANGELOS of Friendship

READ.

Representative BAILEY of Saco moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

Representative McCREIGHT of Harpswell **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Harpswell, Representative McCreight.

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

The bill before us is to establish a drug court in the Midcoast area, an area that is not served by drug courts. And I want to emphasize that this is about what I'd like to call drug court plus. Drug court exists as an option for people who have been charged with an offense where the primary issue is substance use disorder but they have violated the law. The drug court gives them an opportunity to expunge or improve their record and this particular drug court which would occur in the Midcoast, an area of high need, would include services such as dental, childcare, transportation, education, the things that could help you really get back on track in your life. And it's something that was part of Chief Justice Saufley's request from us that we allow them to have this opportunity. So, I ask you to oppose the pending motion.

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

ROLL CALL NO. 201

YEA - Andrews, Austin S, Bailey, Bickford, Blier, Campbell, Carney, Cebra, Corey, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harnett, Harrington, Head, Higgins, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak,

Landry, Lockman, Lyford, Marean, Martin T, Mason, Mastraccio, McCrean, McLean, Morris, O'Connor, Ordway, Peabworth, Perkins, Pickett, Pierce T, Prescott, Reed, Riseman, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Tuell, Wadsworth, Warren, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Caiazza, Cardone, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fecteau R, Foley, Gramlich, Grohoski, Handy, Hepler, Hickman, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Madigan C, Martin J, Martin R, Matlack, Maxmin, McCreight, McDonald, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Peoples, Perry A, Perry J, Pluecker, Reckitt, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Tepler, Tipping, Tucker, White B, Zeigler, Madam Speaker.

ABSENT - Arata, Bradstreet, Bryant, Cuddy, DeVeau, Dolloff, Dunphy, Gattine, Grignon, Hutchins, Millett, Riley, Skolfield, Stover, Sylvester, Talbot Ross, Terry, Theriault, Verow.

Yes, 62; No, 67; Absent, 19; Excused, 2.

62 having voted in the affirmative and 67 voted in the negative, with 19 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative BAILEY of Saco, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-475)** 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-475)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Resolve, Directing the Maine Human Rights Commission To Implement a Pilot Program To Investigate and Report on Incidents of Harassment Due to Housing Status, Lack of Employment and Other Issues

(H.P. 937) (L.D. 1294)

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 Resolve.

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison
DeVEAU of Caribou
HAGGAN of Hampden

READ.

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

The Resolve was **READ ONCE**.

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** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-484)** on Bill "An Act To Require the State To Distribute 25 Percent of Adult Use Marijuana Retail Sales and Excise Tax Revenue to Generating Municipalities"

(H.P. 260) (L.D. 335)

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

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

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

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

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-484)** 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-484)** and sent for concurrence.

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-482)** on Bill "An Act To Expand the Value

of the Homestead Exemption to \$25,000 and State Reimbursement to 100 Percent of Lost Property Tax Revenue" (H.P. 895) (L.D. 1234)

Signed:

Senators:

CHIPMAN of Cumberland
SANBORN, H. of Cumberland

Representatives:

TIPPING of Orono
BICKFORD of Auburn
CLOUTIER of Lewiston
DENK of Kennebunk
MATLACK of St. George
STEWART of Presque Isle
TERRY of Gorham

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-483)** on same Bill.

Signed:

Senator:

POULIOT of Kennebec

Representatives:

KRYZAK of Acton
MAREAN of Hollis
STANLEY of Medway

READ.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-482)** 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-482)** and sent for concurrence.

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

The Chair laid before the House the following item which was **TABLED** earlier in today's session:

An Act To Reclassify Certain Waters of the State
(H.P. 1242) (L.D. 1743)
(C. "A" H-462)

Which was **TABLED** by Representative FECTEAU of Biddeford pending **PASSAGE TO BE ENACTED**.

Subsequently, the Bill was **PASSED TO BE ENACTED**.

On motion of Representative MOONEN of Portland, the House **RECONSIDERED** its action whereby Bill was **PASSED TO BE ENACTED**.

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**: 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. 202

YEA - Ackley, Alley, Andrews, Austin B, Austin S, Babbidge, Babine, Bailey, Beebe-Center, Berry, Bickford, Blier, Blume, Brennan, Caiazzo, Campbell, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Corey, Costain, Craven, Crockett, Curtis, Daughtry, Denk, Dillingham, Dodge, Doore, Doudera, Drinkwater, Evangelos, Farnsworth, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Foster, Gramlich, Griffin, Grohoski, Haggan, Hall, Handy, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Javner, Jorgensen, Keschl, Kessler, Kinney, Kornfield, Kryzak, Landry, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Morris, Nadeau, O'Connor, O'Neil, Ordway, Paulhus, Peabworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Riseman, Roberts-Lovell, Rudnicki, Rykerson, Sampson, Schneck, Sharpe, Sheats, Stearns, Stetkis, Stewart, Strom, Swallow, Tepler, Theriault, Tipping, Tucker, Tuell, Wadsworth, Warren, White B, White D, Zeigler, Madam Speaker.

NAY - Hanington, Johansen, Lockman, Reed, Stanley.

ABSENT - Arata, Bradstreet, Bryant, Cuddy, DeVeau, Dolloff, Dunphy, Gattine, Grignon, Hutchins, Millett, Riley, Skolfield, Stover, Sylvester, Talbot Ross, Terry, Verow.

Yes, 125; No, 5; Absent, 18; Excused, 2.

125 having voted in the affirmative and 5 voted in the negative, with 18 being absent and 2 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker 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 yesterday, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Majority (8) **Ought Not to Pass** - Minority (5) **Ought to Pass as Amended by Committee Amendment "A" (H-139)** - Committee on **HEALTH AND HUMAN SERVICES** on Bill "An Act To Establish Wage and Employment Parity between Adult and Child Protective Services Caseworkers in the Department of Health and Human Services"

(H.P. 337) (L.D. 428)

TABLED - April 25, 2019 (Till Later Today) by Representative HYMANSON of York.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

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

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

Representative **RECKITT**: Thank you, Madam Speaker, Members of the House. I'm sort of unexpectedly rising to talk to you tonight, although this is my bill and I am, in fact, in favor of it.

It began in late-December when a group of adult protective workers came to me and pointed out what I had already seen myself but didn't know others had; the disparity we had created at the end of the last session by changing the wages of child protective workers.

Child protective workers and adult protective workers do essentially the same job, except they do it with disparate populations, both of which are difficult to deal with and troubled. And this group of workers who I met with at their request three days before closure for this session said to me; we're losing our people into child protective because they're now making more money than we are. And so all of the senior members were moving in the unit were applying and being accepted to child protective, because you might remember we had a lack of child protective workers. They also pointed out to me that they really needed more supervisors, that they were really sort of dancing in the wind by themselves, they felt, and that they needed the same kind of training that the child protective workers had; different substance, but some substance the same. And I was empathetic to their concerns and I didn't hear them as saying to me, well, they got it, we should get it, they got it, we should get it. It was a genuine concern for their clients and the fact that there were insufficient people to work with them who were trained properly.

And I was receptive to that discussion and, in fact, put this bill in. And I am more enthusiastic now than I was in December when I knew not too much about their situation, but as I met with them and I saw the sincerity of these people trying to do jobs under really difficult circumstances and I said to myself why, really, did we do this? I know we didn't do it on purpose, because I'm sure that we would value these people to the same degree that we value the very difficult work of child protective workers. And I was encouraged recently because we did a similar thing with another group of workers, who I won't mention because that's another bill, but my point is that I think that we can look at them and the particular challenges that they have working with some of the most difficult elderly people in our system.

And I hope that you will be empathetic to them, as I have been, and vote down this motion in order that we might turn around and pass it. Thank you so much.

Representative MADIGAN of Waterville **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Waterville.

Representative **MADIGAN**: Thank you. Madam Speaker and colleagues of the House, this is a very simple bill and it fixes a problem that we caused, this body caused.

Sometimes we have to talk about the process that we have here. In an effort to address problems in the child welfare system, last year we had a series of public hearings and work sessions in one day. Due to that, we raised the salaries and improved the working conditions of child protection workers, which is a noble thing that we did, a great thing that we did. However, as we often warn when we make actions that quickly, sometimes there are unintended consequences when you do that. And this bill addresses a problem that we caused, an unintended consequence.

Adult protective workers and child protective workers are the same classification level in the state. They have the same qualifications and they do essentially the same job, but with different populations. Child protective workers work with children and families when children are in danger, adult protective workers work with elderly people and other vulnerable adults who cannot care for themselves in a manner that keeps them safe. In addition, adult protection workers actually have an extra responsibility in the fact they often have

a fiduciary responsibility for the folks they serve, because often people who are disabled and elderly have a source of income and when the State becomes their guardian has to manage their finances in whatever kind of living situation they find for them.

Both jobs are sometimes dangerous. Child protection workers, however, now have been given a raise and increased training and supervision and as a result there are problems with recruitment, retention, and morale within the adult protective system. And this impacts their ability to protect some of our most vulnerable people. Adult protection workers are transferring to work in the child protection office because of the better pay and working conditions. We caused this problem.

We all came here for a really good reason, because we wanted to serve the people of Maine. It's our responsibility to fix the problems that we cause. I urge you to vote no on the current motion so we can do the responsible thing and clean up the mess that we made.

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

Representative **MEYER**: Thank you, Madam Speaker, Women and Men of the House. Last year, well-intentioned and much-needed changes were made in response to the tragic deaths of two Maine children; improving the pay by \$5 per hour, providing improved technology, training, and supervision for child protective services only. According to past practice, typically any change to one program extended to other protective workers similarly tasked. The message inadvertently sent was that the lives of vulnerable adults and the frontline workers tasked with protecting them are not worthy of the same consideration as children's services.

The unintended consequences of the good work of the 128th can be rectified here this evening by the 129th. I ask you follow my light and vote red for CPS/APS parity.

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

Representative **O'CONNOR**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. This is indeed a noble bill with a noble idea, but as the Good Representative from Waterville has said, there are unintended consequences to some of our actions, such as a mandated government minimum wage which has caused us problems across the board with many of our agencies. We have nursing homes struggling to stay open, we have many different employees that are underpaid, overworked, and it's difficult all the way around.

And I do understand that, however I look at this and it has a \$2.4 million fiscal note. I already know that there are multiple bills that need to be financed and they are equally as important as this one. However, we are doing a rate study and I am hoping within my heart that we are able to address this properly and within a good timeframe. I know we're losing people, we're losing them in many, many different places, and I know that the Good Representative from Portland as well as Eliot, they all have the best of intentions but I'm not here to create false promises or false hope, so I would hope that you follow my light, so we can find better decisions so that we can make them in the future to make sure that all of our people are well-paid, well-cared for, with every benefit we can offer them as a state. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker, Madam Speaker, Women and Men of the House, as many

have already said, we are talking about some of our most vulnerable people. People that need protection. These workers for both of these groups are extremely hard to find. They're tough to find and now we've created a system whereby we have inadvertently put one group against another. We're losing much-needed workers in adult protective because we wanted to do a good fix and we did a good fix, but we have another fix to do.

We must vote down this motion, provide wage parity, and do something to protect some of our most vulnerable people in this state. Thank you.

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

Representative HYMANSON: Thank you, Madam Speaker, Men and Women of the House. This group, like child protective workers, are in a union and they're currently going through union negotiations. They are so lucky to have a union and to be able to negotiate the terms of their contract. We in Health and Human Services should not be the rate-setting group of the Legislature and having a union with negotiation ongoing right now is really where this needs to be.

So, I'm going to stick with my motion, I'll support the Ought Not to Pass, they need to be protected and paid more, but how lucky they are to have a union that's negotiating their contract now.

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

Representative ACKLEY: Thank you, Madam Speaker. It's interesting to be here for a second term. In the 128th, I was part of the Floor debate that created this problem and the reason that we were in a hurry to solve a problem was because of the conditions that we found in child protective services at the time. It was time to act and that's why we moved so quickly in the face of the death of two children.

In child protective services at the time, we discovered significant problems with recruitment and retention and general disorganization, and it seems to me that as we look at the circumstances in adult protective services today, it is the same conditions that we found last session in child protective services. And so my question, and I suppose it's a rhetorical one, Madam Speaker, my question is; are we going to wait for the people under our care to suffer to the extent that the children were suffering last session?

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

Representative DOORE: Thank you, Madam Speaker, Men and Women of the House. Child protective and adult protective workers take care of Maine people. They take care of our youngest and our oldest.

LD 428 will bring parity between child protective workers and adult protective workers. Currently, the State of Maine cannot keep adult protective workers because they're all deciding to be child protective workers because they make five more dollars. We granted them the five more dollars last year in this body.

Men and Women of the House, we need to protect both our youngest and our oldest here in Maine. Please vote with me to make these two jobs equal in status and in pay. Thank you, Madam Speaker.

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

Representative GRAMLICH: Thank you, Madam Speaker, Women and Men of the House. As you've heard others before me identify that this particular piece of legislation

is a matter of parity. The job descriptions for adult protective workers and child protective workers are nearly identical. The qualifications one needs to become an adult protective worker and a child protective worker are almost identical.

I understand that the previous Legislature, this body, passed a piece of legislation, in my opinion, in a reactionary way to increase the pay for child protective workers. And, as you've heard others before me speak, we've lost workers from the adult side to work in child protective services. When we talk about the services that these adults need, we're talking about folks who are elderly, who may be at risk of being exploited. We're talking about adults with intellectual and developmental disabilities who might not be able to advocate for themselves, to use their voice clearly. We're talking about our very most vulnerable in our society and it is incumbent upon us to allow these folks to have pay parity with their counterparts in child protective services.

This legislative body made a decision to increase the rates for child protective services. Those very workers are in the very same union that the adult protective service workers are in, so for me, it does not come down to a matter of union negotiations, it comes down to we, the leaders in the room, making a decision to assure that our workers who are taking care of our very most vulnerable are getting paid the rate that they deserve. Thank you, Madam Speaker.

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

ROLL CALL NO. 203

YEA - Andrews, Austin S, Bickford, Blier, Campbell, Corey, Costain, Curtis, Dillingham, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanley, Head, Higgins, Hymanson, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Marean, Martin T, Mason, Mastraccio, Matlack, Morris, O'Connor, Ordway, Perkins, Perry A, Pickett, Prescott, Reed, Rudnicki, Sampson, Schneck, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Hanington, Harnett, Harrington, Hepler, Hickman, Hobbs, Hubbell, Ingwersen, Jorgensen, Kessler, Madigan C, Martin J, Martin R, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry J, Pierce T, Pluecker, Reckitt, Riseman, Roberts-Lovell, Rykerson, Sharpe, Sheats, Stanley, Tepler, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Arata, Bradstreet, Bryant, Cuddy, DeVeau, Dolloff, Dunphy, Gattine, Grignon, Haggan, Hutchins, Millett, Riley, Skolfield, Stover, Sylvester, Talbot Ross, Terry, Verow.

Yes, 53; No, 76; Absent, 19; Excused, 2.

53 having voted in the affirmative and 76 voted in the negative, with 19 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative HYMANSON of York, the Minority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-139)** 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-139)** and sent for concurrence.

HOUSE REPORT - **Ought to Pass as Amended by Committee Amendment "A" (H-434)** - Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** on Resolve, To Modify the Deed for a Parcel of Property in the Town of Carrabassett Valley

(H.P. 1162) (L.D. 1610)

TABLED - June 4, 2019 (Till Later Today) by Representative HICKMAN of Winthrop.

PENDING - **ACCEPTANCE OF COMMITTEE REPORT**.

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

The Resolve was **READ ONCE**. **Committee Amendment "A" (H-434)** 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-434)** and sent for concurrence.

HOUSE DIVIDED REPORT - Majority (9) **Ought Not to Pass** - Minority (4) **Ought to Pass** - Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** on Bill "An Act To Protect Children by Requiring the Safe Storage of Loaded Firearms"

(H.P. 288) (L.D. 379)

TABLED - June 4, 2019 (Till Later Today) by Representative WARREN of Hallowell.

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

Representative DOUDERA of Camden **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I rise in opposition to the Majority Report.

LD 379 is an act to protect children by requiring the safe storage of loaded firearms. I repeat; loaded firearms. This is a public safety measure designed to keep Maine children safe. Guns are the second leading cause of death in children in the United States after car accidents --

The SPEAKER: The Representative will defer. Members, would you please take your conversations outside of the chamber? The House will be in order. The Representative may continue.

Representative **DOUDERA**: Thank you. Guns are the second leading cause of death of children in the United States after car accidents. In the last decade, guns killed more than 14,000 American youth, with more than a third of those deaths classified as suicides and approximately 6% as accidents, many of which happened to children in their own homes. Does

it happen in Maine? The answer, sadly, is yes. Tragedies such as the death last August of an 8-year-old Oakland boy who died after handling his father's shotgun in the family home, or the death in 2017 of a 5-year-old girl from Belfast, who took her father's loaded handgun out of a backpack. These horrific accidents affect us all; families, first responders, school teachers, and community members. The heartbreaking truth is that these deaths, along with many youth suicides, can be prevented by the safe storage of guns.

The American Academy of Pediatrics recommends that if parents decide to keep firearms in their home, all guns should be locked, unloaded, and separate from ammunition. But only three in ten adults in households with children take this advice. According to a study released just two weeks ago from JAMA Pediatrics, guns used in teen suicides come from the youth's home nine out of ten times. Weapons fired accidentally by children come from the home of the victim or the victim's relative or friend in nine out of ten unintentional firearm deaths. The data from JAMA Pediatrics study shows that even if a small number of parents locked up their firearms, we would see a significant drop in gun deaths.

Ladies and gentlemen, we know this makes sense. After all, we don't let children buy guns. We all agree that children should not have unfettered access to guns, especially loaded guns. Twenty-seven states, including New Hampshire, who this bill is modeled after, they've taken action to prevent these types of tragedies by passing child access prevention measures. These states have put laws like LD 379 in place to hold gun owners accountable for the safe storage of their firearms. But here in Maine, we have no such provisions. We have nothing instructing parents to prevent young children from gaining access to guns, not even loaded guns.

LD 379 requires that loaded firearms in homes where children live or are likely to visit be secured in a gun safe or with a trigger lock. LD 379 would also require gun dealers to post a warning that firearms must be properly secured. It's a measure designed to increase public safety and change behavior.

Now, a few words about what this bill does not do. It does not make it harder for any adults to purchase guns. It doesn't take away anyone's guns. It doesn't infringe on Second Amendment rights. It does not apply to anyone who does not have a child under 16 in their home. This legislation has only one aim, and that is to keep Maine children safe from loaded guns. The Maine Medical Association, Maine Pediatric Association, Maine Psychological Association, and the Maine Educational Association have all spoken in support of LD 379. The reason is that safe storage measures like this work to save young lives both from accidental deaths and suicides.

Gun ownership is a part of Maine's outdoor heritage and I know that reasonable, responsible gun owners abound. There are many of us here today who fall into that category. I know that. But research shows that few gun owners appreciate the risks posed by household firearms to children, let alone how that risk can be improved with safe storage practices.

With this legislation, Maine has the opportunity to do something about that risk. We need to change the behavior of the people who have children and do not lock up their guns. We need to make them accountable. Like so many other states, we need to take action.

If you're still on the fence, if you're asking yourself if this is necessary, think about our state's high rate of youth suicide. Keeping children away from easily accessible, poorly stored guns is a proven way to decrease that statistic. If we can stop a young person from going down this lethal path, shouldn't we

do it? Think about the children that have died in recent years because they were curious, as all children are, and their curiosity led them to a loaded gun. Think about Natalia Ogden, a blonde-haired, blue-eyed toddler in Bangor who today is paralyzed because in October a loaded gun left unattended on a table discharged and nicked her spinal cord. Her father and two older siblings were all home when the 3-year-old was shot and the police are still investigating. Natalia's heartbroken grandmother said this was a tragedy that could have been prevented. She said her son should have known better than to leave a loaded gun on the table. She was quoted in *The Bangor Daily News* as asking these questions; what can be done to prevent this from happening again? What kind of tragedy has to occur?

Men and Women of the House, this is our opportunity to prevent these kinds of accidents and to make our children, our most precious resource, safer. I ask you to follow my light and vote against the pending measure. Let's send a message to families that we're listening to their concerns. Let's send a message to children that their safety matters. Let's change the behavior that says leaving a loaded gun on a table with three children in the room is somehow okay. I urge you to vote no. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker. As a member of the Criminal Justice Committee, we heard a lot of testimony about the effect of similar laws in other states and it was truly eye-opening. I have come to believe, like many Members in this body, that there's no point in passing gun control laws unless they do something positive, unless they actually have an impact on the tragedies that guns can bring on people.

In the approximately 29 states that have enacted gun safety storage bills, deaths of children accidentally killed by weapons has gone down by one-third. That's a huge number of children when you consider that about 3,000 children are killed every year by accidental shooting. So we have a public safety bill here. It's not a gun control bill. You can keep a gun in your house anywhere you want unless you have somebody in the house that's under 16. You can put it under your bed, you can wear it in your holster. In fact, even if children are present, that's considered to be in a safe storage area. We heard some people complain that it takes too long to get a gun loaded and out of a lockbox. Well, for anybody whose ever had a squirming toddler and tried to put them in a seat in their car, you know how long that can take. Well, getting a gun out of a lockbox can be a lot quicker than that. We have lockboxes that work by pressing your palms on the lid and it opens based on the impression that you leave there. So, as a practical matter, keeping your guns safe and away from children is not difficult, it's just a question of whether or not you are aware and are thinking about the danger that you are putting children in.

I'm sure every gun owner here thinks they are a responsible gun owner, and I'm sure that that belief is sincere. But I've talked to several people here, who have served here, and they admitted to me that on occasion they leave a loaded gun out. So, this bill, although there are other ways to punish people for leaving a loaded gun out when a child is around, this bill will send a message to every gun owner that it's not okay to leave it out even for a moment. You can be sure - in fact, studies show this - you can be sure that if you have a child in your home, that boy or girl knows where the gun is and knows where the ammunition is, even if you think that's not the case.

Studies have shown this. They know a lot more than you think they do.

So, I urge you to accept this bill for the health and safety of our children, so that we no longer have to wake up to the news that another child has lost a life because of such carelessness. Thank you.

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

Representative **RYKERSON**: Thank you, Madam Speaker, Men and Women of the House. We can put a childproof cap on an aspirin bottle and we can't do it for a loaded gun? Really?

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

Representative **MEYER**: Thank you, Madam Speaker, Women and Men of the House. As policymakers in collaboration with our constituents, the citizens of Maine, we share the responsibility of promoting the health of children and protecting them from harm. Collaboratively, we have made great strides in many areas of child health and safety. We now face a mounting threat to childhood health and safety as a result of access to firearms.

Current data reveals that injuries now account for 61% of all childhood deaths. Firearm injuries are the second leading cause of death among children in the United States between one and 19 years of age. And, in fact, this threat is increasing. The Centers for Disease Control document that between 2013 and '16 firearm-related deaths have actually increased by 28%. Children and adolescents who have access to guns are at an increased risk of death from firearms. According to national survey data, family gun ownership has significantly increased. The percentage of families who report owning a handgun increased to 72%. Handguns are more accessible and easier for young children to operate. Firearm-related deaths among children between the ages of one and four years of age, has substantially increased. Children as young as two have the dexterity to operate a handgun.

Access to firearms increases the risk of death from a suicide attempt because firearms have a 90% mortality rate when compared to other methods of suicide. Suicide is the second leading cause of death among Maine youth between ten to 24 years of age and firearms as the method account for 47% of these suicides. Availability of a firearm in this time of crisis is a crucial factor in determining whether a suicide attempt will be fatal.

Safe storage legislation can be lifesaving. Researchers have found that states with safe storage laws have decreased incidents of accidental death and suicide among children and adolescents. We in the State of Maine have a history of taking action to promote the health of our children and to protect them from harm. Today, we have the opportunity to act on behalf of Maine's children and families to prevent the tragedy of injury and death from firearms by supporting commonsense legislation. Thank you.

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

Representative **COREY**: Thank you, Madam Speaker, Men and Women of the House. I ask you to support the pending motion.

Outside of the hundreds of emails and pieces of testimony I received opposing the bill, I want you to know that everything it seeks to accomplish is already against the law. Likely the best piece of testimony came from the ACLU of Maine. The ACLU of Maine's opposition has focused on the creation of a new crime in Section 1 because existing criminal

law already covers the conduct prescribed by LD 379. As this committee knows, the ACLU of Maine generally opposes the expansion of the criminal code. Maine should only expand its criminal code when existing law is insufficient to address the problem at hand. The behavior that LD 379 seeks to prevent, leaving a firearm accessible to children who then use that firearm to harm others, is already covered under our criminal laws; 17-A MRSA, Subsection 211, provides that it is a Class D crime to engage in reckless conduct. A person is guilty of reckless conduct if he recklessly creates a substantial risk of serious bodily injury to another person. Leaving a loaded firearm in a location where a person should reasonably know that a child under the age of 16 is likely to gain access to it seems to fit the definition of reckless conduct and for that reason, we believe the new crime in the bill is redundant.

I'll give you some more laws that cover this within Maine's criminal statutes. Title 17-A, Subsection 554-A, unlawful transfer of a firearm other than a handgun to a minor, so that would be a long gun which would be a rifle or a shotgun; A, transfer means to sell, furnish, give, lend, deliver, or otherwise provide with or without consideration. "Otherwise provide" is the important statement here. This is a Class D crime. Keep in mind, the firearm does not need to be loaded. Title 17-A, Subsection 554-B, unlawful transfer of a handgun to a minor; C, transfer means to sell, furnish, give, lend, delivery, or otherwise provide with or without consideration. Again, "otherwise provide" is the important statement here. This is a Class D crime. If it happens multiple times, it is a Class C crime. Keep in mind that the firearm does not need to be loaded.

LD 379 seeks to create penalties that are less severe than the penalties we already have for this conduct. It is a Class E crime in LD 379. Hence, I ask you to oppose this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I actually heard the answer to my question because I wanted to hear from the majority. So, if I could pose a second question?

The SPEAKER: The Representative may continue.

Representative **DRINKWATER**: Thank you. Under this act, what is considered safe storage?

The SPEAKER: The Representative from Milford has posed a question if there is anyone who is able to answer.

The Chair recognizes the Representative from Camden, Representative Doudera.

Representative **DOUDERA**: Thank you. Let's see, if you leave on the premises the loaded firearm that is unlawfully stored, so in other words it would need to be locked up, a child has to gain access to it, it can be on your person. I hope that that's answering. I will ask if perhaps the Good Representative who is the Chair of the committee might weigh in, too. Thank you.

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

Representative **WARREN**: Thank you, Madam Speaker. It's kind of a technical question. So, it is considered safety stored if you are wearing your gun, if you have your gun in a holster that is considered safely stored. If any time that you have a child in your house or there is likely to be a child in your house you want to lock up that gun. That's considered safely stored. We did have this conversation with someone the other day, it's also considered safely stored if, because we heard a lot of folks ask us about well, I want to be able to protect my

family, I want to be able to have a loaded handgun under my mattress. If your child is already put to bed for the night, that is considered safely stored. I hope that answers the question.

Representative **DILLINGHAM** of Oxford **REQUESTED** that the Clerk **READ** the Committee Report.

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

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

Representative **ANDREWS**: Thank you, Madam Speaker. If we are serious about keeping kids safe, why aren't we teaching the Eddie the Eagle program for gun safety in our elementary schools? Stop, don't touch, leave the room, find an adult is pivotal gun safety policy and empowers our youth instead of -- empowers our youth in safety practices instead of trying to have the government legislate the behavior of law-abiding adults when this is already covered in existing law. Please support the pending motion. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker. To further answer the question that was posed later, having a trigger lock on the weapon is also an acceptable form of keeping the gun away from children.

I'd also like to note that among the more than two dozen states that have enacted similar laws are such states as Texas, Utah, Mississippi, and New Hampshire. In fact, our bill is modeled after the New Hampshire bill. So, these are hardly pro-gun control states. They are states where the full range of views on guns and gun ownership prevail. And so, once again, I say this is nothing to do with gun control, nothing to do with gun ownership or gun possession, it's all about safety.

And, as for the last point that was made about why not teach our children, I'll just say again, children do things even if they're told not to. Anybody who has a child knows that can happen. And there's such curiosity about firearms that they will go, especially younger adolescents, will go to great lengths to find and fondle and try out weapons. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. I just want to add to this a little bit because I had presented a similar bill. But I think the thing that bothers me the most is that studies do show that unsecured weapons are frequently accessible and accessed by young children even when the parents believe they are not. Seventy-three percent of children aged nine and under reported knowing the location of their parents' firearms and 36% admitted that they had handled the weapons, including many whose parents had reported their children did not know the location of their firearm.

It is therefore unsurprising that 89% of accidental shooting deaths among children occur in the home and the most of these deaths occur when children are playing with an unsecured loaded gun in their parents' absence.

And I am just going to mention what brought me to this as being very important is when I first moved to Maine, had to deal with the community that a 6-year-old brother accidentally shot his 9-year-old brother and killed him while his parents were outside visiting with neighbors. This happens even with the parents present.

We've got to know what safe storage is, that has to be important, and I think even though there is another law, I think we also have to look at this as an important impetus that we need to make sure is present.

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

Representative **MORALES**: Thank you, Madam Speaker. Madam Speaker, Friends in the House, I rise in opposition to this motion.

We are all here in the House because we care about the future of our State and I believe strongly that investing in and protecting our children is top priority for Maine's future both morally and economically and LD 379, I believe, fits squarely within those goals. The safe storage of firearms is a public safety policy that protects children from harm.

I have no doubt that every one of my friends here in the chamber want to make sure that children do not accidentally harm themselves or others. We've all heard far too many stories, tragic stories of children playing with loaded guns or young people in crisis using guns they found in their home to harm themselves or others. Certainly, for those of us who are parents of young children, this is one of our greatest fears.

LD 379 sets our policy and guidance around safe storage and it's narrowly tailored toward those goals. If a child accesses a gun that was not safely stored and uses it to harm himself or herself or others and the homeowners knew that the children were there, it's a Class E civil offense, which is, admittedly, a low-level offense, because the goal of this bill is truly to set a policy to encourage folks to safely store their weapons in their homes. It's to change behavior. And we know that ownership of guns, there is regulation that is available to states to enact, reasonable regulation, although I do believe this is more of a public policy initiative. So please join me in supporting this child safety policy and voting against this motion. Thank you.

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

ROLL CALL NO. 204

YEA - Alley, Andrews, Austin S, Bickford, Blier, Campbell, Cebra, Corey, Costain, Curtis, Dillingham, Doore, Drinkwater, Evangelos, Faulkingham, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hepler, Hickman, Higgins, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Marean, Martin J, Martin R, Martin T, Mason, Maxmin, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Pickett, Pluecker, Prescott, Reed, Rudnicki, Sampson, Sharpe, Sheats, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White D.

NAY - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Madigan C, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Pierce T, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Tepler, Tipping, Tucker, White B, Zeigler, Madam Speaker.

ABSENT - Arata, Bradstreet, Bryant, Cuddy, DeVeau, Dolloff, Dunphy, Grignon, Hutchins, Perry J, Riley, Skolfield, Stover, Sylvester, Talbot Ross, Terry, Verow.

Yes, 67; No, 64; Absent, 17; Excused, 2.

67 having voted in the affirmative and 64 voted in the negative, with 17 being absent and 2 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

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

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

ORDERS

On motion of Speaker GIDEON of Freeport, the following Joint Order: (H.P. 1307)

WHEREAS, the ancestors of the members of the federally recognized tribes located in what is now the State of Maine inhabited these lands since time immemorial; and

WHEREAS, the tribal nations entered into the first treaty with the United States of America in July 1776 following its Declaration of Independence; and

WHEREAS, the United States adopted its Constitution in 1787 and the people of the State of Maine adopted their Constitution in 1819; and

WHEREAS, Indian tribes and their members have a legal political status recognized by the United States Constitution, including in Article I, Section 8, and by the Constitution of Maine, including in Article X, Section 5, and pursuant to various treaties entered into by the tribal nations and what is now the State of Maine; and

WHEREAS, in 1972, the Passamaquoddy Tribe initiated a claim against the United States government alleging that the transfer of a significant amount of tribal lands to the Commonwealth of Massachusetts, including the District of Maine, was legally invalid because such transfers were not approved by the United States government, as required by the federal Non-Intercourse Act; and

WHEREAS, in 1975, the U.S. Court of Appeals for the First Circuit in Joint Tribal Council of the Passamaquoddy Tribe v. Morton affirmed that a trust relationship, similar to that between the United States and other tribes, exists between the Maine tribal nations and the United States that would require the approval by the Federal Government of such land transfers and that the claims of the tribal nations could proceed; and

WHEREAS, the other Maine tribal nations alleged similar claims; and

WHEREAS, recognizing that protracted litigation would result in substantial economic and social hardship for large numbers of landowners, citizens and communities within the State, the tribal nations decided it was more prudent to negotiate a settlement of the land claims and other claims rather than continue litigation; and

WHEREAS, the tribal nations and Executive Branch of the United States negotiated terms of settlement that were encompassed in the February 10, 1978 Memorandum of Understanding; and

WHEREAS, the tribal nations were asked by the Maine Congressional Delegation to negotiate terms related to jurisdictional matters as a part of an overall settlement; and

WHEREAS, negotiations between the tribal nations and the State led to the passage of An Act To Implement the Maine Indian Claims Settlement in April, 1980 by the Maine Legislature, but the Act was not effective until the United States Congress in October, 1980 enacted the Maine Indian Claims Settlement Act of 1980, Public Law 96-420; and

WHEREAS, An Act To Implement the Maine Indian Claims Settlement was passed into law in 1980 and the Micmac Settlement Act was passed into law in 1989; and

WHEREAS, the tribal nations and the State have engaged in significant litigation over many issues in the intervening years; and

WHEREAS, differing interpretations of the Acts have caused disagreements between the State and the tribal nations and have negatively affected the Wabanaki communities and hindered their ability to exercise tribal sovereignty for the benefit of their people; and

WHEREAS, the relationship between the tribal nations and the State would benefit from a reduction in litigation; and

WHEREAS, the tribal nations and the State desire that all of Maine's citizenry prospers, now, therefore, be it

ORDERED, the Senate concurring, that, notwithstanding Joint Rule 353, the Task Force on Changes to the Maine Indian Claims Settlement Implementing Act, referred to in this order as "the task force," is established as follows.

1. Appointments; composition. The task force consists of the following members:

A. Two members of the Senate, appointed by the President of the Senate, including at least one member of the party holding the 2nd-largest number of seats in the Senate;

B. Three members of the House of Representatives, appointed by the Speaker of the House of Representatives, including at least one member of the party holding the 2nd-largest number of seats in the House.

The President of the Senate and the Speaker of the House shall invite to participate as voting members of the task force the Chief of the Aroostook Band of Micmacs or the chief's designee; the Chief of the Houlton Band of Maliseet Indians or the chief's designee; the Chief of the Passamaquoddy Tribe at Indian Township or the chief's designee; the Chief of the Passamaquoddy Tribe at Pleasant Point or the chief's designee; and the Chief of the Penobscot Nation or the chief's designee;

The President of the Senate and the Speaker of the House also shall invite to participate as nonvoting ex officio members of the task force the Governor or the Governor's designee; the Attorney General or the Attorney General's designee; and the Managing Director of the Maine Indian-Tribal State Commission.

2. Chairs. The first-named Senator is the Senate chair of the task force and the first-named member of the House of Representatives is the House chair of the task force.

3. Appointments; convening. All appointments must be made no later than 15 days following passage of this order. The appointing authorities shall notify the Executive Director of the Legislative Council once all appointments have been made. When the appointment and invitation of all members has been completed, the chairs of the task force shall call and convene the first meeting of the task force. If 15 days or more after the passage of this order a majority of but not all appointments have been made, the chairs may request authority and the Legislative Council may grant authority for the task force to meet and conduct its business.

4. Duties. The task force shall review An Act To Implement the Maine Indian Claims Settlement and the Micmac Settlement Act and make recommendations to the Legislature for legislation regarding any suggested changes to those Acts. Recommendations of the task force must be made by consensus. For the purpose of this order, "consensus" means consensus between representatives on the task force of the tribe or tribes affected by the suggested changes and a majority of the other voting members of the task force.

5. Quorum. A quorum is a majority of the voting members of the task force, as long as the quorum consists of at least 3 representatives of the tribal nations and at least 3 members of the Legislature.

6. Staffing. The Legislative Council shall provide necessary staffing services to the task force, except that the Legislative Council staff support is not authorized when the Legislature is in regular or special session.

7. Reports. No later than December 4, 2019, the task force shall submit a report to the Joint Standing Committee on Judiciary that includes its findings and consensus-based recommendations, including suggested legislation, for introduction to the Second Regular Session of the 129th Legislature. In addition, the task force shall compile an official record of its activities, which must include reports, testimony and other materials submitted to the task force, as well as documentation of all recommendations considered by the task force regardless of whether such recommendations were adopted. The Joint Standing Committee on Judiciary shall report out legislation based on the consensus-based recommendations of the task force. Any law enacted by the Legislature pursuant to this order that affects An Act To Implement the Maine Indian Claims Settlement or the Micmac Settlement Act is also subject to approval by the affected tribe or tribes through their own governmental processes.

READ.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Speaker Gideon.

Speaker **GIDEON**: Thank you, Mr. Speaker. Mr. Speaker, this Joint Order would create a taskforce on changes to the Maine Indian Claims Settlement Implementing Act.

It was with the sincere desire to examine and to improve our state's relationship with Maine's tribal communities that Members of the Legislature have been working with the chiefs and representatives of Maine's tribes over the past months to begin to discuss how we can better understand one another, how we can better find common ground and, most importantly, how we can better improve the lives of Maine people and the people of Maine's tribes.

The Joint Order before you is the direct result of those conversations that I, but also many others, have been having. Conversations that were aimed, squarely, on resetting and improving our relationships. The time is long past due that we show Maine's tribal communities that their concerns are our concerns, that we will take action to address them together and responsibly and that we will move forward in this way. Creating this taskforce is our opportunity to do just that.

I look forward to working with what will be a diverse group of qualified members who represent different backgrounds and parts of our State to enhance our commitment to improving these relationships. We formed this taskforce with the hope and determination of moving forward, of working together to accomplish the important things for Maine's tribes and indeed for all of the people in our state. I thank you very much.

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

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

On motion of Representative TERRY of Gorham, the House adjourned at 8:11 p.m., until 10:00 a.m., Friday, June 7, 2019, and in honor and lasting tribute to Alverda Mae Beal, of

Beals, Wayne "Pooch" Drown, of Gorham, and the lives lost in the D-Day invasion 75 years ago today.