

# MAINE STATE LEGISLATURE

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

**Daily Edition**

**First Regular Session**  
beginning December 5, 2018

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ONE HUNDRED TWENTY-NINTH LEGISLATURE  
FIRST REGULAR SESSION  
54th Legislative Day  
Thursday, June 13, 2019

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

Prayer by Reverend Tim Sandeno, Redeemer Lutheran Church, Gorham.

National Anthem by Monmouth Elementary School 5th Grade Chorus.

Pledge of Allegiance.

The Journal of yesterday was read and approved.

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

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1250) (L.D. 1756) Bill "An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-580)**

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

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

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**SPECIAL SENTIMENT CALENDAR**

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

**In Memory of:**

Keith Longbottom, of Georgetown. Since 2007, Mr. Longbottom and his wife have owned and operated the Five Islands Lobster Company, a favorite of locals and tourists alike. Mr. Longbottom will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 547)

Presented by Representative HEPLER of Woolwich.  
Cosponsored by Senator VITELLI of Sagadahoc,  
Representative PAULHUS of Bath.

On **OBJECTION** of Representative HEPLER of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Georgetown lost a beloved member of the community last week with the untimely death of Keith Longbottom at the age of 48, whose memorial this week included a Viking funeral. Keith and his wife, Gina, operated the Five Islands Lobster Company on the Five Island Dock, one of the most photographed places on the island.

I first met Keith when I knocked on his door. I didn't know him, but I had the most engaging conversation with him and his son about local workforce needs and about doing homework. I

left his house with optimism about the future. His death is a loss to the community and to his wife and his two young sons, Micah and Caleb. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Paulhus.

Representative **PAULHUS**: Thank you, Madam Speaker, Men and Women of the House. This is a great loss for not only Georgetown, but the region.

I had the pleasure of knowing Keith. When Keith first bought Five Islands Lobster in 2007, I had worked at the Five Islands Lobster Company for a few summers right after high school, and that summer I actually was not working at the Lobster Company and I got a call from Keith asking if I would help out for a few days because they needed some help. And that was my first interaction with Keith and I've known him ever since. He was a great guy, he did great things for the community, and every time I went down to Five Islands with my family, it was always great to see him because he always had a smile on his face. You knew he enjoyed his work, you knew he enjoyed seeing all the people and friends there. And it will be sad to go to Five Islands this year and every year moving forward knowing that Keith will not be there. But he will always be in our memory and I think, as the Good Representative from Woolwich said before, they did have a Viking funeral for him, there was a large crowd there, I wish I could've been there, I was here, unfortunately. But he is going to be one person that will be well-remembered and, you know, the disease of cancer is a terrible one but Keith fought to the very end and his example is one that we should all follow in our life and in our dealings with other people. And so I give my heartfelt condolence to Keith's family and the Georgetown community for losing such a wonderful person, and I hope we all remember Keith moving forward. Thank you, Madam Speaker.

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

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**In Memory of:**

Margaret Zorach, of Georgetown. At 102 years of age, Mrs. Zorach was the holder of the Georgetown Boston Post Cane. She, along with her husband, oversaw the extensive works of his parents, William and Marguerite Zorach, and her sister-in-law, Dahlov Ipcar, and made several major donations of the family art to museums across the country. Mrs. Zorach will be long remembered and sadly missed by her family and friends and all those whose lives she touched;

(HLS 548)

Presented by Representative HEPLER of Woolwich.  
Cosponsored by Senator VITELLI of Sagadahoc.

On **OBJECTION** of Representative HEPLER of Woolwich, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Hepler.

Representative **HEPLER**: Thank you, Madam Speaker, Women and Men of the House. So, Georgetown lost another beloved member of the community last week and I want to just tell a short story about Margaret Zorach.

When she was 100 years old, two years ago, she got hit by a pickup truck loaded with lobster traps while she was having lunch at the Five Islands Wharf in Georgetown. According to eyewitnesses, she bounced right back up. This was Peggy. She held Georgetown's Boston Post Cane for four

years until she died last week at the age of 102. As a member of the William and Marguerite Zorach and Dahlove Ipcar families, she was long-involved in the modernist art community in the part of Georgetown, known as Seguinland. She was also deeply committed to the community life of Georgetown, and she will be missed. Thank you.

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

**In Memory of:**

Robert E. Hubbard, of Skowhegan. Mr. Hubbard had a varied career: he was a tanker crew boss with the United States Forest Service at Mt. Baker-Snoqualmie National Forest in Washington, a ship's carpenter at Gloucester Marine Railways, a forestry technician at North East Resource Associates in Danvers, Massachusetts, a carpenter on Wyman Dam in Moscow and for S.D. Warren in Hinckley and sole proprietor of Mobil Dimension Custom Sawing in Solon. He was known as "Ranger Bob" during his 20 years as resource manager of Lake George Regional Park in Skowhegan and Canaan, the construction of which he oversaw, and was a mentor to generations of students serving internships at the park. Mr. Hubbard will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 549)

Presented by Representative AUSTIN of Skowhegan.

Cosponsored by Senator FARRIN of Somerset.

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

**READ.**

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

Representative **AUSTIN**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, I only knew Robert Hubbard for about 20 years when he worked at the Lake George. And, in those times, I always knew him as Ranger Bob. And I'm just really grateful that he spent that time at Lake George where he instilled the love of outdoors in many generations, and just always enjoyed hearing kids say hey, Ranger Bob. So, it's sad that we no longer have him with us. Thank you.

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

**In Memory of:**

Tony Sohns, of Bangor, a co-owner of the Rock and Art Shop. Mr. Sohns was a teacher, storyteller and adventurer with an infectious enthusiasm for natural wonders whose many talents found an outlet in his family's shops in Bangor, Ellsworth and Bar Harbor. He was a collector of rocks and insects from an early age, and he enjoyed drawing audiences out of their comfort zone to appreciate creatures they would otherwise not. Mr. Sohns will be long remembered and sadly missed by his family and friends and all those whose lives he touched;

(HLS 550)

Presented by Representative TIPPING of Orono.

Cosponsored by Senator GRATWICK of Penobscot, Representative CARDONE of Bangor, Representative KORNFIELD of Bangor, Representative SCHNECK of Bangor, Senator DILL of Penobscot, Representative GROHOSKI of Ellsworth, Senator LUCHINI of Hancock, Representative

HUBBELL of Bar Harbor, Representative CAMPBELL of Orrington, Senator ROSEN of Hancock.

On **OBJECTION** of Representative TIPPING of Orono, was **REMOVED** from the Special Sentiment Calendar.

**READ.**

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, when Tony passed away at the age of 41, our community lost an important figure, a source of wonder, a source of mischief, and a dear friend. He was a naturalist, an entrepreneur, an explorer in the truest sense of the word, and an educator.

His family is here today and as I was showing them around the State House, I realized we honor important figures in the State of Maine in a lot of different ways. In the downtown of Bangor, we have a big statue of Hannibal Hamlin. But recently there was a tribute to Tony Sohns that was put up in I think a very poetic way. A large, wheatpaste graffiti of Tony surrounded by wildlife and the inscription reads: Anthony Walter Sohns, the bug man, honored here for his dedication to educating others of the natural world and his love of Bangor. Sohns is leaving behind a wake of natural history enthusiasts.

Tony lived up to a lot of what we try and encourage in this building; young people moving back here, creating jobs, having a passion for education. So, I think it's fitting that we say a few words on the Floor to honor his memory. Thank you, Madam Speaker.

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

**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 Bob Fowler, of Cumberland

(HLS 540)

TABLED - June 12, 2019 (Till Later Today) by Representative MOONEN of Portland.

**PENDING - PASSAGE.**

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

Representative **GRAMLICH**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I rise before you today to honor Bob Fowler.

I've had the good fortune of knowing Bob through the years as we both are social workers in the State of Maine and also as adjunct faculty at the University of Southern Maine's School of Social Work. But it's Bob's work in the substance use and recovery treatment world that I would like to focus on this morning.

Bob has over 25 years of experience in behavioral health treatment and administration, including various clinical positions, directing a mobile crisis team, and leading a number of nonprofit behavioral health programs throughout the northeast. He served on the Treatment Task Force of the Maine Opioid Collaborative and was appointed to the Maine Legislature's Taskforce to Address the Opioid Crisis in the State. Currently, Bob is executive director of Milestone Recovery House. Milestone Recovery House, which is located in our community of Old Orchard Beach, serves a critical need

in our community by providing compassionate, competent care to individuals experiencing homelessness and addiction. And I will add that I had the good fortune of spending the morning with Bob and his staff several months ago and I can tell you that they're doing really incredible work in our community. Recently, Bob was awarded for this work by Crossroads, a nonprofit organization which provides gender responsive addiction and behavioral health treatment services in a safe and respectful environment, so that individuals and families can lead productive, healthy lives.

I want to thank Bob so much for all of his incredible work to address our growing epidemic of substance use disorder in Maine. Thank you, Madam Speaker.

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

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

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**COMMUNICATIONS**

The Following Communication: (H.C. 205)

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

June 12, 2019

The 129th Legislature of the State of Maine  
State House

Augusta, Maine

Dear Honorable Members of the 129th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1383, An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines.

This bill sets a bad precedent for future energy investment in Maine. In effect, LD 1383 would give municipal officers control over whether eminent domain may be exercised for a large electric transmission line.

It is important for the State to have the ability to consider the broader implications of an energy infrastructure project without local veto authority. Otherwise, a small minority of interests may determine or impede the State's ability to accomplish its renewable and clean energy objectives. The New England Clean Energy Connect (NECEC) project, the target of this bill, will provide hundreds of millions of dollars in economic benefits to our state, fund electric vehicle charging stations, reduce electricity costs, expand broadband access, and substantially help reduce our carbon footprint. We cannot say no to every project or find new ways to impede a process that is well underway.

As Chief Executive, I promised the people of Maine that I would reduce our reliance on fossil fuels, address our carbon footprint, and accept the challenge of preventing and mitigating climate change. The NECEC project will put our state and our region on the road to a zero-carbon economy by 2050.

Regardless of my support for the NECEC proposal, I would veto this bill because it is poor public policy which sends a bad message about the way we welcome investments in the State of Maine.

For these reasons, I return LD 1383 unsigned and vetoed.

Sincerely,  
S/Janet T. Mills  
Governor  
State of Maine

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Amend Maine's Municipal Land Use and Eminent Domain Laws Regarding High-impact Electric Transmission Lines

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

(C. "A" H-435)

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, we are fortunate in Maine to have three branches of government. One branch has spoken on this issue with overwhelming majorities. Another branch has answered and has disagreed. A third, the Judiciary, may well weigh in in due time. And the people themselves, as they have done on other issues in the past, may themselves speak directly to this issue in their due time.

Some of us here in this chamber have worked on this issue for weeks, others for months, and a few of us for years. We've studied this in depth and considered the ramifications of the actions we can take. Last week, here in this chamber, despite an army of lobbyists, despite two ex-executives of the State of Maine on the Avangrid payroll, and despite well over a million dollars spent in advertising and astroturf, a bipartisan majority of us in this chamber chose to listen to the people of Maine. We listened and we recognized that the CMP corridor represents a new ballgame in the history of Maine utilities. A high-impact merchant line built not for reliability but for profit, requesting, and if we do not act today appropriately, likely receiving for the first time ever permission for such a line to seize private property and to override local control.

So, with this new ballgame before us, we voted to level the playing field, to create consistency where now there is none. We voted to apply the same rules to these new merchant lines that apply today to wind farms, solar farms, and any other Maine-based generation, any other Maine-based business. That, Madam Speaker, is consistency. It is responsiveness to a fast-changing regional and regulatory landscape. And it protects Maine's landscape, Maine's economy, and the will of Maine's people by setting the right precedent for future proceedings of this kind. Those who have suggested in debate on this matter that we cannot intervene in pending proceedings need to check our own voting record. On energy issues alone, we have done twice in the past week, adjusting the rules applicable to pending regulatory proceedings on proposals with a greater total value than the CMP corridor. Even those of us who choose to take CMP's word, despite their record, that a corridor of this kind somehow benefits the climate or the New England grid have acknowledged that Massachusetts has 45 other options. With the superior, shovel-ready Vermont project waiting in the wings, Maine can and must insist on a very different deal or no deal at all.

Today, Madam Speaker, we will end a chapter in this story. However this chapter ends, I assure you we have not yet reached the final chapter of this historic book. And, so, I urge you, Madam Speaker, my colleagues here in the House, to follow my light, to follow the will of Maine people, and to vote in favor of the pending motion before us. Thank you.

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

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

**ROLL CALL NO. 247V**

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

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

ABSENT - Bailey, Grignon, Hutchins, Jorgensen, McLean, Sylvester, Verow.

Yes, 79; No, 64; Absent, 7; Excused, 1.

79 having voted in the affirmative and 64 voted in the negative, with 7 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

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The Following Communication: (H.C. 206)

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

June 12, 2019

The 129th Legislature of the State of Maine  
State House  
Augusta, Maine

Dear Honorable Members of the 129th Legislature:

Under the authority vested in me by Article IV, Part Third, Section 2 of the Constitution of the State of Maine, I am hereby vetoing LD 1363, An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines.

A critical function of state government is to set fair, consistent policies. The state's well-established regulatory and permitting processes - both fair and consistent - have been put in place to weigh and balance the public's wide array of interests and to insulate what must be fact - and evidenced - based decisions from the political pressures of the day.

Unfortunately, this bill is a clear eleventh-hour attempt to disrupt these well-established processes in order to derail a single project. By providing municipalities with the decision-making authority over a proposal with statewide benefits, the Legislature in effect is giving towns disproportionate control over the interests of every person in the state.

That in and of itself is poor public policy, but it also sends a larger, more alarming message to those seeking to invest in our state that Maine is erratic and inconsistent in its policies - the result of which will be to drive private investment toward other states with clear and reasonable permitting guidelines. I would veto this bill regardless of the New England Clean Energy Connect proposal because it is simply bad public policy for the State of Maine.

For these reasons, I return LD 1363 unsigned and vetoed.

Sincerely,  
S/Janet T. Mills  
Governor  
State of Maine

**READ and ORDERED PLACED ON FILE.**

The accompanying item An Act To Amend Certain Laws Relating to High-impact Electric Transmission Lines

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

(C. "A" H-437; H. "A" H-504)

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

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

**ROLL CALL NO. 248V**

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

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

ABSENT - Bailey, Bryant, Grignon, Hutchins, McLean, Sylvester, Verow.

Yes, 75; No, 68; Absent, 7; Excused, 1.

75 having voted in the affirmative and 68 voted in the negative, with 7 being absent and 1 excused, and accordingly the Veto was **SUSTAINED**.

The Following Communication: (H.C. 207)

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

June 12, 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:"

Education and Cultural Affairs

L.D. 405 An Act To Increase the Statewide Minimum Salary for Teachers

Judiciary

L.D. 1183 Resolve, To Implement the Recommendations of the Right To Know Advisory Committee Concerning Remote Participation by Members of Public Bodies (EMERGENCY)

L.D. 1507 An Act Relating to Amateur Radio Service

Sincerely,  
S/Robert B. Hunt  
Clerk of House

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

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The Following Communication: (S.C. 596)

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

June 12, 2019

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

Dear Clerk Hunt:

Please be advised the Senate today insisted to its previous action whereby it accepted the Majority Ought Not to Pass Report from the Committee on Judiciary on Bill "An Act To Restore the Laws Governing the Reunification of Parents and Children" (H.P. 150) (L.D. 187) in non-concurrence.

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

**READ** and **ORDERED PLACED ON FILE.**

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

**REPORTS OF COMMITTEE  
Divided Report**

Majority Report of the Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-578)** on Bill "An Act To Provide Maine Children Access to Affordable Health Care"

(H.P. 1122) (L.D. 1539)

Signed:

Senators:

GRATWICK of Penobscot  
CLAXTON of Androscoggin

Representatives:

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

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-579)** on same Bill.

Signed:

Senator:

MOORE of Washington

Representatives:

GRIFFIN of Levant  
JAVNER of Chester  
O'CONNOR of Berwick

**READ.**

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

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

Representative **CARNEY**: Thank you, Madam Speaker. Madam Speaker, Members of the House, I rise in support of LD 1539, "An Act To Provide Maine Children Access to Affordable Health Care", and ask you to support the pending motion.

First, I want to thank all the members of the Health and Human Services Committee for their questions and suggestions, which helped to focus this bill on health insurance coverage for Maine children in a way that fully leverages federal CHIP funds. It's the most affordable way to provide healthcare to our children. CHIP is a child-centered health insurance program designed to ensure that children receive recommended preventative screenings, follow-up diagnostic assessments, and medically necessary services. Did you know we can provide excellent health insurance to a child for about 500 Maine dollars per year? And that's what LD 1539 does.

Maine has the highest rate of uninsured children in New England and it is above the national average. Why does Maine have so many uninsured children? There are a few reasons. Parents without employer-sponsored health insurance have difficulty affording policies, co-pays, and deductibles. For parents with employer-sponsored health insurance, premiums rise faster than wages. Employer-sponsored health insurance rose 5% to average \$19,616 in 2018. And that increase was twice as fast as workers' earnings rose.

One of the clearest reasons, though, is that Maine's CHIP program only covers children whose family income is below 200% of the federal poverty level. CHIP programs in the rest of New England, most of the Northeast, as well as West Virginia, Alabama, a total of 19 states, offer CHIP to families

with incomes over 300% of the federal poverty level. These states have lower rates of uninsured children.

The heart of LD 1539 is raising CHIP income eligibility from Maine's current 200% of poverty to 300%. This leverages the full federal match. The bill also repeals some elements of Maine's CHIP program that are barriers to continuous coverage for children. Currently, parents pay a small premium based on a sliding scale, but these premium payments are offset by decreased enrollment and administrative expenses and children face a three-month waiting period if their families lose coverage under a marketplace or employer policy. This harms children by disrupting healthcare and jeopardizes the economic wellbeing of a family when a child gets sick or hurt during that three-month waiting period. LD 1539 repeals these barriers to care contingent on federal approval. Many states have removed these barriers from their CHIP programs. This bill also includes outreach to enroll children who are currently eligible for CHIP and newly eligible under this bill. Again, leveraging federal funds for that outreach program.

To make an informed decision about your vote today, it's important for Members of the House to understand how uninsured children are affected by the lack of access to affordable healthcare. They often don't have a primary care provider and have unmet medical needs as compared to children with insurance. Uninsured children with common childhood illnesses and injuries don't receive the same level of care as insured children. They are also at higher risk for preventable hospitalizations, misdiagnoses of serious health conditions, and families of uninsured kids face unaffordable medical bills that increase financial insecurity.

In comparison, access to affordable child-centered healthcare is proven to have significant measurable benefits for children. CHIP reduces infant and childhood mortality because it leads to greater utilization of preventative and acute health services. Fifty years of research has also linked CHIP coverage in childhood to long-term benefits. Those include improvements in educational outcomes at elementary, high school, and college level, include decreased high school dropout rates and increased college attendance and completion, healthier adolescents with lower rates of eating disorders, drinking and mortality is a byproduct of CHIP, and adults who had CHIP as children experienced lower rates of hospitalization and ER visits and actually have a 26% decline in the incidence of high blood pressure when they reach adulthood. Decreased probability of debt and bankruptcy for families, shielding children from poverty and reducing their exposure to adverse childhood experiences that can influence their health later in life. And, finally, economic benefits in adulthood flow from CHIP coverage as children including, and I think this is pretty amazing, increased employment and a higher tax payment during their lifetime. So, for each year that an adult was covered by CHIP as a child, they contribute \$186 in income tax back to their states and communities.

CHIP helps children reach their full potential. It will help Maine reach its full potential. The counties in our state that will be particularly impacted that have uninsured childhood rates between 6 and 8% are Washington, Lincoln, Piscataquis, Waldo, and Hancock. So, CHIP will help children and Maine reach its full potential. Please support the pending motion.

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

Representative **FARNSWORTH**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I don't have much to say because the Good Representative from Cape Elizabeth really outlined the program. What my focus is,

however, is that especially with children where there may be disabilities involved, early diagnosis and intervention is absolutely critical and I'm sure you're all going to be sick and tired of hearing me talk about this.

CHIP, if we expand it, will offer one more way in which we can have these children screened. It doesn't mean that all of them are going to wind up with major problems, but those that do get into the screening process are then channeled into the proper kinds of services and thereby has a long-term positive impact on providing special education learning opportunities, work opportunities in the long run. So, I really think this is an extremely valuable program that will help us to help our kids. Thank you.

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. I want to thank the Good Representative from Cape Elizabeth for bringing this forward.

I, myself, think she did a great job bringing this forward, but I'm also a realist. And I look at the fiscal note on this; for 2019 it is \$1.5 million, actually a little bit more, and each consecutive year it is over \$5 million for that. It is not to say that this is not a noble goal, because it certainly is a noble goal. However, I think as a realist I look and I see that this, unfortunately, will go to the Appropriations Table where we all know there is a very limited pool of money. And I have helped write a Minority Report that is actually fundable and it has a smaller fiscal note. It does -- much smaller --

The SPEAKER: The Chair will remind the Representative that one cannot talk directly about another report that's not before us.

The Chair reminded Representative O'CONNOR of Berwick to stay as close as possible to the pending question.

The SPEAKER: The Representative may continue.

Representative **O'CONNOR**: Thank you, Madam Speaker. I'm ever so sorry.

I would suggest that we do something that is realistic and moves us in the right direction. Thank you.

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

Representative **PERRY**: Thank you, Madam Speaker. Being one of the counties that has the highest uninsured rate for children, let me tell you a little bit about the cost.

If we have healthy children, we have healthy adults. We have a healthcare system that is being stretched to the max because we have many uninsured who are using hospitals that cannot be paid. As healthy children and healthy adults, we can keep our healthcare in our areas. We are struggling to do that. And the other thing that I look at is if we save now, we save millions of dollars in the future. Do we really want to saddle the next several legislators figuring out how we cover our ill adults? Let's start with a healthy start and then move forward. Has there been a request for a roll call?

The SPEAKER: The Chair would answer in the negative.

Representative **PERRY**: I would ask for a roll call. Thank you.

The same Representative **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 Gardiner, Representative Harnett.



Representative **HARNETT**: Thank you, Madam Speaker, Women and Gentlemen of the House. I rise in support of the pending motion regarding LD 1539.

I'm not going to repeat the facts ably recited by the Good Representative from Cape Elizabeth other than to remind us all that enacting this law will improve the health of Maine children, will improve their performance in school, both middle school, high school, and college, will reduce visits to the emergency room, will result in healthier adolescents, and will result in a more productive adult employment situation.

One of the things that I've been very impressed with in my first time serving in this body, and it comes from all sides of the aisle, is the investment that we talk about in children, the importance of making sure that our young people are raised in an environment where they can thrive as youngsters, as adolescents, and as adults. And today, I think we have the real opportunity to put our money where our mouth has been. This is a bill that will make a real difference in the health of thousands of Maine children and I ask you to support the pending motion. Thank you.

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

**ROLL CALL NO. 249**

**YEA** - Ackley, Alley, Arata, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazza, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Hanington, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Lyford, Madigan C, Marean, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, Melaragno, Meyer, Millett, Moonen, Morales, Moriarty, 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, Theriault, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

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

**ABSENT** - Bailey, Grignon, Hutchins, McLean, Sylvester, Verow.

Yes, 97; No, 47; Absent, 6; Excused, 1.

97 having voted in the affirmative and 47 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority Ought to Pass as Amended Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-578)** 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-578)** and sent for concurrence.

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

**ENACTORS**

**Constitutional Amendment**

Resolution, Proposing an Amendment to the Constitution of Maine To Require That Signatures on a Direct Initiative of Legislation Come from Each Congressional District

(S.P. 67) (L.D. 255)

(C. "A" S-247)

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

Representative **SCHNECK** of Bangor **REQUESTED** a roll call on **FINAL PASSAGE**.

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

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

Representative **SCHNECK**: Thank you, Madam Speaker, Men and Women of the House. If it ain't broke, don't fix it. Madam Speaker, I'll say it again; if it ain't broke, don't fix it.

The current system has worked well for a hundred years and there's very little reason to change it. The fact that ballot initiatives not only fail to get qualified at the ballot but also at the ballot box shows clearly that the current system is working. In fact, I have a set of initiatives that have failed. One was a very well-financed initiative with lots and lots of out-of-state money; the casino. Other initiatives of note that have failed in the past; universal healthcare, bear baiting, TABOR, and if you don't know what that means, that was the taxpayer bill of rights, and background checks. So, over a period of time, we've seen that the existing structure, the existing rules work. And I can just say that history shows us that it's dysfunctional legislatures that cause ballot initiative numbers to rise.

So, I hope you'll join me in voting against this measure. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Pittsfield, Representative Strom.

Representative **STROM**: Thank you, Madam Speaker. I rise in support of LD 255.

I was a co-sponsor on this legislation. I'm a strong supporter of it because if you look at all the ballot measures that have passed, there is a very strong difference from the numbers of how it passed from the First Congressional District and the Second Congressional District. And as I talked to my constituents and, honestly, people all around Maine CD-2, they sometimes feel like they're being overwhelmed because it's passing by overwhelmingly larger numbers in the First Congressional District, and they're just asking us for them to allow them to have a little bit more say in what gets on the ballot and what does not. And I think this is a fair agreement here to just give them a little more choice to make the people that are going out and collecting the signatures to get these referendums on the ballot, make them go out and meet people in all parts of the state, not just in Southern Maine, not just in the Portland area. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker, my Friends of the House. You know, the last time we talked on

this subject I promised to keep the back-pocket Floor speech fresh and so here we go.

Madam Speaker, this bill is an echo from a time in Maine government where we suffered from partisan gridlock in divided government. Important things went unaddressed and lingered indefinitely from one legislative session to the next. We had numerous successful initiatives that were blocked and reversed and vetoed. The citizens' initiative is a constitutional process that allows Maine people to take matters into their own hands when their government won't. And, back then, they did so regularly.

This bill in front of the body today is a solution in search of a problem and a step in a very dark direction. Under the guise of fairness, this bill was sold as a way to include rural Maine in the signature-gathering process. And yet the result of it will be that signatures will simply be gathered at the Bangor and Auburn malls. That's no help to rural Maine. In committee, the bill sponsor noted the imperfection and answered that this was a step in the right direction. And if that's true, Madam Speaker, then what's the next step in the plan? Where are we headed with this? The hidden message here is what the bill actually does do. It simply makes the citizens' initiative process slightly more complex and more expensive, tapping the cork a bit harder into the bottle when the citizens of Maine want to exercise their constitutional rights. That's a slippery slope, Madam Speaker. If we start suggesting that policies dial back the constitutional rights of the people of Maine, that is a slippery slope.

Now, the frustration that I hear from the electorate today is not that it's too easy for citizens to exercise their constitutional right to petition their own government and create law, what I hear is that the State is too slow in response to the real needs of our citizens. So, let's vote this nonsense down, Madam Speaker, and instead spend our time governing at the speed that the Maine citizens expect from us.

The SPEAKER: The Representative will defer. The Chair recognizes the Representative from Dixfield, and inquires as to his Point of Order.

Representative **PICKETT**: Point of Order. I think the word "nonsense" was uncalled for.

The SPEAKER: The Chair will note that I was not particularly pleased with that word. However, the reason why I did not call a Point of Order on the Member was because it was directed at the legislation and not at a Member. So, because of that, I will allow the Member to continue, but I will advise the Member to be careful with their words and regarding how they phrase the intentions of other Members.

The Chair reminded Representative **ACKLEY** of Monmouth that it was inappropriate to question the motives of other members of the House.

The SPEAKER: The Representative may continue.

Representative **ACKLEY**: Thank you, Madam Speaker. I think I'm all set and, in the future, I'll use more commonsense.

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

Representative **KESCHL**: Thank you, Madam Speaker, I'm sorry. I've heard many times during this session; let us listen to the people. So, I'm perplexed. For those opposed to this resolution going out to the people, what's the problem? Let the people speak on it. Thank you.

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

Representative **REED**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When this was put into effect, I think sometime around 1908 or so, the people of

Maine didn't have a clue that at that time that we would be facing today -- that people would be sitting on street corners in our major cities and being paid to collect signatures for the citizens' initiative. Today, the citizen's initiatives are running this state. And if this is such a good idea, we should do away with this Legislature and just stay home. Thank you, Madam Speaker.

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

Representative **BRADSTREET**: Thank you, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, I heard earlier that this measure would drive us into a partisanship that we want to leave behind. I would like to draw attention of the body to the strong Majority Bipartisan Ought to Pass Report. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise in support of enactment here and I do so because a couple of years ago, well, it might've been last year, doing a survey of constituents Downeast, and I asked pretty much the sum of what this bill is and the results came back that roughly 65% supported this bill and 35% did not. So, for that alone, I know people way Downeast really kind of like this idea and will definitely be voting for it. Thank you.

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

Representative **ANDREWS**: Thank you, Madam Speaker. Yesterday, CD-2 lost their voice in presidential politics. Today, they're going to lose their voice in ballot questions. This is not the way life should be. Please support the pending motion.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. A couple of years ago, my daughter, as a college student, was trying to get some money during Christmas break and she actually got involved in one of these citizens' initiatives and they were paying her \$100 a day to stand there and watch out-of-staters collect signatures. And it was all in Southern Maine. They didn't even want to come near the CD-2, because there wasn't any large populations to collect their money. So, I really think that this is a good bill and we need to pass it to give CD-2 a chance to have a say in some of this as well. Thank you.

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

Representative **DeVEAU**: Thank you, Madam Speaker, and Fellow Members of the House. Earlier, we heard from the Good Representative from Bangor that if it's not broke, don't fix it. I would disagree that we've done that quite a bit here this year in my first term. As somebody from the northern part of the state, we feel that Augusta doesn't hear us, or they don't hear what it is that we're looking for when we put something through. It's been an ongoing thing throughout my military career up until now and what we're asking for is to let us keep our voice. Thank you.

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

Representative **STETKIS**: Thank you, Madam Speaker. Request permission to ask a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **STETKIS**: So, if this was to pass through the bodies of the Legislature here, my understanding is the next step would be to put it out to a referendum vote to the electorate, the people that apparently we actually support, you

know, the will of the people that we keep hearing, is that the case?

The SPEAKER: The Representative from Canaan has posed a question through the Chair. Is there a Member who would answer?

The Chair would answer in the affirmative that a Constitutional Amendment would go to the voters.

The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I just wanted to be clear on that.

So, the question is, we've heard so many times in this chamber, especially when it comes to the citizens' initiative process, the will of the people. So, what are we afraid of? We're going to put this out to vote to find out what the will of the people is. Do we truly believe that we want to support the will of the people? If we truly believe that we want to support the will of the people, let's allow the people to speak.

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

This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken.

**ROLL CALL NO. 250**

YEA - Alley, Andrews, Arata, Austin B, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Cuddy, Curtis, DeVeau, Dillingham, Dolloff, Doore, Drinkwater, Dunphy, Evangelos, Faulkingham, Fay, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hepler, Hickman, Higgins, Hubbell, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin R, Martin T, Mason, McCrea, McDonald, Millett, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riley, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White B, White D, Zeigler.

NAY - Ackley, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazza, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hobbs, Hymanson, Ingwersen, Jorgensen, Kessler, Martin J, Mastraccio, Matlack, Maxmin, McCreight, Melaragno, Meyer, Moonen, Morales, Moriarty, O'Neil, Paulhus, Pebworth, Perry J, Pierce T, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Madam Speaker.

ABSENT - Bailey, Grignon, Hutchins, McLean, Sheats, Verow.

Yes, 81; No, 63; Absent, 6; Excused, 1.

81 having voted in the affirmative and 63 voted in the negative, with 6 being absent and 1 excused, and accordingly the Resolution **FAILED FINAL PASSAGE**, and was sent to the Senate.

**Acts**

An Act To Clarify the Laws Governing Taste Testing and Retail Sales of Liquor at Farmers' Markets and To Allow Retail Sales at Other Taste-testing Events

(S.P. 240) (L.D. 805)  
(C. "A" S-248)

An Act To Amend the Jurisdiction of Certain Reviews Conducted Pursuant to the State Government Evaluation Act

(S.P. 611) (L.D. 1810)

An Act To Authorize Limited Disclosure of Cigarette Sales Information To Ensure Continued Receipt of Tobacco Settlement Funds

(S.P. 615) (L.D. 1825)  
(C. "A" S-268)

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

**Resolves**

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

(S.P. 284) (L.D. 994)  
(C. "A" S-245)

Resolve, Directing the Commissioner of Professional and Financial Regulation To Create a Working Group To Study Barriers to Credentialing

(S.P. 625) (L.D. 1841)

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

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought Not to Pass** on Bill "An Act Regarding the Sale of Dogs and Cats at Pet Shops"

(S.P. 407) (L.D. 1311)

Signed:

Senators:

DILL of Penobscot  
BLACK of Franklin

Representatives:

HICKMAN of Winthrop  
HALL of Wilton  
KINNEY of Knox  
KRYZAK of Acton  
PLUECKER of Warren

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-272)** on same Bill.

Signed:

Senator:

DIAMOND of Cumberland

Representatives:

MAXMIN of Nobleboro  
McCREA of Fort Fairfield  
O'NEIL of Saco  
ROBERTS-LOVELL of South Berwick  
SKOLFIELD of Weld

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-272)**.

**READ.**

Representative HICKMAN of Winthrop moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

The **SPEAKER**: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I guess I don't understand regarding the sales of dogs and cats at pet shops. How many pet shops, if I may pose a question; how many pet shops do we have in the State of Maine doing such a thing?

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

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

Representative **ROBERTS-LOVELL**: Thank you, Madam Speaker, Men and Women of the House. I rise to answer the question and to also speak to the pending motion.

The **SPEAKER**: The Representative may proceed with both the question and other comments.

Representative **ROBERTS-LOVELL**: Okay. As we are aware of, I believe that there are two, maybe three, operating pet shops right now that are selling cats and dogs.

I rise today in opposition to the pending motion. Any person that has had the privilege of sharing their home with an animal knows the transformative power of pets. Our animals are our best friends. They are caring, reassuring, and devoted. They offer us unconditional love and are a comfort to us in our toughest moments. These animals deserve the same respect and love they offer us.

We know the inhumane conditions that exist in puppy mills. We understand the abuse that occurs when animals are mass produced like toys on a conveyor belt. This legislation offers us an opportunity to reduce the demand for pets from puppy mills and create a more caring process for welcoming an animal into our home. This legislation will reduce the number of animals that are sold in pet shops in our state without placing an unnecessary burden on existing small businesses. Current pet stores who are selling animals would be unable to expand their current sale of animals, however they could stay open and continue operating as is and the business could be passed down to other family members. So, essentially, they would be grandfathered in. Additionally, there would be a moratorium on any new pet stores being authorized to sell these animals.

This bill is needed to reduce the demand for puppy mills, dogs and cats. It will not fully solve this issue but it will be a step in the right direction. We have seen this bill before. The Legislature has supported this bill in the past, and I would urge my colleagues to follow my light and stand up for our family pets. Thank you, Madam Speaker.

The **SPEAKER**: The pending question is Acceptance of the Majority **Ought Not to Pass** Report.

The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. We passed legislation earlier

this session to ensure that consumers who purchase animals in the State of Maine through pet shops or breeders, if they end up with an animal that is ill for any reason and has a shorter life span, that it falls back on the pet shop owner or the breeder. This was to protect the consumer. It's true that we've had legislation to this in the past. It did not pass the Legislature, that's why we have it here again, and currently there are three stores in the State of Maine who sell puppies and kittens. They have to follow very strict guidelines as to where they obtain their animals from, they have to have plenty of documentation, and they have a lot of oversight from the government, from animal welfare, etcetera. When the legislation was brought --

The **SPEAKER**: The Representative will defer. There must be something about this side of the room, because you're all talking. Would the House please be in order? Take your conversations outside the room. The Representative may proceed.

Representative **KINNEY**: Thank you, Madam Speaker. When this legislation came up previously, there were five pet shops that fell under this jurisdiction. There are now only three in the State of Maine. One of the ones that left, the owner had health problems and chose to close on his own. The other one that is no longer in business was a domestic partnership where neither one, could buy the other one out, and so their store is no longer in business.

This is an attack on businesses in the State of Maine and with a false pretense. We've heard about false hope on other bills and this is the same idea. This is not going to stop puppy mills from generating, that's a national issue, and us passing this legislation is not going to stop puppy mill puppies from entering the State of Maine. They will be here, they will be here in full force, possibly in greater numbers if this passes. Thank you.

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

Representative **McCREA**: Thank you very much, Madam Speaker, Ladies and Gentlemen of the House. There's probably not anyone in this building that likes the idea of puppy mills, okay? They are a scourge upon the whole industry. I don't think that changing the Ought Not to Pass side of this is going to affect them at all. I think that if we do pass this as it was originally brought, it would put owners of pet stores, the three that are still in business in the state, personally, I think it would be very unfair to take their livelihood and probably most of their assets from their entire life and say okay, you're all done, and good luck. I think that would be a wrong thing to do.

Do I think that we are going to have a big impact on the reduction of puppy mills? Probably not, as much as I would like to say we are. But what I do think is that by limiting it to these three stores only, as amended, and making it so that it can be passed to family one generation longer, I think that that sends a clear message that we really want to do what we can to diminish the amount of influence that the puppy mills have. I'm not professing to even think that we're going to eliminate them. So, I really think we're being fair to those pet store owners; they can't expand, they can't put out another satellite annex business, they can operate as they are now. It was my feeling when I listened to these people testify that they are pretty good behaviors, they behave quite well.

So, I'm in opposition to the pending motion and I hope you follow my light. 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. 251**

YEA - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Babine, Bickford, Blier, Bradstreet, Campbell, Cebra, Cloutier, Cooper, Costain, Curtis, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Hall, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hymanson, Ingwersen, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Matlack, Morris, O'Connor, Ordway, Pebworth, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.

NAY - Babbidge, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Collings, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, DeVeau, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Haggan, Handy, Harnett, Hepler, Hobbs, Hubbell, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Millett, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Peoples, Perry J, Pierce T, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Bailey, Grignon, Hutchins, Verow.

Yes, 67; No, 79; Absent, 4; Excused, 1.

67 having voted in the affirmative and 79 voted in the negative, with 4 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **NOT ACCEPTED**.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-272)** 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-272)** in concurrence.

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

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

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought Not to Pass** on Bill "An Act To Reduce Suicides and Violent Crimes by Requiring a 72-hour Waiting Period after the Sale of a Firearm"

(S.P. 331) (L.D. 1099)

Signed:  
Senators:

CARPENTER of Aroostook  
ROSEN of Hancock

Representatives:

WARREN of Hallowell  
COREY of Windham  
COSTAIN of Plymouth  
JOHANSEN of Monticello  
PICKETT of Dixfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "A" (S-276)** on same Bill.

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

BEEBE-CENTER of Rockland  
COOPER of Yarmouth  
MORALES of South Portland  
RECKITT of South Portland  
SHARPE of Durham

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

**READ**.

Representative WARREN of Hallowell moved that the House **ACCEPT** the Majority **Ought Not to Pass** Report.

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

Representative **MORALES**: Thank you, Mr. Speaker, Friends and Colleagues in the House. I stand in opposition to this motion.

This bill simply allows for a cooling off period for an impulse to buy a gun for some destructive end and that end typically in Maine is suicide. Suicide is a public crisis, a public health crisis in this state. More than half of all suicides in Maine are by firearm. In the last ten years, Maine has endured 1,535 firearm deaths and suicides constituted 87% of that number. In 2017, there were 172 firearm deaths and 151 of those were suicides. Of 50 states, Maine was ranked 18 in firearm suicide rate, with a rate of 1.5% higher than the national rate. Maine's firearm suicide rate increased by 34%, between just 2016 and 2017. The studies have shown in the data that most survivors of suicide attempts consider their actions in a brief window, usually less than 24 hours, before deciding to make an attempt. Thus, immediate access to firearms, the kind that comes about when you can drive to a gun shop, pick out a gun, pay for it and walk out very quickly, within a matter of 30 minutes, is deadly. And we know that waiting periods work because other states are doing it. Nine other states and Washington D.C. currently have waiting periods of various lengths. A study from the American Journal of Public Health published in 2015 showed that states with waiting periods had 51% fewer firearm suicides than states without those laws. In 2009, South Dakota repealed its 48-hour waiting period and the next year suicides increased by nearly 8%.

So, Mr. Speaker, and Friends in the House, this really is a public health crisis here in Maine. We can act to reduce the deaths of our most vulnerable Mainers, particularly our young people that have the second-highest rate of suicides, and I ask that you oppose this motion. Thank you. And I ask for a roll call. Thank you.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought Not to Pass** Report.

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

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

Representative **COREY**: Thank you, Mr. Speaker, Men and Women of the House. This is yet another bill that puts hurdles in front of law-abiding firearms owners in the State of Maine.

As a gun owner, this would be an infringement on me being able to go and buy a gun. I'm not going to be buying a suicide gun, I'm just going to be buying a gun for what I'm doing, whether that's hunting or sport shooting, or just to have for self-protection. Putting a 72-hour waiting period in front of somebody that might be buying a firearm for self-protection takes that option away for them if they need one immediately for that activity.

Moreover, and I think I mentioned this at the public hearing, this is doubling the carbon footprint for gun owners to go buy a gun if you have to return to a gun store in order to buy it. For me, that gun store is all the way down in Kittery, sometimes, if I want to go buy it, so the idea that I'm going to drive 150 miles twice, that's doubling my carbon footprint. Anyways, I would encourage the people in the House to oppose the pending motion. Thank you.

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

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

The SPEAKER PRO TEM: The Member may proceed.

Representative **FOSTER**: I apologize, but while I was trying to grasp the numbers that the Good Representative from South Portland was going through, I must've missed how many of those suicides or attempted suicides, those folks had purchased a firearm and the attempt or suicide occurred within that 72-hour period. I would like an answer, if there is one available. 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. 252**

YEA - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Berry, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Cuddy, Curtis, DeVeau, Dillingham, Dolloff, Doore, Drinkwater, Dunphy, Evangelos, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grohoski, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hepler, Hickman, Higgins, Hobbs, Ingwersen, Javner, Johansen, Keschl, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Maxmin, McCrean, McDonald, Millett, Morris, O'Connor, Ordway, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reed, Riley, Riseman, Rudnicki, Sampson, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White B, White D, Zeigler.

NAY - Babbidge, Babine, Beebe-Center, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Handy, Harnett, Hubbell, Hymanson, Jorgensen, Kessler, Mastraccio, Matlack, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Peabworth, Reckitt, Roberts-Lovell, Rykerson, Schneck,

Sharpe, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Madam Speaker.

ABSENT - Bailey, Grignon, Hutchins, Kinney, Kornfield, Verow.

Yes, 90; No, 54; Absent, 6; Excused, 1.

90 having voted in the affirmative and 54 voted in the negative, with 6 being absent and 1 excused, and accordingly the Majority Ought Not to Pass Report was **ACCEPTED** in concurrence.

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The Speaker resumed the Chair.

The House was called to order by the Speaker.

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Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-274)** on Bill "An Act To Better Enforce the Prohibition against Dangerous Persons Possessing Firearms"

(S.P. 396) (L.D. 1276)

Signed:

Senator:

DESCHAMBAULT of York

Representatives:

WARREN of Hallowell  
BEEBE-CENTER of Rockland  
COOPER of Yarmouth  
MORALES of South Portland  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:

Senators:

CARPENTER of Aroostook  
ROSEN of Hancock

Representatives:

COREY of Windham  
COSTAIN of Plymouth  
JOHANSEN of Monticello  
PICKETT of Dixfield

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

**READ.**

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

Representative PICKETT of Dixfield **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 Dixfield, Representative Pickett.

Representative **PICKETT**: Madam Speaker, Ladies and Gentlemen of the House, I'd like to express my opposition to LD 1276 and opposition to the pending motion.

This bill requires background checks of purchasers of firearms for all private sales at gun shows or private sales resulting from advertising markets. This bill includes one

narrow exception where either the seller or the buyer is a federally-licensed firearms dealer. However, this isn't what it seems. A federally-licensed firearms dealer who makes a sale at a gun show still has to run a background check on the buyer/transferee. A federally-licensed firearms dealer has to run an NICS background check regardless of where the purchase of a firearm takes place.

So this bill is legislation in search of a problem. This bill would impose burdensome restrictions on law-abiding Mainers through what is essentially universal background checks, but would not stop criminals from obtaining firearms. A study of the Background Check Law passed in Washington State in 2014 indicated that the law had little measurable effect. According to federal studies done by the Department of Justice of how prison inmates acquired firearms, fewer than 1% reported acquiring them at gun shows and the vast majority acquired firearms on the black market by straw purchase or by theft. In addition, the ATF has reported that nearly all illegally-trafficked firearms alone originate through straw purchases.

So, when you take this all into consideration, also consider that prohibited persons are unlikely to attempt acquiring firearms through the legal channels that involve a background check but straw purchases and black markets always present ways to sidestep that system. Add it all together and it becomes clear that the whole background check system is more effective at creating barriers to gun ownership for law-abiding citizens than it is at stopping prohibited persons. And perhaps that is why states with universal background check laws have experienced an increase of 15% in per capita rates of mass public shooting fatalities. Thank you, Madam Speaker.

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

Representative **MORALES**: Thank you, Madam Speaker. It shouldn't surprise anyone that I'm standing again on this issue. Friends and Colleagues in the House, I stand in strong support of this motion.

As you know, Madam Speaker, I serve on the Criminal Justice and Public Safety Committee and we have heard over and over that gun regulation of any kind will only negatively impact law-abiding citizens because criminals do not follow the law. This bill requiring background checks for private sales seeks to address that very point. Pursuant to state and federal law today, Maine requires that firearm dealers conduct background checks at the point of sale in retail stores. These background checks take a few minutes to conduct and about 60% of sales of guns occur in retail stores.

Current Maine law already prohibits certain people from possessing guns. These are called prohibited persons and they include those with criminal records related to violence, domestic violence, and prison sentences of over a year. That's in Title 15. Federal law requires that licensed firearms dealers conduct background checks to determine if someone is a prohibited person. So, if a prohibited person attempts to purchase a gun from a licensed dealer, they would be denied access for failing the criminal background check. However, here is the problem; that prohibited person after failing the background check with the licensed dealer could purchase a gun from an unlicensed dealer because Maine law currently exempts unlicensed dealers from conducting a background check and approximately 40% of gun sales occur privately, by an unlicensed dealer, with no background check requirement for these sales.

Twenty other states and Washington D.C. have extended the background check requirement beyond federal law to

private sales. It is important to note, for everyone in this body, that this bill differs from the 2016 referendum question on universal background check. The difference is that this bill allows, without a background check, the transfer of guns between friends and family members. It also allows loaning a gun to a fellow hunter or someone at the range without a background check. And the reasoning behind this is that the law assumes that we know our family and friends well.

The question for some may be whether Maine is ready to close this background check loophole. In recent polling, 82.1% of Mainers statewide are in favor of universal background checks with strong support across parties and congressional districts, 87.9% of independent voters support universal background checks, 87% of voters in CD-1 support universal background checks, and 77.7% of voters in CD-2 support universal background checks.

It's important to note that the electorate has also changed since the 2016 referendum for which the margin of votes was approximately 27,000 votes. Since then, approximately 42,000 Mainers have graduated high school and are now of voting age. These new voters are the ones who have been directly impacted by active shooter drills and the real anxiety in their school environments largely based on the numerous mass shootings in schools throughout the nation. In 2017, there were 67 school shootings. In 2018, there were 94, including the horrific actions at the Parkland School shooting on February 14th in 2018 where 17 students and staff were killed and 17 others were injured. And this incident made a lasting impression on so many of us and our children. In this year alone, there have been 19 school shootings. As you all know, I work very closely with young people across the state on the issue that they care most about. I am confident that these new voters will hold us accountable on this vote, now and in the years to come, and I ask you all to support this motion. Thank you.

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

Representative **ANDREWS**: Thank you, Madam Speaker. Mark Twain famously said there are lies, damned lies, and statistics. LD 1276 is Blumberg's Question 3, 2.0. The people have spoken on that and in the people's House we need to respect that and listen to them. Listen to your constituents, vote this motion down, and move the Ought Not to Pass. Thank you.

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

Representative **COOPER**: Thank you, Madam Speaker. As you may have noticed, Madam Speaker, in the bills that we have reviewed this session regarding guns, there's an emphasis on who rather than what. That is to say, what kind of people have access to guns rather than what kind of firearms are to be limited. And that's because the studies show that the former restrictions are more effective in curbing unlawful gun violence.

Now, it's true, of course, that statistics can be found in both directions and there's no true perfect consensus on this matter, but there are some very compelling studies that show the effectiveness of universal background checks. In Connecticut, for example, there was a 40% drop in gun homicides after a background check bill was passed and a 15% drop in suicides. Likewise, in Missouri, the gun homicides dropped by 23% and suicides by 16%. That's a lot of people.

Gun show operators, people who sell their wares at gun shows, are increasingly using background checks at these sites. It's not a difficult thing to do. If you don't have a

telephone, you may borrow somebody else's, but it could take a matter of minutes to clear somebody and be assured that you're not selling a weapon to somebody who is not allowed by law to purchase a firearm. So, the big loophole that remains is actually a huge loophole. And that's the sale of guns that are advertised for sale through publications like Uncle Henry's. You know, the sales from one on one kinds of operations are few and far between. How do you get the kind of weapon that you want? You need to have advertising in order to be able to pick and choose the right weapon for yourself. So, that's where Uncle Henry's comes in. If you pick up any issue of that publication, you will see page upon page of firearms for sale. This bill would require that those sales be background checked and that would close the loophole, the enormous, gaping hole that now exists.

Finally, this is not a rerun of the referendum that was narrowly defeated a few years ago. For one thing, it does not cover family transfers, it does not cover casual transfers such as when you're out hunting with your friends and you hand over a gun. I think in the debate regarding the referendum, people got confused and waylaid by arguments about those exceptions. So, this bill contains no requirements for such transfers. It has to be advertised and it has to be for sale, and that's the kind of transaction that this bill will reach. Thank you, Madam Speaker.

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

Representative **HANLEY**: Thank you, Madam Speaker. This is a rerun. The people of Maine spoke clearly in a referendum that they didn't want this type of legislation. And, by the way, when you are granted a right under a constitution, it's a right, and you're not allowed that right or permitted that right, it is your right. I ask you to follow my vote and defeat this nonsense. Thank you, Madam Speaker.

The SPEAKER: The Chair will give the same reminder to the Representative from Pittston as the Representative from Monmouth received earlier, and the Chair will just remind Members that in the course of debate, we expect people to argue vehemently for their position, just I will ask a reminder, because not everything falls into a perfect category of what is allowed and what is not, to also try to be respectful of each other and our differing opinions during the course of debate.

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

Representative **RECKITT**: Thank you, Madam Speaker, Members of the House. One of my other Good Representatives from South Portland, of which we have several, made many of the points that I would have made, so I won't repeat them.

As most of you know, I spent 37 years working at Family Crisis Services, helping battered women and their children. I spent about 20 of those years volunteering in efforts on gun safety in Maine. Why? Because there's a connection. I was involved years ago in trying to help other small tiny pieces of gun safety legislation in this chamber. I worked on the referendum that we keep talking about. I worked on it for years before it ever came to fruition and I'm very conscious of the 27,000-vote margin by which it was defeated. But this year, what I have heard from my constituents, Madam Speaker, is an overwhelming response to the efforts towards gun safety in this chamber. And I will grant you that I live in Southern Maine, I even live in South Portland. The reality is that of those responses from constituents, the vast, vast majority of them are saying to me; what in the world are you doing in the

Legislature? You have killed every single gun safety initiative. You must do something.

So, I ask this chamber in the face of the seven or eight gun safety bills that we've had, we have not passed a single one. And I think that this is our last opportunity to pass something of significance to the constituents who are extraordinarily worried about guns, about guns and suicide, about guns and their children, about guns and domestic violence, about guns and mass murder, and about guns, period. They want the people who have guns to be people like the Good Representative from Windham, who is a gun safety person and very careful of his own guns. But not everybody is like him, and I think that we owe it to our constituents to give them a margin of safety by requiring that people who buy guns and do so out of Uncle Henry's or one of those kind of ways that guns get advertised, that they have the responsibility to pass a background check so that prohibited persons such as those that were outlined by the other Good Representative from South Portland, do not possess guns and cannot use them in ways that will hurt our citizenry. I implore you to please put this last gun bill into -- gun safety bill into -- thank you, into effect. Thank you very much.

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

Representative **HIGGINS**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I didn't rise earlier when a point was made by one of our legislators that when we voted on a couple years ago that we were confused. I don't think we were confused. I certainly don't believe that people where I live were confused. I think they clearly understood what the question was. And if we're going to use that as a debate point, then where do we start and stop in terms of every action that we take either here in the Legislature or the public takes when it votes; maybe they were confused when they elected me. That very well might be. So, I think it's important to always respect the results of the votes, whether they're taken in a referendum or taken in this body or they're taken at a local level.

The second point I wanted to make, there's been a lot of conversation about what happens in other states. We're not Missouri, we're not Connecticut, we're not New Jersey, we're not New York, we're not California; we're Maine. And I think we've demonstrated by our behavior over our long history that we are responsible when it comes to the ownership and transfer of weapons here in Maine. So, ladies and gentlemen, I believe this bill should be Ought Not to Pass. Thank you.

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

Representative **DOUDERA**: Thank you, Madam Speaker. I plan to be short and sweet and hopefully convincing. To me, this bill simply levels the playing field between licensed dealers and private sellers. It deals with actual sales, not transfers between friends and family. So, let's get this done and close this gun show loophole once and for all. Vote yes.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I have a two-part question, if I could pose it through the Chair.

The SPEAKER: The Representative may proceed with the questions.

Representative **FOSTER**: The first part is somewhat a question on my part. I believe that when a gun crime occurs in the State of Maine, there is quite an exhaustive investigation



done which would include the path of ownership or the tracing the background of that weapon that was used and I would suggest that if somebody thinks that is incorrect, they would let me know. And the second part is, again, I heard some figures in regards to this bill and I would ask what the percentage or number of crimes committed in the State of Maine with a weapon occur after a purchase that this bill is intended to require a background check for. Thank you.

The **SPEAKER**: The Representative from Dexter, Representative Foster, has posed a question through the Chair if there is anyone who wishes to answer, could they please stand, because there are a number of people in queue so it's hard to tell that way.

Okay, the Chair recognizes the Representative from Calais, Representative Perry.

Representative **PERRY**: Thank you, Madam Speaker. I am speaking in support of the bill. And I feel like I'm in a conundrum. I am proud of the fact that Maine allows felons to vote, but there are many states who do not allow that to happen. We have taken away a citizen's right because of their action and if I had a choice of having a felon vote or having a felon have a gun, I would choose the vote over the gun. A gun is a deadly weapon. I own some guns. If I chose to sell a gun by advertising it, I would want to know that I am selling it to a person who is not a felon, who is not prevented from using a gun, or to have sold it to someone and feel responsible for an act that hurt others. So, I support this bill. Thank you.

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

Representative **ORDWAY**: Thank you, Madam Speaker. Permission to pose a question through the Chair?

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

Representative **ORDWAY**: As this bill proposes to do background checks on person to person sales, has anybody checked to see that the FBI will open up their background information to private citizens?

The **SPEAKER**: The Representative from Ordway has posed a question through the Chair. If there is anyone who wishes to answer, please stand.

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

Representative **RECKITT**: I believe that the bill requires the background check to be done by a federally-licensed firearm dealer who would then be able to charge a fee for that service.

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

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

Earlier this year, our congress voted to require background checks for all gun purchases including those at gun shows and on the internet. A significant commonsense piece of legislation, it was the first to clear that chamber in nearly a quarter of a century. I remember many years ago as a young advocate when then Maine State Senator Neria Douglass put in a piece of legislation to require background checks at gun shows. It was obviously unsuccessful; here we are again. That was nearly 20 years ago.

As the Good Representative from South Portland said, our times certainly have changed. Last week, I had the opportunity to serendipitously see the young people from Parkland at the State House. They were invited by the Portland Chapter of March for our Lives and they were meeting

with lawmakers about gun legislation and with engaging young people to vote. I introduced myself to David Hogg, which is a very humbling experience for me. I thanked him for speaking out. I thanked him for telling his story. I told him I was so terribly sorry for what he and his classmates had to endure and that we, the adults in the room, would always have his back and we would do the right thing. He responded to me with please do something to stop us from getting killed.

The time is now, Madam Speaker. The time is now for us to lead and to act on this. Our children are watching us. Thank you, Madam Speaker.

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

Representative **KESCHL**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I rise to oppose the pending measure before us.

You know, my study of the background of the Second Amendment tells me that the Constitution doesn't give us that right; it's a natural right, an inherent right as human beings that we all have. But the Constitution does require government to defend that right for us.

So, in all of this, we're talking about requiring a background check. I have one simple question, if I may pose it through the Chair?

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

Representative **KESCHL**: So, now that you require a background check of these types of transactions, tell me how you're going to enforce it. Thank you.

The **SPEAKER**: The Representative from Belgrade has posed a question through the Chair, if there is anyone who wishes to answer.

The Chair recognizes the Representative from Monticello, Representative Johansen.

Representative **JOHANSEN**: Thank you, Madam Speaker. I am rising to answer the question from the Representative from Standish.

I am a federal firearms dealer and when I got that license, they encouraged me to do checks for anybody that asked, outside my business. You're welcome to come and I will do that check for you. And my business will do it free. So, that's something that the federal firearms people are encouraging us to do and I hope that answers that question.

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

Representative **SHEATS**: Thank you, Madam Speaker. I come from a rural area in Minot, not Auburn, and I've heard from so many responsible gun owners, as I believe myself to be, that these gun bills that we've heard so many of, are often only an inconvenience or limit the rights of legal gun owners, responsible gun owners, but do very little to actually get the guns out of those who should not have them or who obtain guns illegally. Dealers also often oppose these laws because it unfairly burdens their businesses when people have other alternatives to go to other avenues like Facebook, Craig's List, to obtain a gun. So, I have voted against those bills. I did not support the referendum two years ago because I hope to hand my guns down to my son legally without needing a background check, since he's already been firing them. But I do support this bill because it does exactly what the responsible gun owners that I have talked to want; it closes the loopholes that allow people to get guns illegally or legally through a loophole that should not have them. Gun owners -- or gun shops already have to do a background check if they're selling a gun at a gun show but someone can turn around and walk away from that table, over to another table, and obtain a gun from

someone that isn't required to do a background check. This closes that loophole.

Someone who doesn't want to wait 72 hours, as we talked about in the last bill, to get a gun to commit suicide, doesn't have to go to a shop, they can call somebody up when they see their post on Craig's List and get a gun that way. This would make somebody actually have to have a background check and face someone in a shop or somewhere else but actually face them and see what condition they're in. There's so many benefits to closing these loopholes and requiring a uniform background check on everyone. And it would make it harder for those who would obtain the guns illegally.

I have heard from our Chief of Police, our former Chief of Police now, that one of the reasons Maine has such a high opioid problem is it's really easy to bring opioids in, sell them, buy guns legally, and take those guns back out of state where they can then be sold on the black market and provide guns, so we are a major exporter of guns that are legally obtained because we allow these loopholes. So, I will be voting, at great risk to my campaign, but I will be voting for this one piece of gun legislation because I believe it does what the responsible gun owners want; not more inconveniences, not more burdens on the shops, but actually close the loopholes that allow us to get guns to people who shouldn't have them and make it fair for everyone. Thank you.

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

Representative **ANDREWS**: Thank you, Madam Speaker. I'd like to pose a question through the Chair.

The SPEAKER: The Representative may proceed.

Representative **ANDREWS**: Is Maine one of the safest states in the nation? Thank you.

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

The Chair recognizes the Representative from Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. The answer is over many decades, Maine has bounced between first, second, and third safest states in the country.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Harrington.

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

As a police officer and one of the few people in this room who has actually seized a firearm from a prohibited person, I can assure you that none of this legislation will do anything to prohibit these folks from getting firearms. It will only affect law-abiding citizens. Thank you.

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

Representative **DOUDERA**: Thank you, Madam Speaker. I wanted to answer my neighbor's question. Maine is very safe when it comes to violence of a certain type but we have a very high rate of domestic violence and we have a high rate of suicide.

The SPEAKER: The Chair recognizes the Representative from Washburn, Representative White.

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

The SPEAKER: The Representative may proceed.

Representative **WHITE**: Thank you, Madam Speaker. If passed, how would this bill, if at all, affect individuals who loan

firearms to their friends and family for hunting or sport shooting purposes? Thank you.

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

The Chair recognizes the Representative from Auburn, Representative Sheats.

Representative **SHEATS**: Thank you, Madam Speaker. It is my understanding that, unlike the referendum, there are no limitations to handing a gun down to a family member, to loaning it to a friend. This is only a limitation to guns that are advertised for sale on Craig's List, Facebook, Uncle Henry's, or similar -- in the newspaper, for sale signs, things that are advertised for sale. There is no limitation on families, friends, loaning or even transferring, inheriting, or things like that.

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

Representative **DeVEAU**: Thank you, Madam Speaker. Pose a question?

The SPEAKER: The Representative may proceed.

Representative **DeVEAU**: How does this prevent the sale of guns once people realize that they can't advertise?

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

The Chair recognizes the Representative from Knox, Representative Kinney.

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. The one time I agreed with Janet Reno, the former AG, was when she pokes after the Waco, Texas disaster; that more gun laws will not help, we can't enforce the ones we already have. Thank you.

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

#### ROLL CALL NO. 253

YEA - Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Handy, Harnett, Hepler, Hubbell, Hymanson, Jorgensen, Kessler, Kornfield, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Pierce T, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Andrews, Arata, Austin B, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Doore, Drinkwater, Dunphy, Evangelos, Faulkingham, Fay, Fecteau J, Foster, Griffin, Grohoski, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Higgins, Hobbs, Ingwersen, Javner, Johansen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, McDonald, Millett, Morris, Nadeau, O'Connor, Ordway, Perkins, Perry J, Pickett, Pluecker, Prescott, Reed, Riley, Rudnicki, Sampson, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, Warren, White B, White D.

ABSENT - Bailey, Grignon, Hutchins, Verow.

Yes, 66; No, 80; Absent, 4; Excused, 1.

66 having voted in the affirmative and 80 voted in the negative, with 4 being absent and 1 excused, and accordingly

the Majority Ought to Pass as Amended Report was **NOT ACCEPTED**.

Subsequently, on motion of Representative WARREN of Hallowell, the Minority **Ought Not to Pass** Report was **ACCEPTED** in concurrence.

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**ENACTORS**  
**Acts**

An Act To Make Certain References in the Maine Revised Statutes Gender-neutral

(H.P. 1069) (L.D. 1457)  
(C. "A" H-565)

An Act To Allow Reentry Houses as Part of Supervised Community Confinement

(H.P. 1201) (L.D. 1677)  
(C. "A" H-562)

An Act To Amend Licensure for Professional Engineers

(H.P. 1273) (L.D. 1791)

An Act Establishing the Office of Policy Innovation and the Future

(H.P. 1301) (L.D. 1830)  
(C. "A" H-564)

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

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**Resolves**

Resolve, To Implement an Intensive Drug Treatment Court Pilot Project in the Midcoast

(H.P. 796) (L.D. 1073)  
(C. "A" H-475)

Resolve, Regarding African-American Student Data Analyses

(H.P. 1215) (L.D. 1700)  
(C. "A" H-563)

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

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An Act To Allow Public Employers of Teachers to Negotiate Regarding Planning and Preparation Periods

(H.P. 203) (L.D. 240)  
(C. "A" H-518)

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

On motion of Representative MILLETT of Waterford, was **SET ASIDE**.

The SPEAKER: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker. I wish to raise a Point of Order and to obtain your ruling to confirm that LD 240 as amended constitutes an amendment under Article 9, Section 21 of the Maine Constitution.

The requirement in the bill that mandates that teachers bargain over planning and preparation periods, directs each school district in Maine with a teacher bargaining unit to expand or modify the activities of that district in a fashion that will necessitate additional expenditures from local revenues. Without any provision in the bill to pay 90% of that cost of this expanded activity, the bill requires a vote of two-thirds of the elected members of this body. I respectfully ask for your ruling to confirm that the vote of enactment on this bill here this

morning requires the vote of two-thirds of the Members of the House, and I thank you.

Representative MILLETT of Waterford asked the Chair to **RULE** if the Bill was properly before the body.

The SPEAKER: Thank you. The Chair understands that the Representative from Waterford, Representative Millett, is questioning whether, in fact, the item before us, LD 240, which is item 10-1, is, in fact, a mandate that would require two-thirds vote according to Article 9, Section 21 of the Constitution. Is that correct? Okay.

Having anticipated this question, the Chair has looked into the question at hand and the Chair would determine that the bill before us, LD 240, is a bill that allows public employers of teachers to negotiate regarding planning and prep periods but does not mandate that this is part of a negotiation and, further, that looking at the fiscal note of the bill, it appears that the cost would be costs that would go to the Maine Labor Relations Board rather than the municipality, that there is no definite cost to the municipality. So, it would be the ruling of the Chair that this is not a mandate, similar to what the determination, it seems, of the nonpartisan staff was in not putting a mandate on the bill or recommending a mandate on the bill.

Subsequently, the Chair **RULED** that the Bill was properly before the body.

The Chair recognizes the Representative from Waterford, Representative Millett.

Representative MILLETT: Thank you, Madam Speaker, and I appreciate your response. In as much as the paragraph within which the newly expanded language that requires a local schoolboard to negotiate matters of planning and preparation periods falls within a paragraph which in and of itself is a mandate on collective bargaining, I find the ruling falling within that general specter and I know that the statement of fact or the summary statement refers to a mandate. So, I would respectfully appeal the ruling of the Chair and request a roll call on that vote.

Representative MILLETT of Waterford **APPEALED** the **RULING OF THE CHAIR**.

The SPEAKER: Okay, so the Representative from Waterford, Representative Millett, has appealed the ruling of the Chair. The ruling of the Chair, to specify, was that this does not constitute a mandate, and has further asked for a roll call.

Representative MILLETT of Waterford **REQUESTED** a roll call on **APPEALING** the **RULING OF THE CHAIR**.

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

The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative SYLVESTER: Thank you, Madam Speaker. There is actually two mandates that are already in place in the section in which the Good Representative from Waterford points out. There are two obligations in law. One regards planning time. One is to meet and consult and, two, to bargain the impact of any decision stemming from creation or change in policy. The current language, which makes this mandatory bargaining, does so in such a light that it actually removes one of the mandates that has to do with planning periods and prep times.

Furthermore, as I explained yesterday, mandatory bargaining in terms of looking at working conditions only means that if one side puts a proposal, the other side has to formally reject it rather than being able to refuse to bargain over it at all, which is permissive bargaining.

And, so, I would support the Chair's ruling that we're, in fact, removing a mandate from two to one and that mandatory bargaining would not have an additional cost as it would be part of traditional bargaining. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is 'Shall the decision of the Speaker stand as the judgement of the House?'. All those in favor will vote yes, those opposed will vote no.

The SPEAKER: The Chair recognizes the Representative from Orono, and inquires why he rises.

Representative **TIPPING**: This being my first vote of this kind, could I just get clarification? Is a green light in vote of an appeal or is a green light in favor of the Chair's ruling?

The SPEAKER: The Chair would answer that a green light is agreeing with the ruling of the Chair, the Speaker at the rostrum, and a red light is in agreement with the appeal presented by the Representative from Waterford.

A roll call has been ordered. The pending question before the House is 'Shall the decision of the Speaker stand as the judgement of the House?'. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 254**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, 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, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Bailey, Grignon, Hutchins, Rykerson, Skolfield, Verow.

Yes, 89; No, 55; Absent, 6; Excused, 1.

89 having voted in the affirmative and 55 voted in the negative, with 6 being absent and 1 excused, and accordingly the **RULING OF THE CHAIR** was **SUSTAINED**.

Representative STEWART of Presque Isle **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: The Chair recognizes the Representative from Winter Harbor, Representative Faulkingham.

Representative **FAULKINGHAM**: I just wanted to remind the Members that when this bill passed the first time, the vote was 71-69. Perhaps review the LD that we're on.

The SPEAKER: The pending question is Enactment.

The Chair recognizes the Representative from Fort Fairfield, Representative McCREA.

Representative **McCREA**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. We've all been inundated by emails regarding this particular issue. A very high percentage of mine have been from superintendents and schoolboard persons from all over the state, not just my district. This morning I received several coming from those entities, not that those are the only ones. But if we stop and think where those are coming from, of course they're going to be in favor of leaving the status quo because, as it stands now, superintendents and school administrative groups such as schoolboards have the right to just refuse to negotiate planning time and prep time.

So, I think understanding where those are coming from may explain why we're getting perhaps a rather one-sided set of -- group of inputs, okay? So, I don't know that that influences anyone's vote but I think it's important to realize that that's where those are coming from and they have a very vested interest in that side of the issue. So, with that, I'll sit down, and thank you, Madam Speaker.

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

Representative **DILLINGHAM**: Thank you, Madam Speaker. So, I just wanted to be able to clarify based upon your ruling that you gave the Representative from Waterford, that you refer to the ability to negotiate regarding planning and preparation periods may be allowed but is actually not mandated, so the districts could enter into negotiations regarding planning and preparation but are not necessarily going to be required to do so where it is not a mandate. I just wanted to clarify that based upon your ruling.

The SPEAKER: The Chair would answer in the affirmative and that the Chair has ruled this is not a mandate.

The Chair recognizes the Representative from Knox, Representative Kinney.

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

The SPEAKER: The Representative may proceed.

Representative **KINNEY**: Thank you. I'm kind of curious. These planning and preparation periods, I'm wondering how long they would be and how many days a week and is this for each class or is this like only a couple times a week? I'm a little confused on that part.

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

The Chair recognizes the Representative from Portland, Representative Sylvester.

Representative **SYLVESTER**: Thank you, Madam Speaker. The answer to the question is that these are exactly the details that would be negotiated should this bill become law, and that both sides would determine through a proper negotiation.

The SPEAKER: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker and Members of the House. I served a number of years on the schoolboard. I actually stopped being a member of the schoolboard when my town withdrew from the district. But in those years, I served as a negotiator for the schoolboard with the teachers on the other side of the aisle and not once did we ever refuse to talk about the conditions we're talking about here. And if schoolboards around the State would be doing that, we would have no need for this bill. So, the fact that boards are refusing to talk about conditions is what has led to this bill and have to tell my superintendent, former

superintendent, that I was voting against him today because he and the position of the Superintendents Association absolutely is not correct. They ought to be talking to teachers about working conditions. But, unfortunately, they say oh, it's mandated, just because this law firm that they have that they use for advice in Portland suggests that that's the way it ought to be done. So, I really urge everyone to vote for passage of this bill today.

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

Representative **DeVEAU**: Thank you, Madam Speaker. I request to pose a question.

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

Representative **DeVEAU**: So, if this is not a mandate, is this a suggestion?

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

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

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

Representative **RUDNICKI**: Based on the comments from the Good Representative from Eagle Lake, my question would be if this is not a mandate, then schoolboards and superintendents don't even have to discuss this at all; is that correct?

The **SPEAKER**: The Chair would inquire is the Representative asking a question of the Representative from Eagle Lake or is the Representative asking a question to the body at large? The Representative from Fairfield has posed a question if there is anyone -- the Chair recognizes the Representative from Fort Fairfield, Representative McCrea.

Representative **McCREA**: Thank you, Madam Speaker. In answer to the question, where we're getting hung up on this mandatory this, mandatory that, it would become a mandatory subject of bargaining, just like salaries, just like anything else. So it is not a mandate, it just simply means that this particular topic, planning time and prep time, will be a subject that is negotiated if either side brings that topic up at the negotiations table. Thank you.

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

Representative **KESCHL**: Thank you, Madam Speaker. So, am I to understand that, in fact, then, this is a mandate? And, if so, how do we correct it?

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

Representative **BERRY**: Thank you, Madam Speaker. I think it would be helpful if we refer to the Constitution. I do not have it in front of me, but a mandate, for all of us to keep in mind going forward, is defined in the Constitution and it is a requirement that a local unit of government do things in a different way that imposes a cost to the local unit of government. This bill does not do that and for that reason it is not, constitutionally speaking, a mandate. We require frequently in other legislation a change in behavior or in procedure of individuals of organizations, of institutions, but if it is not imposing a new requirement with a cost on a local unit of government, it is not a mandate.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I'd like to make two points.

I think the Representative from Fort Fairfield accurately described the impact of this language. If enacted, it would

make the planning and preparation periods a mandatory subject of collective bargaining. No longer would it be a meet and consult option, but a mandatory subject of collective bargaining. I don't know how that can be any closer to a mandate than that language and his correct interpretation.

And, to the Representative from Bowdoinham, the language in Article 9, Section 21, indicates that the State may not require a local unit of government to expand or modify that unit's activities so as to necessitate additional expenditures from local revenues unless the State provides annually 90% of the funding for these expenditures.

It boggles my mind to think that making this a mandatory subject of bargaining does not open the door for future expenditures not now required under the current collective bargaining law, and that is the basis for my question originally and I wish to make it clear that I still believe that we are talking about a mandate that will have significant future costs. And I thank you.

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

Representative **DOORE**: Thank you, Madam Speaker and Men and Women of this House. We are talking about one of the most valuable resources we have in our towns and our cities. These are the folks that teach our children. We want them to stay here in Maine, we want them all to be bright. We need to support them. This will simply give them the right to sit down and bargain with their town or their city. It doesn't say that the town or the city is going to agree, it simply gives them the right.

Tomorrow, I will be recognizing three teachers from my city. The three teachers have worked together for a combined 141 years. The last quote that one of them said in our local paper last week was; I became a teacher because I love children. I did not do it for the money. So, please, folks, support your towns, your children, and support your teachers. Thank you.

The **SPEAKER**: There are seven people in the queue.

The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I will make this short and sweet. It's interesting to note that this bill came through the Department of Labor and not through the Education Committee, whereas in Education we deal with education, this is an educational issue. And, as we all know from serving on the Education Committee, we don't like mandating things. So, therefore, it looks like it came through the Department of Labor.

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

Representative **STEWART**: Thank you, Madam Speaker. Based on some of the logic that you've heard from a couple of the speakers today, if you were to give those teachers the right to bargain about this issue, if the district then turned around and refused to do it, there would be a lawsuit. So, again, we come back to this question of if this isn't a mandate, you know, color me blind, I guess, but I don't know how we can say on the one hand that they would have the right to do something that would then ultimately be upheld in a court of law and then at the same time say, this isn't required. And that's, in effect, what we have here is sort of an oxymoronic position. So, I request that my colleagues follow my light on this. Thank you.

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

Representative **RECKITT**: Thank you, Madam Speaker. I'm sitting here looking at the law on my computer, as many of you may be, and it seems clear to me that it says that the proposal be required to make a concession and accept the public employers of teachers shall meet and consult and may negotiate. It doesn't say must negotiate; it says may negotiate. So, I would concur that this is not a mandatory thing but a process that can be done, which I believe in the past has been disallowed. Thank you very much.

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

Representative **HARNETT**: Thank you, Madam Speaker. Rather than focus on the bill before us, I do want to focus on the Constitution and Section 21 and what --

The **SPEAKER**: The Chair will remind the Representative that the question in front of us is enactment of LD 240 and therefore debate needs to be around 240. If the Representative has a reference similar to the many people who have spoken before him that reference both the Constitution as it relates to the bill, then the Representative may proceed

The Chair reminded Representative **HARNETT** of Gardiner to stay as close as possible to the pending question.

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

Representative **HARNETT**: My intent, Madam Speaker. And the Constitution, when it discusses mandates, which is the issue being discussed in relation to this bill, talks about statutes that necessitate additional expenditures of local revenues. The bill before us does not do that. It requires collective bargaining. The expenditure of money will be determined if and when that collective bargaining takes place and the parties reach an agreement. There is nothing in the bill that says that a school district must provide prep and planning time. It simply says it must be negotiated. That does not require the expenditure of financial resources.

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

Representative **DOLLOFF**: Thank you, Madam Speaker; smile.

I'm just a little confused. Now, they say it's not a mandate, it's just so they can take it to the table and negotiate. Well, when I sat on the schoolboard, they could bring anything they wanted to the table to negotiate. So, wouldn't this be the same thing? Because if they bring it to the table and they want to negotiate it, the committee does not have to put it to be heard.

So, I don't understand what this bill is going to do, and I am all for the teachers and I know that, you know, especially in my district, they're awesome, they put a lot of time in and etcetera. But if this isn't a mandate and it's just something they could bring to the table, well, they can already do that. Thank you, Madam Speaker.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. As the Good Representative from Eagle Lake stated, in my time of 12 years being involved on a negotiating committee and head negotiator for our schoolboard, this item came up several times and we made accommodations in cases where we could and sometimes we did not, where we couldn't. But, ultimately, it was part of planning the school day. The superintendent and his administration had to decide where they could make accommodations and where they couldn't.

And I would have to disagree with what has been said here before that this would not be a mandate and/or a financial burden, especially for those schoolboards and committees where that they employ an outside resource to do their negotiating for them, it certainly would extend the negotiations to reach a settlement on this particular item. Therefore, it could run in to several dollars to accommodate that. Thank you, Madam Speaker.

The **SPEAKER**: The Chair recognizes the Representative from Waterford, Representative Millett.

Representative **MILLETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I would just like to read the language in the amendment as it is before us pending final enactment. It inserts these words, planning and preparation periods, into line 2 of the mandatory subjects of bargaining, which will now read; to confer and negotiate in good faith with respect to wages, hours, working conditions, planning and preparation periods, and contract grievance arbitration. It later inserts language that says planning and preparation periods are not educational policies. The language in the summary, I acknowledge, is not part of the law, but very clearly states this amendment specifies that planning and preparation periods are mandatory items of collective bargaining and may not be considered matters of educational policy exempted from mandatory collective bargaining.

I have an interpretation as well from a noted attorney, who has made the very same point that our Assistant Minority Leader has just made in that his question and his comments are very clear. If this bill were to be passed by a majority vote and the Chief Executive were to sign it into law, believe that a school district could refuse to bargain over planning and preparation periods and invite the MEA to sue them for not doing so. It's going to be entering into litigation either way and there is a fiscal note or a fiscal cost, albeit not attached to the bill.

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

Representative **STEARNS**: Thank you, Madam Speaker. One of the pieces that's been brought up several times with this, the fact that working conditions, the eagerness or the desire, if you will, to be able to bargain working conditions. Consistently, since 1969, consistently the Maine Labor Relations Board, although they do not allow the negotiation for policy, of which this matter has clearly been defined by the courts as policy, the effects of any policy, the working conditions are able to be bargained, they're required to be bargained. That situation already exists. So, if the schoolboard makes a policy that changes those working conditions, that is an allowable piece that can be bargained and probably the premiere case on that was Bangor in 1981.

I would ask that we really give a great deal of thought to changing 50 years of well-defined labor relations to allow this one particular item that, again, has clearly been defined as policy, to be referred to as a non-policy item. Thank you, Madam Speaker.

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

Representative **STETKIS**: Thank you, Madam Speaker. I wasn't intending on rising to this. I'm a little confused. I'd like to ask a question through the Chair.

The **SPEAKER**: The Representative may proceed with the question.

Representative **STETKIS**: Thank you. So, it's my understanding that in these negotiations you have the lawyers present and then if the negotiation sort of fails then it goes off

to mediation, and there's mediators present. It's my understanding that these people get paid by the hour, and I'm having a hard time understanding how if we add additional topics to be negotiated or mediated, how it would not cost a school district more money.

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

The Chair recognizes the Representative from Kennebunk, Representative Babbidge.

Representative **BABBIDGE**: Thank you, Madam Speaker. I see nothing in this proposal that mandates that teachers must bring planning periods as an element of discussion to the table or that schoolboards bring this issue to the table; they may bring it to the table. But wouldn't it be great if there was some specific language in the bill that says nothing is compelled here? Wait a minute; such obligation neither party may be compelled to agree to a proposal. It's there in the same paragraph. It's elective and people need to be able to talk to each other and bring it to a table and expect that they'll get a yes answer, a no answer, or a counterproposal. That's the only obligation. Thank you, Madam Speaker.

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

Representative **HIGGINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think there are three points that I would like to make that I think have been made but I would like to kind of collect them together here.

First of all, this is not an education bill. The Good Representative from Milford is correct. This is a labor bill. So, when I hear things about supporting teachers and education, certainly I think we all value, having been one, I hope you do, and support. But this really isn't about education; this is about labor and employment.

Number two, as a former negotiator on both sides of the table, if a presentation is made by the representatives of the local MEA, the schoolboard and its representatives will be required to negotiate because to do otherwise, they would be held in negotiating in bad faith and labor, when that's appealed, when people accuse people of negotiating in bad faith, usually that doesn't end up well. So, whether it's a mandate, we want to use that word or not, it will end up being required. I think that's a word we all understand; required.

Financial implications? Of course there's going to be financial implications. Who in here thinks there won't be? Of course there are going to be financial implications. Can we quantify it? Probably not. Today, I'm not sure any school system could quantify, but there certainly will be financial implications. And that will be one of the things that will be, as presented here today, that will be negotiated. It will be on the table along with health insurance, salaries, and other benefits. And there will be no, in my opinion, I believe that one should not as a schoolboard consider that they should not negotiate this.

The other is that people say well, you know, there's no financial implication because certainly there's going to be a financial implication because it becomes obvious, the bill is here because people are dissatisfied with the current status of working conditions as expressed by the Maine Education Association. The implication is, there's corrections that need to be made in local school systems and those corrections will have financial implications. They'll have dollars associated with it.

The other point that no one has said here today is, I think it's important to recognize the role and value of our publicly-elected schoolboards. I don't think we should cast them under

the bus, if you will, in this case. I think they've represented our communities, they're on our boards, in general, with a few exceptions, to want to do good things to support teachers and students and learning. I think it's important that we respect their role in this process, as well.

So, Ladies and Gentlemen of the House, I believe this piece of legislation will not be good for our schools, I do not believe in the long run it will be good for teachers, and I do not believe, in particular, that it will be in the best interest of our students. Thank you, Madam Speaker, and Ladies and Gentlemen of the House.

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

Representative **LOCKMAN**: Thank you, Madam Speaker. It's Bradley now, thank you.

I'm trying to understand. I've heard discussion here that the bill really doesn't require local school districts to do anything that they don't want to do and that they're not already doing, so I'm having a hard time figuring out in the Labor Committee why so many lawyers and lobbyists and union bosses spent so much time there to drive this bill through.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Hickman.

Representative **HICKMAN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, as I read the amendment that is on the board for us to enact, I interpret planning and preparation periods as a further definition of working conditions because it's clear in the law that's before us that planning and preparation periods are not educational policies. It's also clear to me that in the summary, the term "mandatory" is used. But just because something is mandatory as an item of negotiation, does not mean that it's a mandate as defined by the Constitution of the State of Maine. The one thing I haven't heard is that it's entirely possible, unless I'm totally ignorant, that these negotiations could actually end up decreasing costs to municipalities, in which case it is certainly not a mandate because we're not necessitating any costs to the municipalities.

So, I don't actually see this as mandate, I see this as a clarifying statute, and I do believe that planning and preparation periods are working conditions that ought to be a mandatory item of collective bargaining. Thank you, Madam Speaker.

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. 255**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brooks, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Farnsworth, Fay, Fecteau J, Fecteau R, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Ingwersen, Jorgensen, Kessler, Landry, Madigan C, Martin J, Martin R, Matlack, Maxmin, McCrea, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, PerryA, PerryJ, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Sharpe, Sheats, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Blier, Bradstreet, Brennan, Campbell, Cebra, Cloutier, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Evangelos, Faulkingham, Foley, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Higgins, Hubbell,

Hymanson, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Lockman, Lyford, Marean, MartinT, Mason, Mastraccio, McDonald, Millett, Morris, O'Connor, Ordway, Perkins, Pickett, PierceT, Pluecker, Prescott, Reed, Rudnicki, Sampson, Schneck, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, Wadsworth, White D.  
ABSENT - Bailey, Grignon, Hutchins.

Yes, 79; No, 68; Absent, 3; Excused, 1.

79 having voted in the affirmative and 68 voted in the negative, with 3 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

**CONSENT CALENDAR  
First Day**

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

(S.P. 352) (L.D. 1164) Bill "An Act To Improve the Educational Opportunity Tax Credit" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-229)**

(S.P. 620) (L.D. 1835) Bill "An Act To Authorize Early Payment of Anticipated Funds to the Loring Job Increment Financing Fund" (EMERGENCY) Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-271)**

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

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

**COMMUNICATIONS**

The Following Communication: (S.C. 602)

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

June 13, 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 Education and Cultural Affairs,

- Peter Geiger of Lewiston for appointment, to the State Board of Education;
- Upon the recommendation of the Committee on Judiciary,
- Mary J. Zmigrodski of Vassalboro for appointment, to the Maine Commission on Indigent Legal Services;
- the Honorable Roger J. Katz of Brunswick for appointment, to the Maine Commission on Indigent Legal Services;
- Robert P. Cummins of Portland for appointment, to the Maine Commission on Indigent Legal Services;

- Ronald W. Schneider Jr. of Wells for appointment, to the Maine Commission on Indigent Legal Services.

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

**READ and ORDERED PLACED ON FILE.**

**CONSENT CALENDAR  
First Day**

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

(H.P. 553) (L.D. 748) Bill "An Act To Provide Relief to Survivors of Economic Abuse" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-585)**

(H.P. 1020) (L.D. 1405) Bill "An Act To Amend the Laws Governing Foreclosure To Ensure Timely Completion" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-584)**

(H.P. 1270) (L.D. 1785) Bill "An Act To Amend Certain Education Laws" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-583)**

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.

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

(S.P. 161) (L.D. 496) Bill "An Act To Extend the Availability of Protection from Abuse and Protection from Harassment Orders" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-282)**

(S.P. 593) (L.D. 1761) Bill "An Act To Assist Small Beer Manufacturers" Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-281)**

(S.P. 613) (L.D. 1815) Bill "An Act To Provide Funds To Continue the Statewide Online Advanced Placement Course Program Provided by the Department of Education in Partnership with the University of Maine at Fort Kent" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-283)**

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

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

**ENACTORS  
Acts**

An Act Regarding the Safety of Recovery Residences  
(H.P. 279) (L.D. 353)  
(C. "A" H-577)

An Act To Amend the Eligibility Criteria for Creditable Service in the Armed Forces of the United States under the State Retirement System  
(H.P. 351) (L.D. 467)  
(C. "A" H-550)



An Act To Attract, Educate and Retain New State Residents To Strengthen the Workforce

(H.P. 468) (L.D. 647)  
(C. "A" H-556)

An Act To Increase Efficiency in Enforcement of the Maine Human Rights Act

(H.P. 564) (L.D. 759)  
(C. "A" H-573)

An Act To Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects To Include Cases of Murder and Class A, Class B and Class C Crimes

(H.P. 588) (L.D. 800)  
(C. "A" H-572)

An Act Regarding Driver's License Suspensions

(H.P. 815) (L.D. 1111)  
(C. "A" H-576)

An Act To Remove Certain Restrictions Imposed on Retired State Employees Who Return to Work

(H.P. 880) (L.D. 1220)  
(C. "A" H-566)

An Act To Provide for Court-appointed Advocates for Justice in Animal Cruelty Cases

(H.P. 1054) (L.D. 1442)  
(C. "A" H-574)

An Act To Modify Retirement Plans for Fire Investigators and Sergeants

(H.P. 1082) (L.D. 1480)  
(C. "A" H-568)

An Act To Clarify the Disposition of Funds Presumed Abandoned in a Lawyer's Trust Account

(H.P. 1085) (L.D. 1483)  
(C. "A" H-575)

An Act To Establish a Fund for Portions of the Operations and Outreach Activities of the University of Maine Cooperative Extension Diagnostic and Research Laboratory

(H.P. 1111) (L.D. 1518)  
(C. "A" H-554)

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

(H.P. 1213) (L.D. 1698)  
(C. "A" H-552)

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

(H.P. 1219) (L.D. 1704)  
(C. "A" H-569)

An Act To Make Technical Changes to the Maine Tax Laws

(H.P. 1294) (L.D. 1817)

An Act To Harmonize State Income Tax Law and the Centralized Partnership Audit Rules of the Federal Internal Revenue Code of 1986

(H.P. 1296) (L.D. 1819)  
(C. "A" H-570)

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

An Act To Create the Maine Health Care Provider Loan Repayment Program

(H.P. 587) (L.D. 799)  
(C. "A" H-558)

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

On motion of Representative MOONEN of Portland, was **SET ASIDE**.

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

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

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

Representative **DAUGHTRY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I just rise to explain the bill that's in front of you.

LD 799 is the result of a lot of hard work on the IDEA-B Committee. We looked at numerous items relating to workforce, economic advancement, development, and student affordability and debt repayment. And this bill sort of combines everything under our committee's purview. You've all heard about the crisis we're facing with healthcare and meeting the needs of our State for healthcare employment and this bill not only looks at making sure we're attracting and recruiting talented people to those jobs, but also contains a portion for helping make sure we have the educators to train people to be able to meet our workforce needs.

I won't go on, I'm just going to say that this came out of many conversations, many different bills actually were formed into this and I think one of the most exciting things is it was written by the people who are on the forefront everyday doing this work, as well as by the Finance Authority of Maine, and it was a wonderful collaborative effort amongst the committee. So, I really hope you'll support it. It's a really great bill.

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. 256**

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

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

ABSENT - Andrews, Bailey, Foster, Grignon, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 95; No, 46; Absent, 9; Excused, 1.

95 having voted in the affirmative and 46 voted in the negative, with 9 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding the Sale of Dogs and Cats at Pet Shops

(S.P. 407) (L.D. 1311)  
(C. "A" S-272)

An Act To Improve Public Safety through Coordinated Reentry of Prisoners into the Community

(H.P. 1250) (L.D. 1756)  
(C. "A" H-580)

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

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## REPORTS OF COMMITTEE

### Divided Reports

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-591)** on Bill "An Act To Amend the Laws Governing Investigations by School Entities into Holders of Credentials"

(H.P. 1297) (L.D. 1820)

Signed:

Senators:

MILLETT of Cumberland  
CARSON of Cumberland  
POULIOT of Kennebec

Representatives:

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

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

Signed:

Representatives:

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

### READ.

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

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

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

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Rudnicki.

Representative **RUDNICKI**: Thank you, Madam Speaker. I rise in opposition of this motion. This bill was put in by the department for a fix to the bill from the 128th that was done in the eleventh hour. This bill was done in the eleventh hour and, though it helps, it still doesn't fix the other bill. We need time for all the stakeholders to come together and report out a good bill in the next session. That hasn't been done yet. Please vote down this motion.

The SPEAKER: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. I rise in opposition of this bill. This bill is a bad bill in hopes of fixing a bad bill.

We thought that, well, let me back up. The stakeholders are going to come back in the next session to fix this bill. This bill is about investigating teachers that are credentialed and reporting teachers that are under investigation to the Department of Education. I made four little notes here. It does not cover separation agreements. I happened to be on the schoolboard when we had a separation agreement with a teacher because of misconduct. We got the teacher to sign off. That would not have to be reported to the department. The second thing that we had an issue is alleged conduct. In the bill, it scrapped all the alleged conduct such as alcohol, drugs, etcetera, and it just says that endangers the health, safety, or welfare of a student. We thought that was too vague.

The third thing we had an issue with was sharing information about a separated teacher because of misconduct with a potential new superintendent. As we all know, there's a lot of confidentiality going on here. When somebody fills out an application, you can only research so much. We had a problem with them not being able to share information about a new hire. So, the temporary fix was to put a box on the new job application and it's up to the applicant to check off the box and this box says were you the subject of an investigation, and it was optional to check off that box. This is just a bad bill in hopes of fixing a bad bill.

They are coming back. I would urge my fellow Representatives to vote against this and we'll come back next session with a fix. Thank you.

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

Representative **KORNFELD**: Thank you, Madam Speaker. We think this is a step in the right direction. We want to protect not only students, but we want to protect teachers, and we certainly want to protect a teacher who is accused of something and then not found to be guilty. And what the department reported was that they were actually getting too much information from superintendents because superintendents weren't clear what they should report and what they shouldn't report.

So, in this bill, they've tried to make it clear what should be reported. It's been made clear that, for example, if there's an investigation of a credentialed holder and that credentialed holder leaves the district, then that has to be reported to the Department of Education. And that prevents someone who has committed some kind of crime in one district from moving to another district before there's an investigation. This also cleared up if the credential holder is found cleared of the accusation, then the records will be destroyed by the Department of Education.

So, I think this is a very good bill because the department is going to have a working group, they're going to come back in February 1st and report to us how it's going and what they've found and if we need to report out a further bill. I think this is really a good step in the right direction.

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. 257**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, 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, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Arata, Austin S, Bickford, Blier, Bradstreet, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, MartinT, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, White D.

ABSENT - Andrews, Bailey, Foster, Grignon, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 91; No, 50; Absent, 9; Excused, 1.

91 having voted in the affirmative and 50 voted in the negative, with 9 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-591)** 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-591)** and sent for concurrence.

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

Majority Report of the Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-267)** on Bill "An Act To Amend the Laws Concerning the Children's Cabinet and Its Advisory Councils"

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

Signed:

Senators:

MILLETT of Cumberland  
CARSON of Cumberland

Representatives:

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

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

Signed:

Representatives:

DRINKWATER of Milford  
RUDNICKI of Fairfield  
SAMPSON of Alfred

Came from the Senate with the Majority **OUGHT TO PASS AS AMENDED Report READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-267)**.

**READ**.

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

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

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

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

Representative **SAMPSON**: Thank you. So, this bill, "An Act to Amend Laws Concerning the Children's Cabinet and Their Advisory Councils", this motion removes the actual child care providers from a seat at the table. This motion addresses the addition of two child care providers who belong to organizations, but these organizations would in turn nominate the members to the Children's Cabinet, who would then be appointed by the Children's Cabinet. This may sound fine, however the reality is this; most independent child care providers do not join organizations. They are independent businesses. Their voices, 1600 strong, will be silenced with this bill. This bill removes their voice in favor of very few interdisciplinary experts who may simply pay dues to an organization, but are not actually or do not actually have any experience operating any type of child care operation. Many of these individuals in those organizations are simply employed to lobby for the views of a particular organization. These individuals may not even represent the majority of the experts who are delivering early child care and education in Maine.

The Child Care Advisory Council will be eliminated with this bill. But it is these people, this council, that is made up of the very individuals that are taking care of our children around this state. These are also people who have been appointed, they're legally and appropriately-seated members. It's a very diverse, bipartisan membership, including many disciplines of early child care and of the education industry. For example, the Montessori schools, Head Start, Home Start, family child care centers, for-profit, nonprofit, and parents who may or may not receive subsidies.

The hearing for the bill was very poorly planned. It completely disadvantaged all those hardworking people who are busily caring for children who don't have the liberty to follow and respond quickly to hearing postings. The hearing for LD 1778 was posted at the end of Friday as everyone was preparing for the long Memorial Day weekend, with a hearing scheduled immediately following the weekend. How does this provide adequate opportunity for the public most significantly impacted by this bill to have their voices heard?

We need to keep the Child Care Advisory Council in statute so we will have a balanced group of seated members who can continue their productive work for the benefit of the child care industry. Additionally, they can resume collaborative

work with the Children's Cabinet and begin collaborative work with the newly-proposed Children's Cabinet Advisory Council on Early Childhood. I would ask that you please vote no on this motion in order to protect our independent child care providers. Thank you.

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

Representative **RUDNICKI**: Thank you, Madam Speaker. I rise in opposition to this bill. LD 1778 eliminates the Child Care Advisory Council and replaces it with a council that has no ability to have independent child care providers. Let me state that again; no ability to have independent child care providers on it. The CCAC is already statutorily mandated to advise the departments and the Legislature on child care matters. The existing Child Care Advisory Council is being cited as supposedly unwieldy. While it has existed in its current form for 26 years, why is it such a problem now? The CCAC was formed with the intent to give child care providers a voice so that the people who do the job can bring insight to new rules. The Children's Cabinet was established a couple of years later and since that time, 24 years ago, the Child Care Advisory Council has been the one and only advisory council to the Children's Cabinet.

The CCAC membership consists of a diverse interdisciplinary group of hands-on experts in the field who want to have their voice at the table. Suddenly, some people have decided that child care providers' perspective makes it hard to get their initiatives accomplished, so with one bill we are wiping out a 26-year-long history, an advisory council's role to create balance and bring industry insight from the important complex industry of child care. Please vote against this motion. Thank you.

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. There is a large group of people who volunteered their time, dedicated hard work and even paid money, their own money, to cover them in their own jobs to come here to Augusta on a monthly basis to do the work that they are currently doing on the Child Care Advisory Committee. It does not seem reasonable that the work would just be stopped and eliminated and replaced by a council that will not dedicate the energy that this council has put into their current projects and goals towards making early care and education safer, more available, and more affordable.

If LD 1778 passes, in 90 days these dedicated and unpaid people will be given the equivalent of a pink slip and their hard work, goals, initiatives are just left hanging, with no one with diversity of hands-on experience implementing the rules that the CCAC encompasses to take up that charge. There is no emergency here, there are currently two advisory councils which have been around for a very long time. As mentioned, that would be 26 years. The CCAC is statutorily designed to do exactly what this new council will do.

Please oppose this motion. Let's at least give these hardworking, dedicated people who work for our State for free the opportunity to continue the wonderful work that they've been doing. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Milford, Representative Drinkwater.

Representative **DRINKWATER**: Thank you, Madam Speaker. Just because you can get a bill through this Legislature, does not mean that you should. This bill would not strengthen the Children's Cabinet in any way. In fact, by alienating the very people who are doing the job of early care

and education while leading an active, seated members of the Child Care Advisory Council, dedicating hours of time and energy every month to work out the fine details of advising on implementing policy, you are weakening it.

Yes, it's hard to deal with problems that come about from having so many different perspectives at the table, but isn't that what we truly want to do here? It's hard to work out all the kinks, but at the end of the day, if we didn't have both sides at the table, we wouldn't even come close to having balanced legislation, policy, and rules. It looks like the Child Care Advisory Council is trying to do the same thing. Thank you.

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

Representative **TUELL**: Thank you, Madam Speaker. I rise in opposition and, if I might, I'd like to read something from a child care provider in my area that I received about a week and a half ago which, at the time, I confess, I knew next to nothing about this bill and was a little surprised. So, having -- since that time, I've dug into it a little more and have found that their concerns appear to be valid. This is from a child care provider in my district, from Machiasport, who has been providing child care for the last 15 years at their home. She writes this; I've been providing home daycare services for the past 14 years. Because of the number of children I now service, I have been licensed for two years. There are two things I have noticed about the current regulations. One, they can be very prohibitive to people entering child homecare businesses due to cost and sometimes unnecessary precautions due to my second observation. They seem to be more and more geared toward larger daycare centers. The home child care setting is very different from a daycare center. Safety is of utmost importance, but some of the regulations can or could become over-prohibitive if there is no voice for those service families in this way. Thus, my concern is threefold. First, if there is no one to represent the home child care providers, they may be forced to be closed or not even want to enter the business. Secondly, this bill may eliminate a parent's choice for child care providers. Thirdly, there is currently a severe child care shortage in Maine, particularly in rural Maine. This bill may lead to an even greater shortage. At the very least, would you please carefully consider this bill and if my concerns are not valid, please let me know. If they are valid, would you please consider voting no on this bill. And I would ask the same of everyone in the chamber. 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. I want to commend some of the previous speakers for acknowledging the fact that there was concern raised by private child care providers about their representation on the council. And, as a result of that, those concerns were raised in the committee by members of the committee and if anybody were to read the summary, what they would see in the summary of this bill on the amendment is that accommodations were made and it specifically says that private child care providers and public child care providers will be appointed to the council. So, I think that concern was listened to, was addressed, and is a recognition by the full committee that we want that voice on the council.

Secondly, I think it needs to be pointed out that the Children's Cabinet was dormant for a number of years and it was only recently that the newly-elected Chief Executive reconvened the Children's Cabinet out of a recognition that you have to have collaborative relationships and working

relationships among the Department of Education, the Department of Health and Human Services, the Department of Corrections, because so many families, so many children in our state have issues that span departments. So, I want to commend the Chief Executive for reconvening, invigorating the Children's Cabinet, and for bringing a reasonable compromise and reasonable changes to the Children's Cabinet so that it can move forward and effectively service families and children in this state.

So, I hope that everybody will support the pending motion because it has addressed the concerns that have been raised in this body as well as the Education Committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Chester, Representative Javner.

Representative JAVNER: Good evening. Thank you, Madam Speaker, Men and Women of the House. I rise in opposition to the pending motion.

This bill seeks to create a closed loop of oversight. If LD 1778 passes, the Children's Cabinet will oversee its own Advisory Council, on which they will be able to hand-select the child care stakeholders as it is stated on line 26 through 31, page two, the duties of the council. Because lines 17 through 19 of the bill change the definition of council from the existing Child Care Advisory Council to the newly-proposed Advisory Council, those hand-selected individuals will be only seated members out of the large group of federally-required stakeholders to be consulted in advisory manner for federal grant approvals. According to Title 22, M.R.S.A., 3734, the department shall seek the advice of the council when applying or reapplying for federal funds. The same people who are benefiting from those funds will be the only people who are overseeing the decisions being made to apply for the funds.

Decisions made without proper and legal oversight can easily result in unnecessary or overreaching rules or laws harmful to early care and education affordability, availability, and variety. Having a diverse group of seated advisory members that meets federal requirements by including early care and educational professionals on the council like the existing CCAC prevents one-sided decisions that only look out for certain parts of the industry. Thank you.

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

Representative SAMPSON: Thank you, Madam Speaker. I would just like to highlight and actually read from the amendment, respectfully disagreeing with the Good Representative from Portland.

The two persons representing statewide membership or constituent organizations for public and private family child care providers nominated by their organizations and appointed by the cabinet. I mentioned this in my earlier speech. This does not necessarily mean they're family child care providers. They may join an organization but, like I mentioned, those could be individuals that do not even work with children, they're part of the organization as a lobbyist, and those are the individuals that could be appointed to this cabinet. And the request which I personally made was to get family child care providers, two of them, on this cabinet. And this was the language that came out of the revisors. It was not the language that I had put forward and that we had agreed upon.

So, I beg to differ and I would like people to understand that we don't have family child care providers that would be appointed to this cabinet. Thank you.

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

Representative FARNSWORTH: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I think it's important to understand that while child care is a part of the sort of assigned responsibility for the new councils, it certainly is much broader than that. Taking a look at medical issues, taking a look at housing, looking at family support; there's a whole range of issues that are going to be addressed by this particular committee, and that the child care is a part of that but it is not all. So, having legitimate proportionate representation on the committee is certainly appropriate.

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. 258**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cebra, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hickman, Higgins, 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, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Perry A, Perry J, Pierce T, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Bailey, Foster, Grignon, Hepler, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 88; No, 52; Absent, 10; Excused, 1.

88 having voted in the affirmative and 52 voted in the negative, with 10 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended Report** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (S-267)** was **READ** by the Clerk.

Representative LOCKMAN of Bradley **PRESENTED House Amendment "A" (H-589) to Committee Amendment "A" (S-267)**, which was **READ** by the Clerk.

The SPEAKER: The Representative may proceed.

Representative **LOCKMAN**: Thank you, Madam Speaker. This amendment restores the Child Care Advisory Council which was eliminated in the original bill. It also makes changes to the composition of the Maine Children's Cabinet Early Childhood Advisory Council.

As was mentioned in the previous debate, due to the end-of-session time constraints and the dispensing of our normal rules, there was very short notice for the public hearing that was actually scheduled for Tuesday after the long three-day Memorial Day weekend. Unfortunately, members of the Child Care Advisory Council were completely unaware that they were slated for elimination until after the public hearing was over. Had they been notified, they would have testified in

strong opposition. The amendment before us now seeks to keep the independent child care provider voice involved in policies and legislation for their own industry. Most child care providers do not belong to formal associations, nor do they work at large city-based centers. Their universes are diverse and they all need to be at the table. Thank you, Madam Speaker.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-589) to Committee Amendment "A" (S-267)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Adopt House Amendment "A" (H-589) to Committee Amendment "A" (S-267). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 259**

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

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hickman, Higgins, 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, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Stanley, Stover, Talbot Ross, Sylvester, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Andrews, Bailey, Foster, Grignon, Hepler, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 54; No, 86; Absent, 10; Excused, 1.

54 having voted in the affirmative and 86 voted in the negative, with 10 being absent and 1 excused, and accordingly **House Amendment "A" (H-589) to Committee Amendment "A" (S-267) was NOT ADOPTED**.

Representative PEOPLES of Westbrook **PRESENTED House Amendment "B" (H-590) to Committee Amendment "A" (S-267)**, which was **READ** by the Clerk.

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

Representative **PEOPLES**: I just simply want to say I believe that three seats are a fair apportionment, and I stand strongly behind that and that's what this amendment does. It is similar but simpler than the previous amendment and I would ask all of you to support it, please. Thank you.

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **ADOPT House Amendment "B" (H-590) to Committee Amendment "A" (S-267)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is to Adopt House Amendment "B" (H-590) to Committee Amendment "A" (S-

267). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 260**

YEA - Arata, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Moriarty, Morris, O'Connor, Ordway, Peoples, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Strom, Swallow, Sylvester, Theriault, Tuell, White D.

NAY - Ackley, Alley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Higgins, 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, Perry A, Perry J, Pierce T, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Talbot Ross, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

ABSENT - Andrews, Bailey, Foster, Grignon, Hepler, Marean, Perkins, Pickett, Skolfield, Terry, Wadsworth.

Yes, 56; No, 83; Absent, 11; Excused, 1.

56 having voted in the affirmative and 83 voted in the negative, with 11 being absent and 1 excused, and accordingly **House Amendment "B" (H-590) to Committee Amendment "A" (S-267) was NOT ADOPTED**.

Subsequently, **Committee Amendment "A" (S-267) was ADOPTED**.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-267) in concurrence**.

Majority Report of the Committee on **JUDICIARY** reporting **Ought Not to Pass** on Bill "An Act Regarding Court Facilities in York County"

(S.P. 97) (L.D. 357)

Signed:

Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

BAILEY of Saco  
CARDONE of Bangor  
CURTIS of Madison  
DeVEAU of Caribou  
EVANGELOS of Friendship  
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" (S-273)** on same Bill.

Signed:  
Senator: KEIM of Oxford

Representative: BABBIDGE of Kennebunk

Came from the Senate with the Minority **OUGHT TO PASS AS AMENDED** Report **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)**.

**READ.**

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Ban Child Marriage"

(S.P. 167) (L.D. 545)

Signed:  
Senators: CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:  
BAILEY of Saco  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
CURTIS of Madison  
EVANGELOS of Friendship  
HAGGAN of Hampden  
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

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

**READ.**

On motion of Representative BABBIDGE of Kennebunk, the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

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

**SENATE PAPERS**  
**Non-Concurrent Matter**

Bill "An Act To Exempt Overtime Pay from Individual Income Tax"

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

Majority (10) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in the House on June 6, 2019.

Came from the Senate with the Minority (3) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-259) AS AMENDED BY SENATE AMENDMENT "A" (S-256)** thereto in **NON-CONCURRENCE**.

The House voted to **INSIST**.

**Non-Concurrent Matter**

An Act To Increase the Number of Franklin County Commissioners

(H.P. 695) (L.D. 940)  
(C. "A" H-488)

- In House, **PASSED TO BE ENACTED** on June 7, 2019.
- In Senate, **PASSED TO BE ENACTED** on June 10, 2019, in concurrence.
- **RECALLED** from the Governor's Desk pursuant to Joint Order, S.P. 624.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-488) AS AMENDED BY SENATE AMENDMENT "A" (S-266)** thereto in **NON-CONCURRENCE**.

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

**REPORTS OF COMMITTEE**  
**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-581)** on Bill "An Act To Eliminate Profiling in Maine"

(H.P. 1077) (L.D. 1475)

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 BABBIDGE of Kennebunk, the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-581)** 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-581)** and sent for concurrence.

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Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-582)** on Bill "An Act To Increase Protections for Land Installment Contracts"

(H.P. 1039) (L.D. 1426)

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.**

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

Representative HAGGAN of Hampden **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 North Turner, Representative Morris.

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

For those of you who don't know, I work as a realtor. You don't see very many land installment contracts in real estate these days, but they're always in the back of my mind and many realtors' minds as an option for people with low income or with poor credit, maybe they don't have credit yet because they have a lot of student debt or they just haven't had a chance to establish credit. There aren't many sellers that are

willing to take the risk and offer an owner financing or a land installment contract, but there are some property owners that are willing to take that risk. I believe this bill would make it harder and less attractive for those sellers to want to be willing to take on that risk. I believe it would hurt the very people that it purports that it will help. It would make it harder for those people that don't have as good credit or maybe aren't in a position yet to be able to buy a home but could do some form of owner financing and it would make it harder for them to find those avenues and thus be able to afford the American dream.

So, for those reasons, I would encourage you to vote against the pending motion. Thank you.

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

Representative **DOUDERA**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Land installment contracts are not new. They've been around since the 1930s. But they're historically predatory. They're also known as contracts for deed and in these transactions the buyers make payments directly to the seller over a period of time, usually 30 years, and the seller promises to convey legal title to the home only when the full purchase price has been paid. If the buyer defaults at any time, the seller can cancel the contract through a process known as forfeiture, keep all the payments, and evict the buyer.

Land contracts are marketed as an alternative path to that American dream we just heard of. The contract buyers almost never end up achieving ownership because these contracts are designed to fail. Every time they fail, the seller can turn around another would-be homebuyer through the same property, creating more profit with each new contract. Land installment contracts are structurally unfair and deceptive because they shift all the burdens and obligations of home ownership to the buyers with none of the attendant rights or protections. Buyers are typically obligated to make substantial repairs which often include overhauls of big systems like the roof or plumbing or heating. Would-be homeowners invest considerable sums just into making their homes habitable, only to be evicted and lose everything after a default on payments. Unlike a traditional path to home ownership, independent appraisals and inspections are seldom performed and the contracts often require buyers to pay grossly inflated purchase prices. Preexisting liens and mortgages are rarely disclosed, as land contracts are infrequently recorded, contract buyers' interests are unprotected.

This bill protects would-be homeowners who choose to enter into a land installment contract by creating fairer foreclosure procedures. It also requires the seller to certify that the property is fit for habitation under state law and, finally, it holds those who violate the provisions regarding these contracts accountable under the Maine Unfair Trade Practices Act. This is a consumer protection bill and I hope that you'll follow my light. Thank you.

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

Representative **BRADSTREET**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I concur with the Good Representative from Turner. I'm opposed to the pending motion and the reason for this lies with what happens when a bill like this is enacted into law. It will certainly discourage owner financing of entry level housing. Often, this is the only way a young person or someone with damaged credit gets the opportunity for homeownership, which is still the American dream. The bill also discourages potential investors from purchasing distressed and deteriorating properties since



many individuals buy these, fix them up, and offer them for sale. The result of this bill's passage will inevitably be further decaying neighborhoods and depressed property values.

The more restrictions that are placed on landowners and other property owners, the more expensive entry-level housing will become, and I think we all want to avoid that. Property owners who self-finance properties are not creditors, they do not offer loans to the general public, all they do is help people get into homes they can afford. They should not have to come under what is an often complicated and confusing set of rules and regulations that are really designed for entities that essentially hang out shingles and offer money to lend to the general public.

Any benefits this bill may provide would be marginal, but the adverse unintended consequences will be substantial, to the detriment of Mainers looking for affordable housing. Please vote in opposition to this bill. Thank you, Madam Speaker.

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

Representative HARNETT: Thank you, Madam Speaker. Good evening, Women and Men of the House. I rise today in support of the Ought to Pass Motion as Amended on LD 1426, "An Act To Increase Protections for Land Installment Contracts".

For most of my life, I've heard about the American dream. For many, a significant part of that dream is homeownership; the hope that one can buy a home to provide shelter for one's family and perhaps create an asset that one can pass down to the next generation. Historically, for most people, that dream has been realized by securing a traditional mortgage with all of the legal protections that are provided to home buyers, including the right to certain foreclosure processes that recognize the importance of the single-most important asset a person will ever seek to buy; their home. Unfortunately, for persons of limited economic means, that dream is often just that, a dream. And sometimes when dreams are out of reach, people take risks to obtain them, and often there are others who take advantage of those dreams and those risk-takers.

Land installment contracts are one method by which dreams are crushed and lives forever changed because the legal system fails those who are trying to achieve the modicum of stability that homeownership can provide. The legal processes established by LD 1426 will protect those hardworking people trying to do the best they can to provide for their families and the generations to follow. Simply put, LD 1426 will allow everyone who wants to buy a home to do so in a legal environment that protects both buyers and honest sellers. In a recent publication, the Federal Reserve Bank of Boston described the pitfalls facing those who try to become homeowners by agreeing to land installment contracts. In that publication, the Federal Reserve Bank in Boston labeled land installment contracts as a vehicle that provides the illusion of homeownership. The Good Representative from Camden outlined many of the concerns that the Federal Bank in Boston raised.

These practices have often targeted low-income individuals and people of color. We heard testimony in our committee of a seller under one of these land installment contracts who readily acknowledged he sold property that was uninhabitable, that had leaks in the roof, but they weren't that bad. This practice does not benefit low-income individuals. If we're serious about getting people into homeownership, we can change this practice by moving forward with this bill. This bill will guarantee that anyone and everyone looking to buy a

home to enter that process with the same legal protections afforded those with greater economic means. Dreams thwarted are dreams denied. I ask you to encourage and protect those who dream of homeownership. Thank you.

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

Representative BLIER: Thank you, Madam Speaker and Ladies and Gentlemen of the House. I want to start with a story that will bring this bill to light that's important.

I'm a selectman in the Town of Buxton. I had a young couple -- excuse me, an older couple, that came to my office one day. They had put their house on the market, it did not sell. So, their realtor found them a buyer to purchase the property with owner financing. They gave a \$10,000 down payment. This couple, an older couple, very proud, their lawn was clean, bought an RV and went on a vacation. While they're on vacation, the person that bought the property stopped paying them. So they came and they did the eviction process according to laws of today. When they retrieved their home back, when they walked in, the lady had torn down the master bedroom, the master bath, and made a larger living room, had painted the kitchen cabinets, had torn down a rear barn in the back, saying that she improved the property.

Now, according to this bill, if the lady was 90 days late on rent, or on these rent payments, she would have the option to go to court and ask for a one-year extension, and she could be offered that extension without paying further rent, number one. Number two, the owners would not be able to evict her until they paid her for her down payment of \$10,000, they paid her for the improvements. Now, she tore the bedroom down, the bathroom down. That, to her, was an improvement. It wasn't an improvement to the owners. Who's to say which was an improvement or was it a destruction of the property. Are we going to have another court case now to prove that fact? So, that could prolong this fact even further. So, let's say it's an improvement. \$20,000 to tear it down, and the bathroom. We've got tearing down of the barn, \$2500, we've got painting of the cabinets, \$2200, we've got mowing of the lawn, snow blowing their driveway, maintenance of the building, another \$3400, all right? Now, we have a total loss there of \$28,000 to the owner which they would have to give back to the purchaser, plus the \$30,000 in rent loss that they did not pay. Total loss; \$58,100 and they would have to give back the \$10,000 down payment. That owner, that old couple, would have to give them \$68,000 before they could evict them. That doesn't make any sense.

We're here to protect the people of Maine. The people of Maine are not just the consumers. They could be the sellers as well. This is a horrible bill. I Ought Not to Pass on this. Follow my light.

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. 261**

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

Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Bailey, Brennan, Cebra, Foster, Grignon, Hepler, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 88; No, 50; Absent, 12; Excused, 1.

88 having voted in the affirmative and 50 voted in the negative, with 12 being absent and 1 excused, and accordingly the Majority **Ought to Pass as Amended** Report was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-582)** 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-582)** and sent for concurrence.

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

**SENATE PAPERS**

**Non-Concurrent Matter**

An Act To Create a Credit under the Commercial Forestry Excise Tax for Landowners Using Businesses Based in the United States

(S.P. 80) (L.D. 268)

(C. "A" S-218)

**PASSED TO BE ENACTED** in the House on June 7, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-218) AS AMENDED BY SENATE AMENDMENT "A" (S-277)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

Bill "An Act To Enact Laws Governing Private Vehicle Rentals"

(H.P. 1167) (L.D. 1615)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540)** in the House on June 11, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-540) AS AMENDED BY SENATE AMENDMENT "B" (S-278)** thereto in **NON-CONCURRENCE**.

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

**Non-Concurrent Matter**

An Act Regarding Consent by a Motor Vehicle Operator to a Blood Test

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

(S. "A" S-198 to C. "A" H-284)

**PASSED TO BE ENACTED** in the House on June 12, 2019.

Came from the Senate **FAILING** of **PASSAGE TO BE ENACTED** in **NON-CONCURRENCE**.

The House voted to **INSIST**.

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

**REPORTS OF COMMITTEE**

**Divided Report**

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-280)** on Bill "An Act To Provide Equitable Taxation for the Food and Beverage Industry"

(S.P. 194) (L.D. 607)

Signed:

Senators:

POULIOT of Kennebec  
SANBORN, H. of Cumberland

Representatives:

BICKFORD of Auburn  
CLOUTIER of Lewiston  
DENK of Kennebunk  
KRYZAK of Acton  
MAREAN of Hollis  
MATLACK of St. George  
STANLEY of Medway  
STEWART of Presque Isle  
TERRY of Gorham

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

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

TIPPING of Orono

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-280)**.

**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" (S-280)** 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-280)** in concurrence.

**SENATE PAPERS**

**Non-Concurrent Matter**

Bill "An Act To Authorize a Local Option Sales Tax on Meals and Lodging and Provide Funding To Treat Opioid Use Disorder"

(H.P. 915) (L.D. 1254)

Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **TAXATION READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-536)** in the House on June 11, 2019.

Came from the Senate with the Minority (6) **OUGHT NOT TO PASS** Report of the Committee on **TAXATION READ** and **ACCEPTED** in **NON-CONCURRENCE**.

Representative SYLVESTER of Portland moved that the House **RECEDE**.

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

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

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

**ROLL CALL NO. 262**

YEA - Ackley, Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, 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, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Bailey, Foster, Grignon, Hepler, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 87; No, 53; Absent, 10; Excused, 1.

87 having voted in the affirmative and 53 voted in the negative, with 10 being absent and 1 excused, and accordingly the House voted to **RECEDE**.

Representative SYLVESTER of Portland **PRESENTED House Amendment "A" (H-593) to Committee Amendment "A" (H-536)**, which was **READ** by the Clerk.

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

Representative **STEWART**: Thank you, Madam Speaker. It's my understanding if we were to Reconsider our action whereby we Adopted an amendment, we would need a two-thirds affirmative vote, where we're outside of the 48-hour window whereby a bill can be considered. Is that accurate?

The SPEAKER: The Chair would answer in the negative. We are not Reconsidering our motion, we move to Recede, which means we've put ourselves back into the position -- it's like we backed ourselves up, but it's not a motion to Reconsider. So, the motion to Recede requires a majority vote.

The Representative may proceed with the question.

Representative **STEWART**: Thank you, Madam Speaker. So, am I correct in understanding the rule whereby if we were to amend an amendment that was previously amended, the motion would take two-thirds in order to do it outside of that window of time? I understand that the previous vote was a motion on whether or not to Recede, but what we're about to do would be amending a previous amendment that was Adopted in this body outside of the two-day window which is permissible by rule. Is that accurate?

The SPEAKER: So, the question posed by the Representative from Presque Isle was regarding the Recede motion. When we are in nonconcurrency, we have a number of motions that could be in front of us; Recede, Recede and Concur, Insist, Insist and Ask for a Committee of Conference, Insist and Join in the Committee of Conference, or Adhere. When we Recede, which is, we had a roll call on the Recede motion, the majority vote was to Recede, that means we can move backward to any point of where the bill is and that is by precedent in the House, so we have many examples of that. And, so, that is where we are at this time

Representative STEWART of Presque Isle **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-593) to Committee Amendment "A" (H-536)**.

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

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

Representative **SYLVESTER**: I've been called worse, Madam Speaker.

Madam Speaker, the amendment is very, very simple. It takes the exact same bill that we passed earlier and it removes meals and is just a 1% tax on lodging. And we felt that this would target the tax more towards tourists, which was our initial intent, and that is the entire amendment.

And, I apologize. I meant that as a nice thing, what I said at the beginning, and not as perhaps it was taken. Thank you.

The SPEAKER: The Chair is quite certain that it's time for us to adjourn after this bill.

The Chair recognizes the Representative from Auburn, Representative Bickford.

Representative **BICKFORD**: Thank you, Madam Speaker. I just want to remind everyone from the rural areas, if you're not in a service center community, it's like playing a lottery. If you think you're going to benefit by this, you're not. The Maine Rural Development Authority does projects with this 25% of the tax from this lodging tax and it sprinkles it over currently 22 communities. Of those 22 communities, I'm going to remind you, six of those are service center communities. If you don't live in a service center community, you will get zero benefit from this. Please follow my light.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I wish to pose a question to the Representative from Portland.

The SPEAKER: The Representative may continue.

Representative **FAULKINGHAM**: Thank you, Madam Speaker. The Representative from Portland stated that this amendment only changes it to lodging instead and I don't know if I'm looking at the right amendment, but it seems as if I am looking at the right amendment, but this amendment changes the title from Treatment of Opioid Use Disorder to Rural Development. Is that the wrong amendment?

The SPEAKER: The Chair would answer in the negative. The amendment -- that was a previous amendment that -- the amendment that we are considering right now is (H-593).

The Chair recognizes the Representative from Blue Hill, Representative Pebworth.

Representative **PEBWORTH**: Thank you, Madam Speaker. I don't think this is a good idea for Blue Hill, but you know what? The people in Blue Hill do not have to have a referendum and have this be a possibility in Blue Hill. I do think this is a great idea for, say, Ellsworth. And, by passing this, by passing this amendment, we can make that happen for them.

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

Representative **STETKIS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just to sort of tag along with the Good Representative from Auburn, not only does this not benefit a large majority of the communities in the State of Maine but, as we all know, Maine is one of the highest taxed states in the country, in fact I think we're at number three, it looks as if we're reaching for number two. On the economic development side of things, being one of the highest-taxed states in the country is a negative.

So, not only is there no benefit, but there is a tacked-on negative as Maine increases even more taxes.

The SPEAKER: The pending question is Adoption of House Amendment "A".

The Chair recognizes the Representative from Belgrade, Representative Keschl.

Representative **KESCHL**: Thank you, Madam Speaker and Ladies and Gentlemen of the House. One more time, I want to remind you of Article 9, Section 9, Power of Taxation; the Legislature shall never, in any manner, suspend or surrender the power of taxation. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-593) to Committee Amendment "A" (H-536). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 263**

YEA – Austin B, Babbidge, Babine, Beebe-Center, Berry, Blume, Brennan, Brooks, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Dunphy, Evangelos, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Hickman, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, Maxmin, McCreag, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pierce T, Pluecker, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Ackley, Alley, Arata, Austin S, Bickford, Blier, Bradstreet, Bryant, Campbell, Cebra, Corey, Costain, Curtis, DeVeau, Dillingham, Dolloff, Doudera, Drinkwater, Faulkingham, Fay, Fecteau J, Griffin, Haggan, Hall, Hanington, Hanley, Harnett, Harrington, Head, Higgins, Hobbs, Hutchins,

Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, Martin T, Mason, Millett, Morris, O'Connor, Ordway, Perkins, Prescott, Reed, Rudnicki, Sampson, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Tepler, Theriault, Tuell, White D.

ABSENT - Andrews, Bailey, Foster, Grignon, Hepler, Marean, Pickett, Skolfield, Terry, Wadsworth.

Yes, 80; No, 60; Absent, 10; Excused, 1.

80 having voted in the affirmative and 60 voted in the negative, with 10 being absent and 1 excused, and accordingly **House Amendment "A" (H-593) to Committee Amendment "A" (H-536) was ADOPTED.**

**Committee Amendment "A" (H-536) as Amended by House Amendment "A" (H-593) thereto was ADOPTED.**

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-536) as Amended by House Amendment "A" (H-593) thereto in NON-CONCURRENCE** and sent for concurrence.

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

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

Representative **DENK**: Thank you, Madam Speaker, and Members of the House. I wish to address the House on the record.

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

Representative **DENK**: Thank you, Madam Speaker. Last night was actually when I wanted to share this information with the House about a birthday of a constituent, but the word "hockey" kept coming up frequently.

Yesterday would've marked the 95th birthday of a very important constituent of mine who passed away last year, the late President George H. W. Bush. He would've been 95 yesterday and he passed away November 30th of 2018.

Mr. Bush was a World War II war hero, a businessman, a congressman, a CIA director, and Ronald Reagan's vice president before becoming President. He and his wife, Barbara, were a huge presence with their dogs, Bibi and Mini Me at my beach, Gooch's Beach, down in Kennebunk. They lived among us, they shopped among us, they ate and drank and attended movies and concerts among us. And, oddly enough, even though I sit on this side of the aisle, after he passed away, I was the person that organized a funeral for him down at the beach. And my cousins out in California contacted me and they said is it possible that I saw you on *Entertainment Tonight* throwing a funeral for a Republican President? And I said yes. And it was a beautiful service for a beautiful man.

And the reason that it's important that we remember this is as we go on there was a Forever postage stamp that was issued in his honor yesterday. So, in his memory, a day later, I want you to go buy some stamps, but I also want you to do a good deed for somebody across the aisle that you don't know. Go out and buy one of these guys a beer. And, in his memory, let's all remember what a good man he was. So, happy 95th plus one day, Poppy. Thank you.

On motion of Representative AUSTIN of Skowhegan, the House adjourned at 7:08 p.m., until 10:00 a.m., Friday, June 14, 2019, in honor and lasting tribute to Keith Longbottom, of Georgetown, Margaret Zorach, of Georgetown, Robert E. Hubbard, of Skowhegan, Tony Sohns, of Bangor, and Gerald J. LeBlanc, of Presque Isle.