

ONE HUNDRED TWENTY-NINTH LEGISLATURE  
FIRST REGULAR SESSION  
57th Legislative Day  
Tuesday, June 18, 2019

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

Prayer by Honorable Thomas H. Skolfield, Weld.  
National Anthem by James Harris, Saco.  
Pledge of Allegiance.

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

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

**CONSENT CALENDAR  
First Day**

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

(H.P. 629) (L.D. 855) Bill "An Act To Strengthen the Maine Uniform Building and Energy Code" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-619)**

(H.P. 732) (L.D. 977) Bill "An Act To Restore the Super Credit for Substantially Increased Research and Development" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-621)**

(H.P. 1198) (L.D. 1671) Bill "An Act To Amend the Laws Governing the Maine Capital Investment Credit To Ensure Fairness for Maine Businesses" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-623)**

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.

The Journal of yesterday was read and approved.

**COMMUNICATIONS**

The Following Communication: (H.C. 216)

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

June 18, 2019

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

Dear Speaker Gideon:

Pursuant to Joint Rule 310, the Committee on Health and Human Services has approved the request by the sponsor, Representative Stewart of Presque Isle, to report the following "Leave to Withdraw:"

L.D. 864 An Act To Make Whole Family Support Available Statewide

Sincerely,  
S/Robert B. Hunt  
Clerk of the House

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

The Following Communication: (S.C. 611)

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

June 14, 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 Innovation, Development, Economic Advancement and Business on Bill "An Act To Limit the Amount of Money That May Be Retained on Construction Contracts" (H.P. 636) (L.D. 862) in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

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

The Following Communication: (S.C. 612)

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

June 17, 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 Minority Ought to Pass as Amended Report from the Committee on Taxation on Bill "An Act To Exempt Overtime Pay from Individual Income Tax" (H.P. 718) (L.D. 963) and Passed to be Engrossed as Amended by Committee Amendment "A" (H-259) as Amended by Senate Amendment "A" (S-256) thereto in non-concurrence.

Best Regards,

S/Darek M. Grant

Secretary of the Senate

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

The Following Communication: (S.C. 613)

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

June 17, 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 Failed to Enact Bill "An Act Regarding

Consent by a Motor Vehicle Operator to a Blood Test" (H.P. 567) (L.D. 762) in non-concurrence.

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

**READ and ORDERED PLACED ON FILE.**

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Provide Funding for Two Positions in the Department of Agriculture, Conservation and Forestry"

(H.P. 1314) (L.D. 1843)

Sponsored by Representative HICKMAN of Winthrop. (GOVERNOR'S BILL)

Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

Under further suspension of the rules, the Bill was **PASSED TO BE ENGROSSED** and sent for concurrence. **ORDERED SENT FORTHWITH.**

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

**UNFINISHED BUSINESS**

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

Expression of Legislative Sentiment Recognizing Jeanne Kemper, of Fairfield

(HLS 561)

TABLED - June 17, 2019 (Till Later Today) by Representative RUDNICKI of Fairfield.

PENDING - **PASSAGE.**

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

Representative **RUDNICKI**: Thank you, Madam Speaker. Jeanne Kemper has been the face of the Fairfield Police Department for 35 years. She's worked under seven different police chiefs. Jeanne told me that it has been a real honor to be part of the department for all these years. Jeanne supports the Fairfield P.D. and all the police. Talking to me about it the other day, she got all choked up.

I want to congratulate Jeanne Kemper and wish her well in her retirement. I'm sure I'll see her around the neighborhood. Thank you, Madam Speaker.

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

**ENACTORS  
Pursuant to the Constitution  
Public Land**

Resolve, Directing the Department of Agriculture, Conservation and Forestry To Convey Certain Lands to Roosevelt Conference Center Doing Business as Eagle Lake Sporting Camps

(H.P. 107) (L.D. 125)  
(S. "A" S-288 to C. "A" H-303)

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

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

Representative **MARTIN**: Thank you very much, Madam Speaker. Madam Speaker and Ladies and Gentlemen of the House, yesterday we agreed with the other body and accepted Senate Amendment 288 on this piece of legislation. This morning, I was asked to explain to at least three members of this great body what exactly the amendment did. And, for the record, I would like to read the amendment, if I may.

Madam Speaker, the amendment is as follows: The director shall ensure that the deed conveying the land contains the following covenant or words to that effect as a condition of the conveyance of a property. The Eagle Lake Sporting Camps and its successors and assigns, agree that they will never ask for any changes to the deed and that they will neither ask for nor accept any further grants of land from the State of Maine other than the 12.86-acre parcel conveyed pursuant to this Resolve. And this is really important here, and here's a kicker: A violation of this covenant results in the immediate reversion of this parcel to the State.

So, hopefully, Madam Speaker, Members and Friends and Colleagues of this House, this will ensure and convince you that the covenant that's attached to the deed has been really tightened up and restricted. So, hopefully, my colleagues and friends will agree to vote yes, vote green, and follow my light. Thank you, Madam Speaker.

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

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

The SPEAKER: The Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. Madam Speaker, I appreciate the Good Representative from Sinclair giving us an outline of this Senate Amendment that has sent this bill back to us to be voted on for the fourth time. My question has to do with the language in the amendment because, as I understand it, if a deed were recorded with that language and some future owner of this parcel of land were to have a problem with it, they might end up in court and asking the Judicial System to make a decision as to whether the deed or their constitutional First Amendment rights are being impinged. So, really, if someone were to decide at some point in the future based on this deed to ask for another dispensation from this Legislature, or even perhaps send a legislator in to have that dispensation heard in this Legislature, which side, if any Member of the body could explain this to me, in a court of law, would a constitutional First Amendment right prevail over an exclusion in a deed?

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

The Chair recognizes the Representative from Sinclair, Representative Martin.

Representative **MARTIN**: Thank you, Madam Speaker. I am not a constitutional attorney, but legislative intent is always important and it's for that reason that I read and spoke this morning and entered the comments in the description of the amendment into the record. Further, not only does this covenant and restriction apply to the current owners, but it also applies to all their successors and their assigns. Again, the last sentence in this amendment clearly indicates the following and I need to read this for the record one more time. A violation of this covenant results in the immediate reversion of a parcel to the State, not only for the current owners but for everyone involved, assigns and successors.

Representative **ROBERTS-LOVELL** of South Berwick **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 South Berwick.

Representative **ROBERTS-LOVELL**: Thank you, Madam Speaker, Women and Men of the House. I rise today in opposition to the enactment of LD 125.

While I respect the work that has been done to amend this bill, it only attempts to address one of the many concerns that exist within this bill. The amendment adds language to the deed in the event it is conveyed, without taking into consideration the reasons for opposition to the actual conveyance of the land.

I would like to read a few excerpts from the testimony in opposition from the Department of Agriculture, Conservation and Forestry, the Bureau of Parks and Lands. And their opposition was; these leases ensure public uses on these properties are not diminished as required by the State Constitution. It has been a longstanding position of the bureau not to sell such leases as they provide an unusual opportunity for the public to recreate. The bureau owns and leases four sporting camp facilities. If the bureau were to sell any one of these camps, it is likely the leaseholders of the others would follow suit and demand they be able to purchase their facilities as well. Also important to your consideration of this bill is that it requires the bureau to enter into an exclusive real estate transaction with one specified party to the exclusion of all others. This exclusion arrangement goes against the basic principles of the sale of assets by the state government. Since these camps are commercial revenue-generating facilities, there are likely to be other interested buyers with the same constitutional rights to treatment by their state government as the current lessees have. Denying other parties the same opportunity to bid on the purchase of this property goes against the fundamental principles under which state government treats its citizens.

I would venture to guess that I am not the only one weary of this bill. I would like to remind my colleagues that previous Legislatures have voted down this measure, previous committees have voted down this measure, and we as a body have voted this bill down twice now. Multiple Legislatures have spoken. It's time we say no again, hopefully for the final time.

This legislation, even with this amendment, sets a dangerous precedent by offering land for sale without a full RFP process and to a single entity. We should not go down this road and we should instead work tirelessly to preserve our

limited public land for future generations. For these reasons, I ask you to join me in opposing LD 125 by voting against this enactment and following my light. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Bailey.

Representative **BAILEY**: Thank you, Madam Speaker. I rise just to answer the question posed by the Good Representative from Monmouth and I answer it as a real estate attorney, not a constitutional lawyer. And I would just point out that, likely, if it were to go to court, the court would find that that clause would be an unduly burdensome restraint on alienation. The courts frown upon and strictly scrutinize any restraint on alienation, meaning that the courts encourage the free buying and selling of property between individuals and any restraint on that is frowned upon, strictly scrutinized and, in particular, automatic reversionary clauses, there's nothing automatic about it and you would have to go to court and ask for it to be upheld. Thank you.

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

Representative **ACKLEY**: Thank you, Madam Speaker. Request to ask another question through the Chair?

The SPEAKER: The Representative may proceed.

Representative **ACKLEY**: Thank you, Madam Speaker. If some Member of the body could help me with this question as well; is there anything in the deed that prevents a future legislator from asking for changes that would not necessarily trigger the reversion of ownership?

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.

In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 286**

YEA - Alley, Andrews, Arata, Austin B, Austin S, Babine, Bickford, Blier, Blume, Bradstreet, Brennan, Bryant, Campbell, Cardone, Cloutier, Collings, Cooper, Corey, Costain, Craven, Crockett, Curtis, Denk, DeVeau, Dillingham, Dolloff, Doore, Drinkwater, Evangelos, Faulkingham, Fay, Fecteau J, Fecteau R, Foster, Gattine, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hickman, Hutchins, Hymanson, Ingwersen, Javner, Johansen, Keschl, Kinney, Kornfield, Kryzak, Lockman, Lyford, Madigan C, Martin J, Martin R, Martin T, Mason, Mastraccio, Maxmin, McCrea, McDonald, McLean, Millett, Moonen, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Perry A, Perry J, Pickett, Pluecker, Prescott, Reckitt, Reed, Riley, Rudnicki, Rykerson, Sampson, Schneck, Sheats, Skolfield, Stanley, Stearns, Stetkis, Stewart, Strom, Swallow, Talbot Ross, Terry, Theriault, Tuell, Verow, Wadsworth, White B, White D, Madam Speaker.

NAY - Ackley, Babbidge, Bailey, Beebe-Center, Berry, Caiazzo, Carney, Cuddy, Daughtry, Dodge, Doudera, Dunphy, Farnsworth, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Higgins, Hobbs, Hubbell, Jorgensen, Kessler, Landry, Marean, Matlack, McCreight, Melaragno, Meyer, Morales, Moriarty, O'Neil, Paulhus, Pebworth, Pierce T, Roberts-Lovell, Sharpe, Sylvester, Tepler, Tipping, Tucker, Warren, Zeigler.

ABSENT - Brooks, Cebra, Grignon, Riseman, Stover.

Yes, 101; No, 44; Absent, 5; Excused, 1.

101 having voted in the affirmative and 44 voted in the negative, with 5 being absent and 1 excused, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

**Pursuant to the Constitution  
Public Land**

Resolve, Authorizing the Transfer of a Plot of Land from the State to the Town of Allagash

(S.P. 594) (L.D. 1762)  
(C. "A" S-301)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 23 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 23 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

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**Acts**

An Act To Promote Solar Energy Projects and Distributed Generation Resources in Maine

(S.P. 565) (L.D. 1711)  
(C. "A" S-295)

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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An Act To Amend the State's Hemp Laws

(S.P. 585) (L.D. 1749)  
(C. "A" S-299)

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

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

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

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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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**REPORTS OF COMMITTEE**

**Ought to Pass Pursuant to Joint Order**

Representative BERRY for the **Joint Standing Committee on Energy, Utilities and Technology** on Resolve, Directing the Public Utilities Commission To Evaluate the Ownership of Maine's Power Delivery Systems (EMERGENCY)

(H.P. 1315) (L.D. 1844)

Reporting **Ought to Pass** pursuant to Joint Order 2019, H.P. 1306.

The Report was **READ** and **ACCEPTED**.

The Resolve was **READ ONCE**.

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

Under further suspension of the rules, the Resolve was **PASSED TO BE ENGROSSED** and sent for concurrence.

**Divided Reports**

Majority Report of the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-303)** on Bill "An Act To Amend the Licensing Laws of Certain Professions and Occupations"

(S.P. 580) (L.D. 1746)

Signed:

Senator:

HERBIG of Waldo

Representatives:

DAUGHTRY of Brunswick

BABINE of Scarborough

CROCKETT of Portland

FECTEAU of Biddeford

HANDY of Lewiston

PERRY of Bangor

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-304)** on same Bill.

Signed:

Representatives:

AUSTIN of Gray

HARRINGTON of Sanford

HIGGINS of Dover-Foxcroft

STETKIS of Canaan

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-303)**.

**READ.**

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

Representative STETKIS of Canaan **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 Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. As I said earlier, I stand in support of the current motion.

In committee, I supported the original bill which is our Minority Report, but as the bill stands now, even though not as good, it still is a move in the right direction, which I'm told compromise and bipartisanship, that's what it's all about.

Over the last four months, the existence of the new **IDEA** Committee has been a great learning experience. We were tasked to vet ideas on how we can best attract economic development and maintain good-paying careers here in Maine. The Committee heard from legislators and citizens from every corner of the State and all political stances on different ways that the Legislature could improve occupational licensing, in order to remove unnecessary barriers for Mainers and those looking to become Mainers to enter into the careers requiring licensing. There was one issue in particular that I felt needed serious attention. As it turns out, there are some highly-educated professionals, including much-needed medical professionals, from other countries having a difficult time

getting licensed here in Maine. They are having such a difficult time that a state loan program had been proposed.

I believe that the most important piece of LD 1746 is the ability of the director to be able to reduce the cost of professional licensing where it makes sense. Many licensing fields today are collecting substantially more fees than necessary to run their governing boards. Reducing unnecessary costs and barriers for well-educated and highly skilled individuals to work and live in Maine is one of the best economic development investment strategies we here in the Legislature can establish.

Madam Speaker, let's take this opportunity to knock down some of the barriers for licensed professionals and pass LD 1746 in its present form. 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. 287**

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

NAY - None.

ABSENT - Arata, Brooks, Cebra, Dunphy, Gattine, Grignon, Hubbell, Jorgensen, Keschl, Millett, Pierce T, Stover, Wadsworth.

Yes, 137; No, 0; Absent, 13; Excused, 1.

137 having voted in the affirmative and 0 voted in the negative, with 13 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-303)** was **READ** by the Clerk and **ADOPTED**.

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

Representative **TEPLER** of Topsham **PRESENTED House Amendment "A" (H-626)** which was **READ** by the Clerk.

The SPEAKER: The Representative from Topsham may proceed.

Representative **TEPLER**: Thank you, Madam Speaker. This amendment simply removes one line from the bill to make it consistent with other department bills that came through my committee, the Health Coverage, Insurance and Financial Services Committee.

Representative **DILLINGHAM** of Oxford **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-626)**.

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 Canaan, Representative Stetkis.

Representative **STETKIS**: Thank you, Madam Speaker. I stand in opposition to this amendment.

It, quite unbelievably, completely guts the objective, in my mind, of this bill. This will continue the status quo of keeping these unnecessary barriers for people attempting to get into these career fields due to the higher fees. I think with the department that we have in place, has certainly earned our trust into being fair and reasonable and they only have the desire to reduce fees where the fees are currently much more than what's needed to run the boards. And, again, these folks, especially folks from away, whether they're from another state or another country, are having a difficult enough time getting into these career fields and, you know, to continue to make it so difficult that they may choose another place, another state to go somewhere else, especially these medical professionals that we've heard all session long, vital to our economy, vital to our social networks. I would ask everybody please let's keep the bill the way it is and vote against this amendment.

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

Representative **TEPLER**: Thank you, Madam Speaker. The Commissioner of the Department of Financial and Professional Regulation still has the ability to lower fees but just not through simple rule-making. She must come to the Legislature for that. The other issue is that it is very uncomfortable to give a one-way lever to a department where they can ratchet fees down but not up, and I believe it puts potentially some of the boards in financial peril.

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

Representative **STETKIS**: Thank you, Madam Speaker. Sorry for rising a second time. Just to make it perfectly clear; the director, she came specifically to our committee to ask for this authority so that it can be done in a quick and positive way to reduce these barriers to get more people into the workforce that we desperately need. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-626). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 288**

YEA - Ackley, Austin B, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Hobbs, Hymanson, Ingwersen, Kessler, Kornfield, Landry, Madigan C, Martin J, Martin R, Mastraccio, Matlack, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Peabworth, Peoples, Perry J, Reckitt, Riley, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Alley, Andrews, Austin S, Babine, Bickford, Blier, Bradstreet, Campbell, Corey, Costain, Crockett, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley,

Harrington, Head, Higgins, Hutchins, Javner, Johansen, Kinney, Kryzak, Lockman, Lyford, Marean, Martin T, Mason, Maxmin, Morris, O'Connor, Ordway, Perkins, Perry A, Pickett, Pluecker, Prescott, Reed, Riseman, Rudnicki, Sampson, Skolfield, Stearns, Stetkis, Stewart, Strom, Swallow, Theriault, Tuell, White D.

ABSENT - Arata, Brooks, Cebra, Dunphy, Gattine, Grignon, Hubbell, Jorgensen, Keschl, Millett, Pierce T, Stover, Wadsworth.

Yes, 78; No, 59; Absent, 13; Excused, 1.

78 having voted in the affirmative and 59 voted in the negative, with 13 being absent and 1 excused, and accordingly **House Amendment "A" (H-626) was ADOPTED.**

Subsequently, under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-303) and House Amendment "A" (H-626) in NON-CONCURRENCE** and sent for concurrence.

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

Majority Report of the Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-620)** on Bill "An Act To Return Funds to Maine Property Tax Payers"

(H.P. 1223) (L.D. 1713)

Signed:

Senators:

CHIPMAN of Cumberland  
SANBORN, H. of Cumberland

Representatives:

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

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

Signed:

Senator:

POULIOT of Kennebec

Representatives:

KRYZAK of Acton  
STEWART of Presque Isle

**READ.**

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

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

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

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

Representative **STEWART**: Thank you very much, Madam Speaker. I rise in opposition to this bill, which I know you're the sponsor of.

The issue at play here is that what this bill would, in effect, do is change the current system which was adopted in a previous Legislature that once a certain threshold is hit in a reserve account that is built up over time as money comes in and sort of cascades through, and I believe that the amount is roughly \$58 million or so, and that event then triggers a decrease in the State's income tax by .2%. And that's never happened, it's yet to hit that level in large part because as things are sort of swirling around in the Legislature and we're trying to close out a budget, you know, you go to different accounts to try to fund different things and so that sometimes gets swept.

So, it hasn't happened yet and, in effect, what this bill would do is change that system so that if a different threshold is then hit in that same account, a different event is triggered whereby folks that are under the homestead exemption program would then receive a monetary benefit and I believe that this bill is to the tune of \$100 that would then be sent out to all those folks enrolled in that program. We believe, on our side, that we've made a very good investment in property tax relief in the budget that was approved on Friday and we feel that the current system is fine where it is. We hope that at some point it will reach the required amount at which point the event would then be triggered to lower the income tax.

As you all know, as you look across the states, your sort of tax mix of, you know, property tax, income tax, sales tax, you name it, needs to sort of be in balance. And I think on the one hand we've done a good job of addressing property tax burdens in this State with this current Legislature, would not want to see us sort of move away from a system that would help to lower the income tax as well, as I think that's an equally important thing to keep an eye on.

So, with that, I'll be voting against this and I would request that you follow my light. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, originally, I did vote on the Majority out of committee on this bill, not realizing what this does to our most vulnerable; our renters that don't own properties. They see nothing from this. If they're not a homeowner and they don't get a homestead exemption, then they get nothing from this. With the money that's in the cascade that's set aside for income tax relief, that goes to everyone that files an income tax and pays an income tax. Thank you, Madam Speaker.

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, I appreciate the two speakers that came before me and I do want to reinforce one comment. The account that was created five Legislatures ago has been around for almost a decade, has been accruing funds and has never actually been used to go back to taxpayers. I believe the choice before us today is to let these funds sit in a bank account held by the State for possibly another decade or actually use them to provide their intended use; tax relief for Mainers.

I think this is a good structure that allows us to go to property tax relief. In addition, this corrects a problem with the fund where it would've used one-time funding for year-after-year cuts. This, instead, is a one-time fund being used for a one-time disbursement of property tax relief. Further, I would just hear the concerns from the Representative from Auburn and remind him that, or remind you, Madam Speaker, as I'm

speaking to you, that this plan is actually a lot more progressive and actually puts a lot more money in the pockets of people who are lower on the income scale. For instance, we heard some projections that a senior living alone would've received a whopping \$3 tax cut under current law, whereas with this bill they would receive at least \$100 minimum when triggered.

So, Madam Speaker, I ask that you join me in supporting the motion, not letting this money just sit in a bank account held by the State and, instead, have it actually go to real property tax relief soon. Thank you.

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

Representative **BICKFORD**: Thank you, Madam Speaker. I failed to mention that in this year's budget that we have passed, we have over \$75 million given to property tax relief already. Thank you.

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

Representative **STEWART**: Thank you, Madam Speaker. Very briefly, I just wanted to address a point that was made by the Representative from Orono. No disagreement that the fund hasn't been used, but it's, again, to go back to what I was saying earlier, it's because every time that there seems to be a balance in that fund that's building up, it then gets swept for other purposes. And, so, if folks think that a lower threshold is something we should go after, that's fine, but I think changing it from an income tax decrease to a different sort of tax decrease is not something that I would support. And, so, that's the issue at play here with this current version of the bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Matlack.

Representative **MATLACK**: Thank you, Madam Speaker. Madam Speaker, this is an opportunity to not only provide a little more tax relief to property owners here around the State, but specifically it's a benefit to the seniors in our communities. While this amount of money will not directly impact, as the Representative from Auburn mentioned, it won't benefit those folks living in apartments, it will, however, benefit our seniors who I think need a bit more help around here and while \$100 won't improve a lot for many of the homeowners, it will mean a lot for the seniors in our communities.

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. 289**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blier, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kornfield, Landry, Madigan C, Marean, 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, Rykeron, Schneck, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Andrews, Arata, Austin S, Bickford, Bradstreet, Campbell, Corey, Costain, Curtis, Dillingham, Dolloff,

Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Javner, Johansen, Keschl, Kinney, Kryzak, Lockman, Lyford, 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 - Brooks, Cebra, DeVeau, Grignon, Skolfield, Stover.

Yes, 93; No, 51; Absent, 6; Excused, 1.

93 having voted in the affirmative and 51 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-620)** 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-620)** 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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**UNFINISHED BUSINESS**

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

Bill "An Act Regarding Court Facilities in York County" (S.P. 97) (L.D. 357)

- In House, Majority (11) **OUGHT NOT TO PASS** Report of the Committee on **JUDICIARY READ** and **ACCEPTED** on June 14, 2019.

- In Senate, Senate **INSISTED** on its former action whereby the Minority (2) **OUGHT TO PASS AS AMENDED** Report of the Committee on **JUDICIARY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-273)** in **NON-CONCURRENCE**.

TABLED - June 17, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **FURTHER CONSIDERATION**.

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

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

Representative **MOONEN**: Thank you, Madam Speaker. I rise in opposition to this motion.

I think a little bit of history on this issue would be helpful. A new courthouse is under construction in York County and it's been a project that's been in the works for several years. And several years ago, the folks in York County, the District Attorney's office and the County Commissioners, came to the Legislature and wanted us to give them free space in the new courthouse for their office, rent free. And that would make them the only District Attorney's office in the entire State that

gets their offices rent free and so we rejected that, because that would not be fair to those of us who don't represent York County and our County Commissioners and District Attorneys. After that failed, there was an attempt to stop the construction of the new courthouse altogether and we rejected that. And now, here we are with yet the third attempt to get what they want.

And so this Minority Report that is pending with the Recede and Concur motion would ask the State to bond money to buy York County a District Attorney's office. I can certainly understand why you would support this if you represent York County, it's in your best interest, but for the rest of us, I don't understand why we would give York County special treatment that none of our counties get, that none of our District Attorney's offices get, and so that is why I am opposed to this motion and I ask you to follow my light.

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

Representative **MASTRACCIO**: Thank you, Madam Speaker, Women and Men of the House. I rise in support of the motion and I want you all to know that I never, ever expected the State to pay for our District Attorney facilities, personally. But the Judicial Branch in York County had been working for approximately six years to fund and build a new consolidated courthouse in York County. This has been a difficult and sometimes contentious process. The disagreement currently is centered around the District Attorney's offices, where they should be located and who should be responsible for the construction costs of any associated building.

LD 357 was an attempt to finally resolve the issue but the bill in its original form had many flaws, and I appreciate the time the committee devoted to trying to sort out the problem. I believe there is a solution to this longstanding disagreement. The Minority Report clearly states that the citizens of York County would be responsible for repayment of the debt service on \$6 million of Maine Government Facilities Authority securities that would be used to construct a facility on land adjacent to the new courthouse. Once the bonds are paid, ownership of the building would be transferred from the Judicial Branch to York County. I believe this solution will help move this project forward without increasing the cost to the State, and I hope you will consider supporting the motion before you. Thank you, Madam Speaker.

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

Representative **O'CONNOR**: That's okay; sometimes I don't know where I'm from, either, Madam Speaker. Thank you.

I would have to concur with the Good Representative from Sanford. We have gone through a lot of roads and paths with this and York County could certainly use some help right now on this process and we will be incurring the costs for this. This is exactly what the Government Facilities Authority is for and I do agree with this motion to Recede and Concur. And I also believe that there will be other solutions coming forward as long as this bill is allowed to proceed with the Recede and Concur motion, and I would thank as many of you as possible for your votes for this. Thank you.

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

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

The SPEAKER: The Representative may proceed.

Representative **DILLINGHAM**: So, just for clarification, I want to be clear that with the Recede and Concur we would be supporting the Minority two-person report versus the Majority 11-person report; is that correct?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Bangor, Representative Cardone.

Representative **CARDONE**: Thank you, Madam Speaker. I rise to correct a couple of the things that have been said.

As a member of the Judiciary Committee, I went through several different versions of this bill and it originally came in as a bill that we all thought that we could support. The Majority Ought Not to Pass passed in our Committee ultimately because of the confusion among the parties as to what was going to happen and how York County was going to end up paying for a bond if it was authorized. Nobody could answer those questions for the committee, which is why the committee ultimately voted Ought Not to Pass. On the Minority Report, I should say there was originally in the bill a provision to transfer State property to the county, to York County, and that they would sell that State property and use that money to pay for the District Attorney building that was going to be built. I want to stress for the body that that provision is no longer in the bill. It's not in the Majority Report and it's not in the Minority Report, either. There's nothing in either of these reports that would transfer State-owned property to York County. So, there's no provision in either of these reports for York County to gain assets in order to pay its debt service on these bonds, and that's the main reason that the Ought Not to Pass passed as a Majority Report. Thank you.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. It's amazing how little I've been involved with this prior to it coming to Judiciary, so I almost speak as a regular legislator rather than a York County one. So, my perspective is more unaware of the history of the last two terms but more so with what was presented to us by the State Judiciary and by York County folks and by the Chief Executive's people. And, so, we have this major project to consolidate courthouses in York County in one location and the location itself was a very political endeavor and some good people took a lot of time and it was determined that it should be in Biddeford, which is just, I don't know, 12-14 miles down the road from the county seat. The County didn't get what they wanted, and that is the courthouse in the county seat, but now there was the problem, okay, how do we have maximum efficiency between the DA's office and the State Judiciary? And this was not a York County problem, this was a State problem, because they need each other in order to get things done.

And, so, the original negotiation between the County and the State was to transfer old property that was going to be used to the County in order to sell them or in some way gain money from them in order to help to finance funding for a building adjacent to the new courthouse so everything is in the same proximity. You know, according to the Chief Justice, they even had a plan with an annex and it was going to be maximum efficiency. Part of the problem was that in the new State plans for the Judiciary's original building, they really didn't have enough meeting room, even if they didn't have a DA's office next door, for the kind of consultations that take place. York County has 15,000 cases per year and so what we're deciding here is really whether or not we can go forward



with a maximum efficiency once you have the building, that's going to be the way it's going to be for the next couple generations and, I don't think I'm speaking out of turn, the head of the Judiciary told me that she really wants this to happen. The problem in the original negotiation was that the Chief Executive's office said we really can't transfer those courthouses in that way, we have a process by which to get rid of State property. We've had a little bit of that discussion.

So, now, we had finally three work sessions, I think, I may be wrong about it, but it seemed like forever, and there was frustration that the solution wasn't coming from outside the committee. So, in frustration, I would say, my characterization, is that the committee put forward the motion Ought Not to Pass. The Ought Not to Pass motion got 11 votes. At that time, a Minority Report was crafted which stripped out all State expense, ultimate State expense, because York County would pay the debt service on the loan, but it does provide for them to go forward with the plans for this environment in which the State and the DA's office can work closely together in a maximum efficiency kind of thing. So, the State's responsibility here, ultimate responsibility financially is zero, but it will provide for the next two generations that we're going to have two buildings next to each other that will be able to operate what we think is in the best interests of the people of Maine. And so my major communication here today is this is not just a York County bill, this is a State Judiciary bill. Thank you very much, Madam Speaker.

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

**ROLL CALL NO. 290**

YEA - Babbidge, Blier, Blume, Crockett, Denk, Faulkingham, Fay, Fecteau R, Foley, Gramlich, Griffin, Grohoski, Hanley, Harrington, Hickman, Hobbs, Hutchins, Hymanson, Ingwersen, Javner, Kessler, Kornfield, Kryzak, Lyford, Marean, Martin J, Martin R, Mastraccio, McCrea, Meyer, Moriarty, O'Connor, O'Neil, Prescott, Reckitt, Roberts-Lovell, Rykerson, Sampson, Schneck, Sharpe, Swallow, Verow.

NAY - Ackley, Alley, Andrews, Austin B, Austin S, Babine, Bailey, Beebe-Center, Berry, Bickford, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Costain, Craven, Cuddy, Curtis, Daughtry, DeVeau, Dillingham, Dodge, Dolloff, Doore, Doudera, Drinkwater, Evangelos, Farnsworth, Fecteau J, Foster, Haggan, Hall, Handy, Hanington, Harnett, Head, Hepler, Higgins, Johansen, Kinney, Landry, Lockman, Madigan C, Martin T, Mason, Matlack, Maxmin, McCreight, McDonald, McLean, Melaragno, Moonen, Morales, Morris, Nadeau, Ordway, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pluecker, Reed, Riley, Riseman, Rudnicki, Sheats, Stanley, Stearns, Stetkis, Stewart, Strom, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Warren, White B, White D, Zeigler, Madam Speaker.

ABSENT - Arata, Brooks, Cebra, Dunphy, Gattine, Grignon, Hubbell, Jorgensen, Keschl, Millett, Pierce T, Skolfield, Stover, Wadsworth.

Yes, 42; No, 94; Absent, 14; Excused, 1.

42 having voted in the affirmative and 94 voted in the negative, with 14 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

HOUSE DIVIDED REPORT - Majority (7) **Ought to Pass as Amended by Committee Amendment "A" (H-608)** - Minority (6) **Ought to Pass as Amended by Committee Amendment "B" (H-609)** - Committee on **TAXATION** on Bill "An Act To Fund Opioid Treatment by Establishing an Excise Tax on Manufacturers of Opioids"

(H.P. 984) (L.D. 1362)

TABLED - June 17, 2019 (Till Later Today) by Representative TIPPING of Orono.

PENDING - **ACCEPTANCE OF EITHER REPORT**.

Subsequently, Representative TIPPING of Orono moved that the House **ACCEPT** the Majority **Ought to Pass as Amended Report**.

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

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

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, let's call this what it is; it's a heroin epidemic. It's not an opioid epidemic. Opioids are prescribed to help people recover from surgery, help people recover from chronic pain. There's no guarantee that the costs will not be passed on to the consumer. Many older Americans face chronic conditions that are only relieved with mild doses of opioids. If we really want to reduce the addiction to heroin, let's fight with every ounce of strength we have to rid our State of heroin, fentanyl, and meth labs.

The Minority Report on this bill has a study by DHHS reporting back to the Taxation Committee January 10th of next year. I urge you to follow my light and vote down this pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: Thank you, Madam Speaker. I rise in support of the pending motion.

This legislation will create a mechanism to sustainably fund relief and prevention efforts related to opioid addiction. I grew up during the opioid epidemic. I watched one friend struggle with addiction after being raised by her grandmother because her dad struggled with substance use disorder. Another friend of mine experienced unthinkable trauma growing up in a home afflicted by addiction and later, he struggled with substance use disorder himself. In college, I comforted a different friend when she found her boyfriend passed out in a car as a result of his addiction.

I'm not alone. One-third of Americans have been directly touched by the opioid epidemic, and our State has been particularly hard-hit by addiction. We have one of the highest rates of opiate-related overdose deaths in the country. We're not only losing Mainers to this epidemic, children are also being born into it. An average of three infants are born each day impacted by their mother's drug use, and countless children are impacted as their parents struggle with substance use disorder. Recognizing this crisis, our biennial budget directs \$5.5 million toward relief efforts. That's a good start, but advocates working on the ground, including Director of Opiate Response Gordon Smith, suggests that we could effectively spend 10 times that amount to help people who are impacted by addiction.

If we're serious about addressing the public health crisis of substance use disorder in Maine, we need to take a hard

look at possible revenue sources. Until now, Maine taxpayers have borne the cost of this epidemic. Each of us has seen the ways that addiction has strained our communities, from our schools, to our child protective system, to our emergency rooms, to our criminal justice system. Americans are calling for drug companies to help combat the epidemic. According to a recent MPR survey, more than 70% of Americans support requiring pharmaceutical companies to pay for the cost of addiction treatment services. The issue cuts across partisan and ideological divides. I agree that the companies who manufacture opiates should be a partner in helping Maine address our crisis with substance use disorder, and that's exactly what this measure invites them to be; a partner.

This bill creates an excise tax paid by pharmaceutical companies that manufacture opioids dispensed in Maine. The generated revenue shall be deposited in a fund dedicated to substance use disorder relief, including treatment and prevention. The fund shall be housed within substance abuse and mental health services. Regarding the tax itself, the excise tax will be collected from pharmaceutical companies at two tiers; the first tier at one-quarter of a cent per morphine milligram equivalent for generic drugs and the second tier at one penny per morphine milligram equivalent for name brand drugs. For the tax to apply to a company, the company must engage in a certain amount of business in the State. The tax is assessed on manufacturers that exceed a threshold of 100,000 morphine milligram equivalents dispensed in Maine each quarter.

I've worked with the other states that have passed this legislation and a healthcare economist at Johns Hopkins University to build the tax so that it will not adversely impact consumers. I'll talk more about that process. The threshold is set at the same level that Delaware has chosen. Delaware and Maine are similar in terms of total population, their state is around a million people, so a lot of the numbers that they established work well here.

Next, I want to talk about potential impacts to patients, which was referenced by the Representative from Auburn. Mainers are struggling with the high cost of prescription drugs and the question is will shareholders or consumers bear the cost of this tax. This is a new concept. One state has enacted similar legislation so far, New York, in April of 2019, and in Delaware the State Assembly has passed the tax and it awaits the Governor's signature. While I can't point to other states to illustrate long-term effects, I will outline the following. An economic analysis by Dr. Jeromie Ballreich, a healthcare economist at Johns Hopkins, suggests that this excise tax will not raise cost for the consumers and it will not cause companies to leave the market en masse here in Maine. Dr. Ballreich specializes in crafting policy to help states lower health care costs, such as the prescription drug package we passed last week. By his analysis, the proposed fees are small per drug and prescription drug prices are set at a national profit maximizing point. A small tax in Maine on just one category of products will not appreciably change that profit maximizing point (his words).

Dr. Ballreich describes what would take place in the worst-case scenario if companies choose to pass on a portion of this cost to the next rung in the supply chain. The majority of opiate prescriptions, 90%, are generic and the generic market operates more competitively than other markets. Further, the pharmaceutical market is complex in that there are many entities involved in the process of supplying medications to patients. These entities include manufacturers, wholesalers, pharmacies, pharmaceutical benefit managers, insurers and

patients. In markets with multiple entities involved in the supply chain and a competitive environment as is created in a majority generics market, the fee burden is likely to be spread across or shared by the multiple entities. The proportion of this fee which will be borne by each entity is based on economic principles such as market power or availability of substitutes and competitive forces play a key role.

To illustrate, Dr. Ballreich gave an example of a pharmaceutical company illustrating the absolutely worst-case scenario chooses to pass all of this fee to the wholesaler, while retaining its full profit margin. Economic principles suggest that another company would emerge that's willing to sacrifice a portion of their profit margin and pass on, say, 80 or 90% of the fee, thereby capturing the market. Dr. Ballreich suggests that this activity would take place at every step in the supply chain, with manufacturers, wholesalers, pharmacies, pharmaceutical benefit managers, down to insurance companies working to negotiate the best prices for their members and a competitive equilibrium will be found.

Regarding patient co-pays, Dr. Ballreich dismisses claims that patients will see increased costs when filling a prescription. Most insurance plans set a fixed-dollar co-pay for generic medication, such as \$5, \$10 or \$20 for each fill. Though drug prices fluctuate, often in an upward trajectory, co-pays rarely change for one type of drug. According to Dr. Ballreich, in the event that drug companies pass on a portion of the tax to the supply chain, it is extremely unlikely that co-pays will change as a result of this fee, just as they don't change in response to frequent drug price fluctuations. It is in the interests of insurers for their members to take generic medications as they are a fraction of the cost of name-brand medications, 90% of the market and 13% of spending. For branded medications which account for only 10% of prescriptions, there is often a significant margin in the form of rebates manufacturers provide to insurers that can absorb this fee. Dr. Ballreich concludes that it is unlikely that patients will experience higher prices at the pharmacy counter due to this excise tax.

To summarize, any tax or fee will add cost to the system but it will be shared by all players in the market. The benefit of the tax far outweighs the small negative effect to the supply chain. We are in the midst of a public health crisis and we must put resources toward all of the needs that are straining our communities and our public infrastructure. This tax creates a dedicated, sustainable revenue source for treatment and prevention efforts.

In addition to providing Dr. Ballreich's testimony today, I am able to give the body a clear picture of the absolute worst-case scenario would look like. If the entire supply chain passed exact cost entirely onto the consumer, what kind of costs are we looking at? NMP gave me an example for this common after-surgery pain script, oxycodone or generic oxycontin 5-10 mg every four to six hours as needed for seven days. At 7.5 MME per tablet, the company would be paying less than two pennies per tablet.

Working with the State of Delaware, Dr. Ballreich conducted an analysis of a flat one-penny tax relative to the cost of opioids to be distinguished from the tiered tax before us and I want to share his findings so you can get an idea of pricing. My analysis has found 62 out of the 212 unique opioid drugs sold in Delaware are branded drugs. The average price for these branded drugs is 19.83 per pill. All these drugs, both branded and generics, are small molecule drugs. Small molecule drugs are inexpensive to manufacture, generally costing only pennies per pill to manufacture. Branded drugs

are priced much above their manufacturing cost, largely due to patent or market exclusivity periods. The large difference between the price in general manufacturing cost suggests large profit margins to absorb a fee. The other 150 opioids are either generic drugs or branded drugs with generic competitors. The average price for these drugs is \$2.33 per pill, with nearly half priced at less than 50 cents per pill. Here in Maine, more than half of all opioid medications are priced at less than 50 cents per pill. Because generic drugs compete primarily on the basis of price, the more competitors that exist in the market, the lower the price. When there are many competitors, the price can get very low and the fee could increase the price if it were a flat fee because the profit margins are very thin. So, in this case, Dr. Ballreich recommends that the fee should be lower than one cent per morphine milligram equivalent in order to have a minimal impact on price. So, based on that analysis, that's how we arrived at the tiered rate.

Dr. Ballreich has conducted similar analysis for Maine and suggested that the same recommendations apply here. As a safety mechanism, the tax will sunset in four years. The Taxation Committee will have the chance to monitor the tax so that it is continued only if it is effective and not creating unintended consequences. According to the fiscal note, this tax will bring in an additional \$1.5 million in the first year and \$3.25 million in the following years to fund opioid addiction relief, allowing us to double our efforts over the next two-year budget cycle.

In closing, opiate medication can be a vital part of a treatment plan for patients who are managing pain. That said, opiates are also highly addictive and there are public health dangers associated with their widespread use. In recognition of this, our State has put a number of safeguards in place including our prescription monitoring program and prescription limits. These efforts have reduced the amount of opiate medication that can be abused or enter the black market. While we're moving in the right direction, we are only just beginning to heal the effects of opiate addiction in Maine. Mainers are shouldering the burden of this epidemic from lives lost to public dollars spent. The epidemic has been costly and will continue to be costly. This tax will by no means cover the full extent of costs or begin to recover costs that have been borne by Maine people and our public infrastructure. This measure does stand to add to those funds that the State must allocate while the crisis is dire.

I invite you to support this legislation. The epidemic requires urgent action and it's time to make the pharmaceutical companies who manufacture opiates a partner in addressing the opioid epidemic here in Maine. Thank you.

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

Representative STEWART: Thank you very much, Madam Speaker. There's a lot to unpack here, so, I rise in opposition to the pending motion.

Let's start with Gordon Smith and the administration. They're not in favor of this bill. In fact, they came to the committee and explained why moving this measure forward right now is not necessarily the best idea. In fact, there's another bill in another committee that was tabled specifically for that reason.

Gordon and I, and for those that don't know him, he's essentially the opioid czar for Maine that was appointed by the Mills administration. I had the privilege of working with him on the opioid taskforce a couple of years ago and we worked to come up with a plan to address this crisis in Maine. This was

not one of the recommendations of that plan. In fact, what this is going to do is make prescription drugs in Maine, both name-brand and generics, more expensive for Mainers. The kicker there, while there might be, you know, some revenue gained from that, the kicker there is that the largest consumer in the State of Maine of these drugs is the State of Maine. We pay for these drugs and there would be an offset to some amount, which I don't have in front of me, whereby the drugs that we are paying for for Mainers, low-income Mainers, in particular, and seniors, would then be more expensive.

The \$5 million that was referenced by the previous speaker that was included in the budget, that's to go leverage federal dollars. It's not \$5 million, period; it's \$5 million to go get more money, which the federal government has stepped up to the plate on and is willing to provide the states that want to address this crisis. There is a lingering issue here, and that lingering issue is that the strategy for how we pay for this issue, this crisis, is still sort of undetermined. And I look forward to seeing what the administration puts forward in terms of a game plan for addressing that. In fact, that's why in the Minority Report we suggested that they do exactly that and are ready for us when we come back here in January, so that we can then implement that plan.

You know, I think one of the important things to note here is that there are bad actors and those bad actors should pay for what they've done in terms of over-prescribing practices and a variety of other mischievous and misdeeds that they've engaged in that have gotten us to this point. And we're seeing that play out. We're seeing that play out in the courts, we're seeing that play out in class action lawsuits. And they should pay, and they are. However, this measure is going to be negatively impacting the good actors along with the bad. You're throwing the baby out with the bathwater by moving this forward and you're going to be hurting Mainers and, in particular, low-income Mainers at a disproportionate rate.

So, I look forward to seeing what the administration is going to come up with for a game plan to pay for this crisis. I would concur with what was said in committee, along with from Gordon Smith from the administration. This is not the right move right now and, with that, I would request that you follow my light and vote this measure down so that way we can get to the Minority Report and help move the ball down the field on this. Thank you.

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

Representative McCREIGHT: Thank you, Madam Speaker. Madam Speaker, Colleagues in the House, I rise in support of this critically important bill that will help us move forward in our work to deal with the public health crisis of opioid use disorder.

Sustained action and partnership are needed to address the epidemic that is upon us all. And I would say that we need to do it all. We need more than one effort, more than one solution, more than one initiative. We've lost hundreds of Mainers to overdose deaths and Maine has had the second highest rate of babies born drug-affected in the nation. We can't overestimate the loss to worker productivity and the impact this has on our economy, nor can we underestimate the personal, family and community suffering this has caused.

I served as House Chair of the task force to address the opioid crisis in this State during the 128th legislative session. The task force included a bipartisan group of legislators as well as experts in the fields of treatment, law enforcement, harm reduction and prevention. This diverse group came together with a common goal of addressing the opioid epidemic and

worked together for six months to develop, by consensus, our recommendations. It's clear that to put these recommendations into effect we need not just the will but the way to combat this crisis. We need the resources to do all we can to mitigate the effects of opioid use disorder and addiction. To make a real difference in this crisis, we must approach it comprehensively and cooperatively, and this is the focus of the stewardship fund proposed in LD 1362.

I ask you to support this bill, which will provide us much-needed resources to make a real and lasting difference for Maine's people and Maine's economy. Thank you, Madam Speaker.

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

Representative **PERRY**: Thank you. I rise in support of this bill.

I have been working with the addiction problem since the year 2000, locally and in the State. And there are many factors that do occur as a result of the opioid epidemic. And one of the things that we've done well, and I'm proud of the fact that we have, is we have really affected the amount of opiates that are prescribed. But by doing so, we haven't made a difference with the addiction because they've gone to another opioid and the opioid on the street, which is heroin.

Yes, we all have to partner in this. I remember seeing salesmen in my office, drug salesmen, talking about how good the opiates are that they're selling. As a matter of fact, after I had heard Purdue Pharma got slapped on the hand for advertising oxycontin as a good osteoarthritis drug, two weeks later a rep came to my office and told me what a great osteoarthritis drug this was. Yes, I think we all hold responsibility with this and I think this offers an opportunity for the companies who are working with the issue as well, to partner with us to treat the people who have been hurt terribly. I would like to see our addicts get back to work. I want to see them get into treatment and find real lives again. And I think this is a partnership that would work for Maine. So, please vote or follow my light.

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

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

The SPEAKER: The Representative may proceed.

Representative **FAULKINGHAM**: Does this amendment strike the section that permits passing the tax onto the consumers?

The SPEAKER: The Representative from Winter Harbor has posed a question through the Chair and the Chair will inquire to the Representative, you're referring to the bill in front of us as amended by Committee Amendment "A"? Is that what you're referring to as the amendment? Okay.

The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative **O'NEIL**: So, yes, that was the original form of the bill. I based it on New York language and in consultation with the Attorney General's office did remove that language and the reason that I felt comfortable proceeding with the bill was the process that I described, the four months of speaking with this economist from Johns Hopkins, consulting other economic analyses about the way that the supply chain operates, and confirming that it will not be passed on to the consumer, I felt comfortable moving forward with it.

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

Representative **BICKFORD**: Thank you, Madam Speaker. I apologize for rising a second time. Madam Speaker, Ladies and Gentlemen of the House, if throwing money at the problem is a solution, then we have a Fund for Healthy Maine would be the solution. In this fiscal year, the Fund for Healthy Maine had \$74.8 million; \$4.2 million was spent on dental health, \$2.6 million in school grants, \$1.3 million in Head Start, but yet only \$2.4 million out of that \$74.8 million was spent on substance abuse. If we want to throw money at the problem, we have the funds in Fund for a Healthy Maine. Thank you, Madam Speaker.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, one of the things that hasn't been mentioned a lot here today is just the pure amount of cost that we have in the criminal justice system and certainly I don't think we're going to use the Fund for Healthy Maine to pay for that.

We are expanding the number of folks we incarcerate in this State at epic levels. We are expanding that because we have a substance use disorder problem, we have an opioid epidemic in this State. We, right now, are planning to spend \$149 million to build a prison that we are \$60 million under water in. We, right now, are going to offer substance use treatment along with medication-assisted treatment to 110 of the 2,000 people incarcerated in the Department of Corrections. You know why we're only going to offer it to 110? Because we cannot afford to do more. We have a money problem. We have the opportunity to invite the folks who helped us get into this situation to be partners with us and that opportunity is this proposal. We have an opportunity to invite a partnership and that's what we're talking about here.

Two more numbers; 70% of our constituents believe that pharmaceutical companies should be held responsible financially. One more number; since 1996, when oxycontin came on the market, 218,000 Americans have died. Thank you.

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

Representative **TIPPING**: Thank you, Madam Speaker. Madam Speaker, People of the House, I just want to echo the comments from the Representative from Auburn. Let's fight with every ounce we have. I don't think that that is doing another study on this issue. Let's make manufacturers partners in addressing this crisis.

This is a good bill. The Representative from Saco worked to minimize or even eliminate the impact on patients. We heard from the opioid task force before our committee, we heard from law enforcement like the York County Sheriff who came to testify in favor of this in our committee. This is a path forward for actually addressing this crisis, not just studying it more. Every Member in this chamber has constituents or family members who have dealt with this crisis. A number of us have stood on the House Floor speaking to memorials for people who have died to this crisis. I think it's time we actually act rather than just sending out another study.

Madam Speaker, I ask that you support the pending motion.

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

Representative **ACKLEY**: Thank you, Madam Speaker, my Friends in the House. I was just contacted by a good friend of mine who said an interesting thing. He says it's time to put our money where our mouth is. We all campaigned on this

issue, it's time to vote to give Mainers access to treatment services. This, from a recovering heroin addict.

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

Representative COREY: Thank you, Madam Speaker. I'd like to correct the record. The 110 people in the Department of Corrections that will receive MAT are part of a pilot program. This was not a cost decision. 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. 291**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, 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, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Brooks, Campbell, Cebra, Grignon, Skolfield, Stover.

Yes, 92; No, 52; Absent, 6; Excused, 1.

92 having voted in the affirmative and 52 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-608)** was **READ** by the Clerk.

Representative O'NEIL of Saco **PRESENTED House Amendment "A" (H-629) to Committee Amendment "A" (H-608)**, which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Thank you, Madam Speaker. This amendment cleans up two technical issues, making it easier for MRS to carry out the goals of this bill. It protects the confidentiality of information collected and changes the tax tiers to be based on tiers of unit cost, which more accurately addresses what the name-brand/generic system set out to accomplish. It's been vetted by the parties I referenced consulting with; MRS, Johns Hopkins and Legal.

Subsequently, **House Amendment "A" (H-629) to Committee Amendment "A" (H-608)** was **ADOPTED**.

**Committee Amendment "A" (H-608) as Amended by House Amendment "A" (H-629)** thereto was **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-608) as Amended by House Amendment "A" (H-629)** thereto and sent for concurrence. **ORDERED SENT FORTHWITH**.

Resolve, Regarding Legislative Review of Portions of Chapter 115: The Credentialing of Education Personnel, a Late-filed Major Substantive Rule of the Department of Education (EMERGENCY)

(H.P. 1080) (L.D. 1478)

- In Senate, **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-597)**.

TABLED - June 17, 2019 (Till Later Today) by Representative MOONEN of Portland.

PENDING - **ADOPTION OF COMMITTEE AMENDMENT "A" (H-597)**.

Subsequently, **Committee Amendment "A" (H-597)** was **ADOPTED**.

Representative KORNFIELD of Bangor **PRESENTED House Amendment "A" (H-625)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bangor.

Representative KORNFIELD: Thank you, Madam Speaker. This motion just removes the emergency preamble. Thank you.

Representative SAMPSON of Alfred **REQUESTED** a roll call on the motion to **ADOPT House Amendment "A" (H-625)**.

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

The SPEAKER: A roll call has been ordered. The pending question before the House is Adoption of House Amendment "A" (H-625). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 292**

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, 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, Reckitt, Riley, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Alley, Brooks, Campbell, Cebra, Gattine, Grignon, Skolfield, Stover.

Yes, 87; No, 55; Absent, 8; Excused, 1.

87 having voted in the affirmative and 55 voted in the negative, with 8 being absent and 1 excused, and accordingly **House Amendment "A" (H-625)** was **ADOPTED**.

Subsequently, the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (H-597)** and **House Amendment "A" (H-625)** in **NON-CONCURRENCE** and sent for concurrence.

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#### CONSENT CALENDAR

##### First Day

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

(H.P. 744) (L.D. 1002) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2019, June 30, 2020 and June 30, 2021" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-624)**

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

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#### REPORTS OF COMMITTEE

##### Divided Report

Ten Members of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (H-627)** on Bill "An Act To Establish and Promote a System of Safe Disposal of Expired Marine Flares"

(H.P. 339) (L.D. 430)

Signed:  
Senators:

DESCHAMBAULT of York  
CARPENTER of Aroostook  
ROSEN of Hancock

Representatives:

WARREN of Hallowell  
BEEBE-CENTER of Rockland  
COSTAIN of Plymouth  
MORALES of South Portland  
PICKETT of Dixfield  
RECKITT of South Portland  
SHARPE of Durham

Two Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (H-628)** on same Bill.

Signed:

Representatives:

COOPER of Yarmouth  
COREY of Windham

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

Signed:

Representative:

JOHANSEN of Monticello

##### READ.

On motion of Representative WARREN of Hallowell, Report "A" **Ought to Pass as Amended** was **ACCEPTED**.

The Bill was **READ ONCE**. **Committee Amendment "A" (H-627)** 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-627)** and sent for concurrence.

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#### SENATE PAPERS

##### Non-Concurrent Matter

Bill "An Act To Ban Use of Aerial Herbicide Spraying for the Purpose of Deforestation"

(S.P. 556) (L.D. 1691)

Minority (6) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (S-263)** in the House on June 17, 2019.

Came from the Senate with that Body having **INSISTED** on its former action whereby the Majority (7) **OUGHT TO PASS AS AMENDED** Report of the Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** was **READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-262)** in **NON-CONCURRENCE**.

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

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#### REPORTS OF COMMITTEE

##### Divided Reports

Majority Report of the Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-305)** on Bill "An Act To Create a Victims' Compensation Fund for Victims of Property Crimes"

(S.P. 487) (L.D. 1550)

Signed:

Senators:

DESCHAMBAULT of York  
CARPENTER of Aroostook  
ROSEN of Hancock

Representatives:

WARREN of Hallowell  
BEEBE-CENTER of Rockland  
COOPER of Yarmouth  
COREY of Windham  
COSTAIN of Plymouth  
MORALES of South Portland  
PICKETT of Dixfield  
RECKITT of South Portland  
SHARPE of Durham

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

Signed:  
Representative:  
JOHANSEN of Monticello

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-305)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-305)** was **READ** by the Clerk and **ADOPTED**.

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

Under further suspension of the rules the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-305)** in concurrence.

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Majority Report of the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-307)** on Bill "An Act To Reform Maine's Renewable Portfolio Standard" (S.P. 457) (L.D. 1494)

Signed:  
Senators:  
LAWRENCE of York  
MIRAMANT of Knox  
WOODSOME of York

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

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

Signed:  
Representative:  
HANLEY of Pittston

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-307)**.

**READ.**

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

Representative HANLEY of Pittston **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 Pittston, Representative Hanley.

Representative **HANLEY**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. When we sit down around the table for a meal, what do we talk about? Or when we put our heads down on the pillow, do we say honey, what do you think about the new RPS rules? Or would it be more like did you see last month's light bill? Well, they're both tied together. If you change the rules, you change the rates. And this bill will do that.

So, I'm going to read from the PUC's report to the committee, March 31 of 2018, and it says because existing requirements and mechanisms of the region appear to be providing sufficient incentives for the continued operation and development of renewable resources sufficient to meet Maine's portfolio requirement, the commission at this time makes no recommendations regarding mechanisms to stimulate investment in renewable resources beyond those that already exist in the State, regional and federal levels. In conclusion, during 2016, Maine's electricity supplies complied with Maine's class 1 and 2 portfolio requirements and it cost the ratepayers a total of \$21,743,000 in that one year.

Less than a year after that report said nothing had to be done, this bill gets introduced. Maine is the cleanest state in the nation. 75% of all electricity generated in the State of Maine is done through renewable energy; 75%. What we are about to do with this rewriting of existing rules is to impose an incredibly huge increase on the cost of electricity for all the ratepayers. Let me read a few numbers. This bill, by the way, incrementally ratchets up these costs and fees, and 11 years from now, in 2030, the average homeowner, by the way, only 24 hours ago this body saw a piece of legislation that increased by a measly \$4 a month the rates on homeowners, by the year 2030, we will add another \$8 a month to average homeowner's light bill. To the small commercial or industrial operation, that might be a mom and pop store, a gas station, whatever, a barber shop, who knows, you will add \$2,419 a year to their rates. To a medium-size operation, that might be a machine shop, a greenhouse, who knows, all kind of other different, you know, auto repair business, well, no, I'm sorry, that wouldn't probably fall into that, but a machine shop, certainly. This could add \$207,000 to the yearly electrical rates. Think about that.

This is an incredible bill. It is going to put a huge burden on small and medium businesses in the State of Maine. I ask you to follow my light and defeat this measure and allow the rules to remain as they are, they are doing the job. Thank you very much.

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

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Having been here just a short time, I'm learning quite a bit about what I don't know and what I am not able to learn as time goes by. My past life, I often tried to make sure I knew everything about everything that I had to deal with. And quite often I got paid to do that. Here, I find, and I'm sure many of you do, that as bills go by, it's very difficult, especially with complex ones, to know everything there is to know. And I would invite any of you, when you get home tonight, no matter the result of this action here today, to take this bill out and look at this complicated bill and when you come back tomorrow, please explain it to me.

In committee, I voted yes on this bill out of committee because industries and workers in my area and constituents would benefit, those in the woods industry, those working in biomass, so on and so forth. I also voted for it because the largest employers and largest electricity users in the State of

Maine through changes made to this bill such as my former employer, such as very large users in the southern part of the State, have the opportunity to opt out of the program. Why? Because it was going to be so expensive for them to stay in it, because the language of this bill. They met with the Chief Executive's energy office and they negotiated the opportunity to opt out of the bill. However, small and medium businesses and employers do not have that capability, and neither do homeowners, our most vulnerable electric ratepayers.

Since this bill came out of committee, I've had the chance to further digest the language. I found the subsidies that would be realized by those constituents of mine that I thought would benefit by some of the employers in the woods business and so on and so forth, the amount of money they would realize in subsidies because of this bill is a very small percentage of the total subsidies that would be required to be paid by the ratepayers. Renewable energy sources that are also affected by this bill, and some of them were listed in a handout that you received yesterday, are under contract for subsidized rates, those contracts will continue, they will still receive those rates. So, they are not negatively or positively, necessarily, affected by this bill or by my vote.

When I consider the totality of the cost we've already added to the ratepayers with previous legislation this season, I cannot support adding much more by supporting this bill and I've changed my mind. Each of us who represent ratepayers, especially those using large amounts of electricity for their business who employ constituents of ours, should consider this issue carefully. Thank you, Madam Speaker.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I would like to pose a question to the Chair.

The SPEAKER: The Representative may proceed.

Representative **FAULKINGHAM**: The Representative from Pittston said that this could cost small businesses such as gas stations, restaurant or pubs, or mom and pop shops \$2,419 annually. I'd like to know who estimated that cost and where that number came from.

The SPEAKER: The Representative from Winter Harbor has posed a question through the Chair and the Representative from Pittston is recognized.

Representative **HANLEY**: Thank you, Madam Speaker. Yes, the Public Utilities Commission on June 4th of this year issued this document I'm holding in my hand and you can, I'm sure, obtain this on their website and it lists quite clearly the effects of all the components in this legislation on the average residential, commercial industrial, and they label it large commercial industrial but it actually is not, they're exempt, but you can get this table and it is from the PUC. And, a caution, it is an estimate, but it still is a valid tool to make a decision. I hope that answers your question.

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, I rise in support of the pending motion.

LD 1494 would update Maine's renewable portfolio standard, which has capped out at 40% as of this past year. There appears to be some confusion about the difference between the amount that we generate here in Maine in our electricity mix and the amount that we consume. Some of the renewable energy that is generated here and provides economic development, jobs, property tax benefits, that serves

load in other parts of the New England grid. The part that we procure for ourselves is 40% renewable, 30% of that is class 2 older renewables such as hydro, existing hydro, and 10% is new renewables as of 2007 or so, the date in which we last updated the renewable portfolio standard.

So, LD 1494 would move us from that 40% figure to 80% of our electricity purchased for Maine consumers by 2030 being renewables. And at that time, 50% of the 100% would be new renewables as of 2007, adding a class 1A, which is new going forward as of now, and the remaining 30% would be the same class 2 that we have today.

Moving forward with LD 1494 will provide stable and predictable pricing by initiating a competitive bid process to put a set percentage of our electricity under 20-year contracts. This is important from a cost perspective because it allows us to hedge against the very volatile prices of fossil fuels which, as we discussed yesterday, set the clearing price in the New England markets and essentially the price of all our electricity on the generation side. The cost-benefit analyses that have been referred to, Madam Speaker, from the Public Utilities Commission look only at the costs. So, in truth, they are not cost-benefit analyses at all, by failing to factor in or even try to estimate any of the benefits, they really don't do us a service with respect to our decision on this bill.

The bill before us, originally an 11-1 report, is the product of a great deal of work and compromise on the part of the committee. It includes a new kind of renewable energy credit called T-REX, not to be confused with the dinosaur, but which would greatly help Maine's loggers and biomass industry. The bill is supported by the Associated General Contractors of Maine, by the Maine State Chamber of Commerce, by the Nature Conservancy, by the Natural Resources Council of Maine, Maine Conservation Voters, Maine Renewable Energy Association and the Professional Logging Contractors of Maine, among others.

For the environment, the bill would provide for significant reductions in greenhouse gasses, decreasing hundreds of thousands of pounds of nitrogen oxides, sulfur dioxide and their particulates. The bill will create hundreds of new jobs. It will provide for hundreds of millions of dollars in new investments in clean energy built in Maine by Mainers and for Maine consumers. And it will provide tens of millions of dollars in new taxable value for host communities. To protect consumers, it requires a competitive bid process to ensure the lowest prices possible. It creates an opt-out of both the benefits and the cost for large industrial consumers, and it builds in checks and balances and guardrails along the way, allowing the PUC to suspend the increase in the RPS, if necessary.

Madam Speaker, I hope we can all agree that our future is linked with the carbon emissions of our own consumption here, of our New England grid and of our globe. Maine's motto, *Dirigo*, says that we lead. And with this bill today we can lead on renewable energy. I believe it's time to do so. Madam Speaker, I hope that you'll vote with me in favor of 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. 293**

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



Dunphy, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, Hobbs, Hubbell, Hymanson, Ingwersen, Jorgensen, Kessler, Kinney, 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, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Alley, Brooks, Cebra, DeVeau, Grignon, Johansen, Skolfield, Stover, Theriault.

Yes, 93; No, 48; Absent, 9; Excused, 1.

93 having voted in the affirmative and 48 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" (S-307)** 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-307)** in concurrence.

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

**ENACTORS**

**Emergency Measure**

Resolve, To Create the Criminal Records Review Committee

(H.P. 569) (L.D. 764)  
(C. "A" H-614)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 1 against, and accordingly the Resolve was **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.

**Acts**

An Act To Ease Financial Burdens for Juveniles Involved in the Justice System

(H.P. 947) (L.D. 1304)  
(C. "A" H-616)

An Act To Direct the Department of Education To Amend Its Rules To Ensure That Physical Restraint and Seclusion Policies Are Followed and Make Biennial Reports on the Use of Physical Restraint and Seclusion

(H.P. 997) (L.D. 1376)  
(C. "A" H-617)

An Act Providing Labor Unions with Reasonable Access to Current and Newly Hired Public Sector Workers

(H.P. 1063) (L.D. 1451)  
(C. "A" H-602)

An Act Regarding the Presumption of Abandonment of Gift Obligations

(H.P. 1164) (L.D. 1612)  
(C. "A" H-613)

An Act To Ensure Compliance with Federal Family First Prevention Services Legislation

(H.P. 1274) (L.D. 1792)  
(C. "A" H-611)

An Act To Ensure Compliance with Federal Requirements for Background Checks of Certain Department of Health and Human Services Employees

(H.P. 1282) (L.D. 1801)  
(C. "A" H-612)

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.

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:

(H.P. 455) (L.D. 627) Bill "An Act Regarding Portable Electronic Device Content, Location Information and Tracking Devices" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-634)**

(H.P. 1118) (L.D. 1535) Bill "An Act To Correct Errors and Inconsistencies Related to the Maine Uniform Probate Code and To Make Other Substantive Changes" (EMERGENCY) Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-632)**

(H.P. 1233) (L.D. 1731) Bill "An Act Regarding Representation of the Department of Marine Resources in Libel Proceedings" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-633)**

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

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

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

**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) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto in the House on June 13, 2019.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

On motion of Representative **TIPPING** of Orono, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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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 Raymond, Representative **FAY**.

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

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

Representative **FAY**: Thank you, Madam Speaker. Madam Speaker and Men and Women of the House, in reference to Roll Call 274 on LD 1231; had I been present, I would have voted yea. In reference to Roll Call No. 277 on LD 816; had I been present, I would have noted nay. In reference to Roll Call No. 281 on LD 1509; had I been present, I would have voted yea. In reference to Roll Call No. 282 on LD 1711; had I been present, I would have voted yea. Thank you, Madam Speaker.

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

Representative **KESSLER**: Thank you, Madam Speaker. May I request unanimous consent to speak on the record?

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

Representative **KESSLER**: Thank you, Madam Speaker. What I'm about to say does not rise to the level of a special sentiment, but I just wanted to give thanks to Gina Forbes and Kailina Mills and the staff of the Roots and Fruits Preschool in South Portland, and also April Rogers and the entire staff of Brown School in South Portland, for providing my children with a quality education. And I certainly want to congratulate Cadence and Lyla Kessler for graduating third grade and preschool. Thank you.

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

Representative **HUTCHINS**: Thank you, Madam Speaker. I would like to speak with the Members on the record, if I could.

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

Representative **HUTCHINS**: Thank you. I'd like to take just a moment to thank the Members of the 129th for a working relationship that has done quite well this year, I think. We've had a great time talking, working with each other, making great friends, especially my seatmates all around me here. They occasionally even agree with what I have to say. And I especially would like to thank the good Speaker and I brought a gift today that is going to be presented to you, just as a general thank you for all your kindnesses, letting me speak even when you might not have agreed with me. Thank you very much.

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**ENACTORS**  
**Mandate**

An Act To Strengthen the Maine Uniform Building and Energy Code

(H.P. 629) (L.D. 855)

(C. "A" H-619)

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

Representative **MOONEN** of Portland **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 Scarborough, Representative **Caiazzo**.

Representative **CAIAZZO**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I'd like to maybe clarify some differences about this bill.

This is not a MUBEC bill. I know that's in the title, but the purpose of this bill is an administrative function. It doesn't affect the actual code itself. What this bill does is it changes the responsibility of the MUBEC code from the existing Department of Economic Development back to the Public Safety Department where it was originally required or where it was originally placed. That's all this bill does. It creates a change in location. It also creates two new positions that help fund training for local code enforcement officers and it establishes a fee for that. It has absolutely nothing to do with the actual building code itself.

At the public hearing for this bill, 100% of the people who testified, testified in support of this bill. They included a very diverse group of interests; town code enforcement officers, the Maine State Fire Marshal's office, the Maine Municipal Association, the Associated General Contractors of Maine, to name a few. The bill was then amended to address concerns in the committee regarding where the fees would come from to ensure that they did not impact any fees that were not associated with the building codes. It had the support of the DECD commissioner as well as the commissioner of Public Safety, the two departments responsible or affected by the change. And, finally, it received unanimous support out of the committee.

So, if I could, I'd like to read from the State Fire Marshal's testimony because I think it's very pertinent. He said, and I quote, when the MUBEC, Maine Uniform Building and Energy Code, was first passed into law in 2010, it was the original intention to have three positions attached to the program. This

bill takes us back to where we should have been in 2010. This bill allows for a program director, a training coordinator and an administrative support staff. This will allow the program to work as originally intended. This bill also transfers all code enforcement training to the Department of Public Safety, Office of State Fire Marshal. The bill also imposes a fee added to municipal building permits for which the department will combine this to the building code surcharge paid by commercial construction projects. This fund will be the sole source of revenue for this division.

So, Madam Speaker, Ladies and Gentlemen of the House, I urge you to please support this bill. It has unanimous support of all those affected including the departments that are impacted. The reason it has a mandate on it is because of the increase in fee, but the fees are going to go back to the municipalities in terms of training. So, please, I urge you to support this bill and allow us to move forward. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. Just a point of correction; the Maine Municipal Association did not speak in favor of it, they were neither for nor against.

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

Representative **RYKERSON**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House, I know of so many cases where there's been confusion because code enforcement officers do not know what they're doing. This bill would make it clear what they're doing with an education component. Five dollars per building permit would straighten out many lawsuits, many appeals and make our process much smoother. I urge you to support this bill.

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

Representative **STETKIS**: Thank you, Madam Speaker, Men and Women of the House. I believe one of the reasons why this has been tagged as a mandate is it will force communities to collect a surcharge on these building codes and there are many communities that do not. This is an added burden on our municipalities, it's going to take more time out of their day, and it's going to cost municipalities money, and that's why this is a mandate.

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

Representative **FECTEAU**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. The municipalities are already collecting this fee. The fee is being increased by a few dollars, so it's actually not imposing a new fee, this is a fee that already exists, municipalities are already collecting so, you know, I think it's really important that we recognize that.

And, then, secondly, what this is attempting to address and I think why the AGC came out in favor of it and why Maine Municipal did not take a position on the bill is the inconsistencies in applying the code from town to town. The Fire Marshal, when MUBEC was under the Fire Marshal's purview, complained frequently about the fact that he and his office did not have the ability to go out and connect with code enforcement officers, provide them with training, or properly receive complaints from towns and businesses about the code not being applied evenly or with consistency. This bill attempts to address that.

I think it's a pro-business bill and I think it's a pro-municipality bill by ensuring that we get things right the first time and not several times over.

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

Representative **WARREN**: Thank you, Madam Speaker. Madam Speaker, Women and Men of the House, I just want to underscore the fact that this is not a new fee; this is an existing fee, it's an increase of \$2 on existing fees. Code enforcement officers have asked us over and over; they need better training. They need their people to be better trained for these business opportunities, for contractors. We really need to support this bill. Thank you.

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

Representative **KESSLER**: Thank you, Madam Speaker, Men and Women of the House. The one piece of testimony that struck me the most when listening to this was how builders are calling for guidance. They want to be able to build to the code. They need help. The department is running on a skeleton crew and we are trying to give the State resources to help builders build good homes for people like you and I so they're not purchasing lemons that have to get further repairs down the road. It's going to cost our friends and neighbors more money fixing the problems that occurred from a lack of guidance.

I know that mandate is a dirty word to some in this chamber, but we're trying to rebuild the department for a baseline support for our builders. Please support this. Thank you.

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

Representative **CAIAZZO**: Thank you, Madam Speaker, Men and Women of the House. My apologies for rising a second time. I did want to thank the Good Representative from Dixfield for pointing out the testimony from the Maine Municipal Association. My apologies, I didn't mean to mislead the body. However, the Maine Municipal Association was directly involved in a compromise that was requested by one of the committee members and based on that involvement and that compromise, my understanding was that they did, in fact, support that compromise and as a result the committee did vote unanimously to support this. Thank you.

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.

In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken.

**ROLL CALL NO. 294**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Evangelos, Farnsworth, Fay, Fecteau R, Foley, Gramlich, Grohoski, Handy, Harnett, Harrington, Hickman, Hymanson, Ingwersen, Kessler, Kornfield, Landry, Madigan C, Martin R, Mastraccio, Matlack, Maxmin, McCrea, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Peoples, Perry A, Perry J, Pluecker, Reckitt, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

NAY - Austin S, Bickford, Blier, Bradstreet, Campbell, Cloutier, Costain, Curtis, DeVeau, Dillingham, Dolloff, Drinkwater, Faulkingham, Fecteau J, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Head, Hepler, Higgins, Hutchins,

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

ABSENT - Andrews, Arata, Brooks, Cebra, Dunphy, Gattine, Grignon, Hobbs, Hubbell, Jorgensen, Keschl, Martin J, Millett, Pierce T, Riley, Skolfield, Wadsworth.

Yes, 83; No, 50; Absent, 17; Excused, 1.

83 having voted in the affirmative and 50 voted in the negative, with 17 being absent and 1 excused, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED** and sent to the Senate.

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### Acts

An Act To Restore the Super Credit for Substantially Increased Research and Development

(H.P. 732) (L.D. 977)

(C. "A" H-621)

An Act To Reform Maine's Renewable Portfolio Standard

(S.P. 457) (L.D. 1494)

(C. "A" S-307)

An Act To Create a Victims' Compensation Fund for Victims of Property Crimes

(S.P. 487) (L.D. 1550)

(C. "A" S-305)

An Act To Amend the Laws Governing the Maine Capital Investment Credit To Ensure Fairness for Maine Businesses and To Reduce Taxes on Lower-income Working Families

(H.P. 1198) (L.D. 1671)

(C. "A" H-623)

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, Directing the Board of Pesticides Control To Work with the Forest Products Industry To Monitor Aerial Herbicide Applications

(S.P. 556) (L.D. 1691)

(C. "A" S-262)

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

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### SENATE PAPERS

#### Non-Concurrent Matter

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)

**FAILED** of **FINAL PASSAGE** in the House on June 13, 2019.

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

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

Representative MOONEN of Portland **REQUESTED** a roll call on the motion to **RECEDE AND CONCUR**.

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

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

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

### ROLL CALL NO. 295

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

NAY - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Caiazzo, Cardone, Carney, Cloutier, Cooper, Craven, Crockett, Daughtry, Denk, Dodge, Doore, Doudera, Farnsworth, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Jorgensen, Kessler, Madigan C, Martin J, Mastraccio, Matlack, Maxmin, McCreight, McLean, Melaragno, Meyer, Moonen, Morales, Moriarty, Nadeau, O'Neil, Paulhus, Pebworth, Perry J, Pierce T, Reckitt, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Warren, Madam Speaker.

ABSENT - Andrews, Brooks, Cebra, Grignon, Hobbs, Keschl, Millett, Riley, Skolfield.

Yes, 77; No, 64; Absent, 9; Excused, 1.

77 having voted in the affirmative and 64 voted in the negative, with 9 being absent and 1 excused, and accordingly the motion to **RECEDE AND CONCUR FAILED**.

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

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Bill "An Act To Amend the Licensing Laws of Certain Professions and Occupations"

(S.P. 580) (L.D. 1746)

**PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AND HOUSE AMENDMENT "A" (H-626)** in the House on June 18, 2019.

Came from the Senate with that Body having **ADHERED** to its former action whereby the Bill was **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303)** in **NON-CONCURRENCE**.

The House voted to **RECEDE**.

On motion of Representative MOONEN of Portland, the Bill and all accompanying papers were **COMMITTED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** in **NON-CONCURRENCE** and sent for concurrence.

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

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

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) AS AMENDED BY HOUSE AMENDMENT "A" (H-593)** thereto in the House on June 13, 2019.

Came from the Senate with the Bill and accompanying papers **COMMITTED** to the Committee on **TAXATION** in **NON-CONCURRENCE**.

Which was **TABLED** by Representative TIPPING of Orono pending **FURTHER CONSIDERATION**.

Subsequently, the House voted to **RECEDE AND CONCUR**.

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **VETERANS AND LEGAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-635)** on Bill "An Act To Amend the Advance Deposit Wagering Laws"

(H.P. 1276) (L.D. 1797)

Signed:

Senators:

LUCHINI of Hancock  
CYRWAY of Kennebec  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ACKLEY of Monmouth  
COOPER of Yarmouth  
HANINGTON of Lincoln  
HICKMAN of Winthrop  
HUBBELL of Bar Harbor  
McCREIGHT of Harpswell  
STROM of Pittsfield

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (H-636)** on same Bill.

Signed:

Representatives:

ANDREWS of Paris  
DOLLOFF of Rumford

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-635)** 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-635)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-631)** on Bill "An Act To Protect Licensing Information of Medical Professionals"

(H.P. 1142) (L.D. 1580)

Signed:

Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison  
DeVEAU of Caribou  
HAGGAN of Hampden

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-631)** 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-631)** and sent for concurrence.

Six Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-285)** on Bill "An Act Regarding Access to Firearms by Extremely Dangerous and Suicidal Individuals"

(S.P. 408) (L.D. 1312)

Signed:

Representatives:

BAILEY of Saco  
BABBIDGE of Kennebunk  
CARDONE of Bangor  
HARNETT of Gardiner  
RECKITT of South Portland  
TALBOT ROSS of Portland

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

Signed:

Senators:

CARPENTER of Aroostook

KEIM of Oxford

Representatives:

CURTIS of Madison  
DeVEAU of Caribou  
EVANGELOS of Friendship  
HAGGAN of Hampden

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-286)** on same Bill.

Signed:

Senator:

BELLOWS of Kennebec

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

**READ.**

Representative BAILEY of Saco moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended.**

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

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

The **SPEAKER:** The Chair recognizes the Representative from Hampden, Representative Haggan.

Representative **HAGGAN:** I have to find my paper; I'm sorry, I apologize.

The **SPEAKER:** The Chair will advise the Member to go ahead and find the paper.

Representative **HAGGAN:** Okay, thanks. I can't believe it. Sorry about that. I guess I'm going to have to wing it.

LD 1312 came to us quite a while ago. It is a red flag bill. It is unconstitutional, it waives due process, they can take your guns with suspicion that you're going to be a harm to yourself or others. You do not get to go before the Judiciary in advance. This bill is just a reckless, very, very, very well-intended but bad bill. I think we would all agree that we need to make hard targets out of our places where people can get shot up, like schools. I am on the front lines. If somebody comes to shoot a school up, that's where I work. And I think that I would love to see a good, sensible bill come through that can protect the rights of people in these types of places. I'm not allowed to have a firearm at school, I have 35 at my house. I'm a member of the NRA and lifetime member of the Camden Rifle and Pistol Club. I can defend myself fairly well out in the hood but I cannot defend or protect any kids. Making hard targets out of our schools through thicker, tougher glass at ground floor, things like that are great.

Upon the thought that somebody can say that I, or you, are a threat to ourselves or someone else and then have law enforcement come in and just grab our stuff, let's say they take my guns, I have a wife and a son with weapons also, firearms, those are gone too. So, I think that this particular attempt is well-meaning but falls short. It crosses the line on due process and other amendments. Thank you.

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

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

Madam Speaker, I practiced law in this State for over 30 years and although perhaps I haven't earned the reputation as a constitutional scholar, as a trial lawyer I've had ample

opportunities to look at constitutionality of many, many of our laws. And I say, Madam Speaker, there is nothing unconstitutional about this proposed bill. It fully protects and supports the rights of gun owners under both the state and federal constitutions.

This law protects the public by preventing suicides, homicides, and mass shootings while also protecting the rights of responsible gun owners. The proposed legislation allows law enforcement, family members, spouses and intimate partners who have reason to believe that someone is acting irrationally and may use firearms in a dangerous or reckless manner to seek a court order temporarily restricting that person's access to firearms.

Why do we need this legislation? Well, first of all, Maine's suicide rate is higher than the national average. From 2012 to 2014, suicide was the second leading cause of death for those between ages 10 and 35 in Maine, and the fourth leading cause of death among adults between 35 and 54 years old. And, as we know, suicide by gun is almost always fatal. You don't get a second chance to reconsider.

Second, Madam Speaker, nearly half of all homicides in Maine are the result of domestic violence. When a firearm is used in a domestic violence incident, death is 12 times more likely to result than in incidents involving other weapons or involving bodily force.

Third, there's the looming danger of school and mass shootings in our State as these incidents now grow more common in our society. To those who say it will never happen in Maine, I respond; why are we immune from this phenomenon? Just this past school year, schools in Bangor went into lockdown upon receiving a threat that a shooting was to occur. Earlier today in Bangor, two people were injured at separate locations from a shooter.

To those who are concerned about protections for gun owners, this bill fully protects the due process rights of our citizens. I would not support a bill that did less. All proceedings are overseen by a court of law. Anyone who is the subject of a protection order has a right to counsel and the petitioner has the burden of proof in the case. In the final hearing, the burden of proof is by clear and convincing evidence, not just a mere preponderance of the evidence. Moreover, nothing in this bill requires a gun owner to relinquish ownership of a gun. This bill imposes a ban on temporary possession of guns until the underlying crisis is averted. It does not take away any permanent rights of ownership.

This bill is not a perfect solution and it won't avert all gun deaths, Madam Speaker, but it is another tool for families and law enforcement who see someone in crisis but are powerless to prevent a tragedy. It strikes the right balance between protecting the due process rights of responsible gun owners and protecting the safety of Maine citizens. I urge all of my colleagues to support this bill.

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

Representative **DeVEAU:** Thank you, Madam Speaker. While I, too, am not a constitutional scholar, there were a lot of questions that were brought up during the public hearing and the work sessions about this bill that did point to the fact that there were constitutional issues with this. The Attorney General's office themselves stated that there was questionable constitutional violations in this bill when the question was brought up to them.

Now, my seatmate and fellow committee member from Bangor was there and is aware that there could be a possible

bill that does more than just grab the guns of individuals that are assumed --

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Cardone, and inquires as to her Point of Order.

Representative **CARDONE**: Madam Speaker, I understand the rules of the chamber to be that we limit our discussion to the bill at hand, not to other possible bills that may come before the body.

On **POINT OF ORDER**, Representative CARDONE of Bangor asked the Chair if the remarks of Representative DeVEAU of Caribou were germane to the pending question.

The SPEAKER: The Chair will agree that the Member does need to talk about the bill that's in front of us, not any other bills that are pending in the Legislature.

The Chair reminded Representative DeVEAU of Caribou to stay as close as possible to the pending question.

The SPEAKER: The Representative may proceed.

Representative **DeVEAU**: Thank you, Madam Speaker, and I apologize. So, if this were to pass, we would automatically be putting issue forward with its constitutionality and what we would end up doing is forcing the first victim or the second victim to then file a court case against this to determine whether or not that there has been harm to the individual because of an unconstitutional bill that this House has passed. I would like to think that this House would like to pass constitutional bills as much as they possibly could, but who's to say.

There's been a lot of discussion here of what's right and what's wrong, and there is plenty of wrong in this bill. I think we need to set this one aside and work in the future towards something that would be better suited and more constitutional and actually take care of the individuals who may be in crisis or needing help. I thank you and I respectfully request that you follow my light.

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

Representative **HYMANSON**: Thank you, Madam Speaker, Men and Women of the House. When my father was in his early 20s, his brother-in-law shot him accidentally at target practice. The spinal cord injury left my father paralyzed in his legs. He recovered, but always had a clumsy gait. When I trained as a physician in Internal Medicine and Neurology in New York City and Boston hospitals, I saw many gunshot deaths and injuries. One young man had been rolled out of a moving car in front of the emergency department. We couldn't find a bullet entrance until I pulled his eyelids opened and saw the bullet had entered his eye into his brain.

The SPEAKER: The Chair will ask the Member to defer. The Chair recognizes the Representative from Caribou, Representative DeVeau, and inquires as to what his Point of Order is.

Representative **DeVEAU**: Point of Order. My question is, is this a gun bill that talks about mental health issues. What this speaker has been talking about is accidental shootings. It has nothing to do with this bill and I question whether or not it will actually get to a point here.

The SPEAKER: So, we've discussed similar questions before and the Chair will remind Members that for many Members in this body, no matter who they are, there has been wide latitude given to argue vehemently their position and to use examples that are fairly wide in latitude to do so. The Chair will say that in this case I would ask the Representative to go ahead. The Representative may proceed.

Representative **HYMANSON**: Thank you, Madam Speaker, and I'm coming to that. I tell you about some of my experiences to illustrate why physicians call gun violence a public health crisis. Some gun deaths I saw were by suicide. One young man maimed his face, losing his jaw, nose, and eye, in an attempt to kill himself. He didn't.

I've lived in York for 35 years. In 2014, a woman in my district, who I knew, was suicidal. She spoke on the phone to a medical facility and threatened suicide with a hand gun. Police were called to her home to help. The woman got in her car, drove a short distance, got out of the car, walked toward the policeman with her gun drawn, and was shot dead by the police. This was tragic on all sides. No one will know if a family member would have used an extreme risk protection order such as the one proposed in this bill. Others knew of her depression. Likely, they also knew of her gun. I know people cared about her. Maybe this tragedy could've been avoided.

Suicide is generally highly preventable. Having a gun in the house increases the risk for successful suicide. Maine has the 22nd highest suicide rate in the country. Yearly, more than a hundred people in Maine die by self-inflicted gunshot. Maybe, like Connecticut, we can help people through their terrible struggle by allowing law enforcement officers, immediate family and household members to seek an extreme risk protection order. Senior Deputy Prosecuting Attorney for King County in Washington State, Kimberly Wyatt, recounted a woman who requested an ERPO for her suicidal partner, who later shared his gratitude that someone had intervened and removed his firearms during that moment of crisis. We could have a similar story in York should we pass this bill, which I support.

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

Representative **COREY**: Thank you, Madam Speaker. This bill relies on judicial clairvoyance rather than addressing the mental health needs of those who this bill seeks to target; those in crisis. There are better options out there. I urge Members to vote against the pending motion and this unconstitutional bill. Thank you.

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

Representative **PEBWORTH**: Thank you, Madam Speaker. I rise today for Randy Fry Miller who did not make it to high school graduation. I would ask us to do everything we can to prevent suicides.

Here in Maine, when we look at the statistics of veterans who commit suicide by firearm, we are above the national average. We need to be doing everything we can to help public safety, public health, and to make sure that people have the support that they need when they're in trouble. Thank you.

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

Representative **HUTCHINS**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I also rise opposed to this bill today.

It seems like the bill is perhaps more worried about weapons than it is about the people that have the problem that are using the weapons, not just guns, but all kinds of things to see about ending their own lives. The bill talks about weapons 86 times and it says firearms 86 times. So, in the many different ways that people can end their lives, it's not firearms that are the danger, it's the people that shouldn't be using the firearms. And what we need to look at is ways to correct and address those people that need the help and should get the

help so that they don't end up using them either for suicide or for terrorist reasons, for that matter.

The Second Amendment is something that is very difficult to change, and it should be. I'm glad it is. The First Amendment, likewise, but the Second Amendment is the only one that says shall not infringe on it. I think I'm the face of the Second Amendment, along with millions of other people around this country. I think I'm probably also the face of the NRA because I happen to belong to it as a life member. And I also think that we all are the face of freedom and it's such a very important aspect of what we do and how we treat the Constitution of the United States, and the amendments that were added to it about a year after it was actually written because the people in the country at the time were not quite content with the Constitution the way it was, they wanted some guarantees in it. And, so, the guarantees were put in with the first 10 amendments.

So, I think we need to think very carefully before we try changing something, taking weapons away from people, from a home where perhaps they aren't even owned by the person that is causing the problem. Now, that would probably mean that the people that legally own the guns in the home or maybe that own some of the guns should be allowed to keep them, it wouldn't be too much to ask to make sure they keep them safely when there's someone in the home that might either harm themselves or someone else, but you can't take someone else's weapons, especially in the case of, say, spousal abuse, where the person that's left in the home might be left without protection. And I can think of a person that has spoken to me about that personally, about how she feared for her life until she took the course and got a weapon of her own so that she could be certain that she was not threatened any longer once the other person in the home knew that she was carrying. Thank you very much.

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

Representative **BABBIDGE**: Thank you, Madam Speaker. Just a couple comments on the constitutionality that may help the body. You know, we have freedom of speech, freedom of religion, right to bear arms. Those are central and first in our Federal Constitution. But none of them are absolute because we don't have the right to harm others.

I wanted to point out that the proposal before us provides for an extreme risk protection order, which is not a new idea in this country. If we were to adopt this piece of legislation, we'd be the 17th state as of three or four months ago, I'm not sure what's happened this spring in all of the state legislatures across the country, but the 50 states and D.C., 16 of them had already passed this legislation. The first state to do so was Connecticut and that was two decades ago. There are constitutional hurdles for them to be implemented. The first one would be for a judge to weigh the danger and whether or not the guns or the firearms should be seized and there are different thresholds that different states require be met in order for that to happen, and some of them are very lax but we ask for probable cause to be that threshold. We'd only be the eighth state to have that high threshold in order to do that. There'd be a hearing within 14 days to determine if it's legitimate and serious enough to be continued beyond that and at that level we have, again, the highest threshold adopted across the nation, this is more uniform, and that is clear and convincing evidence.

So, I just offer this to say that this isn't groundbreaking legislation, it's been tested, and to me I feel this is about one family member looking for help and trying to save another

family member and I'll be voting for the Ought to Pass as Amended Report. Thank you, Madam Speaker.

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

Representative **FAULKINGHAM**: Thank you, Madam Speaker. I rise to oppose the pending motion.

This bill uses veterans as a scapegoat, and veterans have reached out to me on this issue and this is what one of them had to say. If this bill passes, doctors and judges will say better safe than sorry when a veteran is referred to them. He says all combat vets have thought about it (and by it, he means suicide) at some point. Whether or not they act on it is another story. These veterans have PTSD and they need help. Now, if this bill intends to curb suicide, it will, in fact, most likely have the opposite effect. This bill will make veterans with PTSD afraid to seek the help they need. Now, that's not an opinion, that's a fact. That's coming from the veterans themselves. And whether or not this bill is constitutional or not, either way, it is wrong. This is the wrong approach. This bill is anti-veteran, and I'm speaking for the veterans who don't even dare to speak for themselves because they're afraid of losing their rights because of bills like this.

I urge the Members to please keep in mind that good intentions are not always the right approach. If this bill were to pass, it would have unintended consequences, it would cost the lives of veterans because they wouldn't seek the help they need because of a bill like this. Please vote no on the pending motion.

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

Representative **COOPER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I favor this motion for a couple of reasons.

First of all, it identifies the people, the kinds of people who are in the best position to identify people who are in extremis, who, because of reasons personal to their lives such as a breakup in a relationship, an enragement over some family matter, depression brought on by any number of factors, can see the change in that person's personality that make him a risk; or her a risk to herself or himself or to others. The persons identified as who can make that judgement are not medical personnel in this bill but members of the household, family members, and law enforcement officials, officers. Law enforcement officers see this in their line of work all the time. They know when someone is in danger of committing a dangerous act. It is something they are trained to do and something that they have to act upon all the time. So, what better categories of people to choose to make this decision, at least at the initial stage. And, remember, this is just what the initial stage. They then have the authority to go to a court of law before a judge and make their case of why they think this person is a danger to himself or others.

This is an *ex parte* process, which means that the other side, that is the person who owns the weapons, is not present. There's nothing about *ex parte* proceedings which is unusual in the law. It is used in countless situations when time is of the essence. Such orders cannot be permanent; they must be followed up by an opportunity to present a full case by all parties of why this order should be continued or dissolved. So, this is a situation where immediate action is needed in order to prevent lives from being lost. So, we do have a court of law, there's no other body that has really the right to make these kinds of decision ultimately, making this decision.



So, that is why I think this is both a wise bill and one that comports with due process. It is intended to reach people not who suffer from mental illness, per se, schizophrenia, for example, but who are enraged or depressed or agitated to an extreme degree, something that can happen to anybody. And I understand the concern voiced earlier that this kind of standard could be used to the detriment of veterans who feel this way often and they won't want to confess this to medical personnel or others, but the price of not stopping them from doing harm to themselves or to others is death; death of them, death of their families and other innocent people. So, you have to balance these issues in making your decision. Thank you.

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

Representative **PICKETT**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. There were, I believe, 225 pieces of testimony in this hearing and I'd like to read just a couple of paragraphs of a high-ranking law enforcement official that testified on that day.

"LD 1312 concentrates more on removing guns and violating a person's rights than it does to address the well-being of a person who may be in crisis. I remind everybody that in the books as of right now we still have Title 15, Chapter 15, Section 393E, which talks about prohibitive persons who have been involuntarily committed. Here we have trained clinicians who have made a determination, blue paper, that would be backed up by the courts who then could issue a search warrant. I feel much better under these circumstances than the one described in the current LD 1312. Even then, we would wait until the person in crisis is in custody somewhere being evaluated before we entered his house for weapons. While we have him in custody, he could actually interact with a judge, just like we do currently with initial appearances from jails. There's no reason we shouldn't be treating this exactly like what it is; a preliminary injunction in a civil case. In its present form, LD 1312 is subject to abuse and would have no positive impact. It would actually increase the danger for people in crisis who need mental health services. It would be more dangerous for law enforcement, who now must deal with those people and reduce the likelihood of a peaceful resolution. I ask that"; and then he went on to ask vote Ought Not to Pass.

And I completely concur with this officer's assessment of LD 1312 and I ask you to follow my light in opposition to the motion. Thank you, Madam Speaker.

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

Representative **MORALES**: Thank you, Madam Speaker, Friends and Colleagues in the House. The majority of Mainers, I truly believe, those who own guns are law-abiding gun owners. They're responsible gun owners. They do not present a danger to themselves or to others. They do not threaten violence against others or threaten to use their guns to harm others. And this bill would not impact the lives of law-abiding gun owners. But for those who do use their weapons and use their threats of violence against others and for themselves, and are determined by a judge in a court of law under a process that already exists, the protection from abuse statutes, when they're determined to be a threat to others by clear and convincing evidence, this bill will protect and save lives, and that is why I support it. Thank you, Madam Speaker.

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

Representative **DRINKWATER**: Thank you, Madam Speaker. I'm one of those law-abiding citizens of Maine. I love

my guns, I love to hunt. I love teaching my grandsons about safe, responsible gun ownership. I won't be long; I just made seven little notes here talking about this bill.

Number one, blue paper. We haven't talked about blue paper that is on the books now. Law enforcement can start the process of blue paper and take that person in custody for mental evaluation.

Number two, I heard a 14-day time period to decide. If you are a person that needs help and you have already interacted with the court, am I hearing that 14 days for that judge to decide? That could be a life and death situation for 14 days. Also, a judge is not a mental health expert. I'm sure they would want to get that person evaluated before they make a decision, which could be more lag time. We heard about suicide. I actually had a customer one time try out a car and committed suicide in that car. So, there's many ways of committing suicide. In fact, I lost a loved one last December from a drug overdose, and that is probably our number one cause. If we could bring those people back and ask them, they would say they did not intend to die. Also, we've had some experiences of people jumping off bridges. There's many ways if a person is bent on suicide.

Number six, *ex parte* order. We saw how that worked in Maryland. An innocent gun owner at home was surprised at 5 o'clock in the morning, ended up in a shootout, and he died.

Also, the surrender of firearm; I'd just like to read you a little portion of this bill. Any firearm not surrendered to a law enforcement officer at the time of service of the temporary extreme risk protection order or removed pursuant to a search warrant must be surrendered to a law enforcement agency within 24 hours of service of a temporary extreme risk protection order. So, if I'm reading this correctly, and they've got a gun in their nightstand, under their mattress, but they surrender all their other guns, it's on the honor system to turn your guns over to the police and if you are, once again, bent on destruction, you're not going to turn them all over to the police, the police will have to execute a search warrant to search that house. So, there's many holes in this bill. I would ask you to vote against it. Thank you, Madam Speaker.

The SPEAKER: There's three Members in the queue. The Chair recognizes the Representative from Dexter, Representative Foster.

Representative **FOSTER**: Thank you, Madam Speaker, Ladies and Gentlemen of the House. I stand to bring up another aspect of this, and I will remind folks of one extremely dangerous and suicidal individual who, what seems like only a few days ago, but was actually now several years ago was without his weapons because they had been taken due to the restraining protection order that his wife, former estranged wife, had against him. But he took a weapon, after having his removed, that he acquired, went to the house where they were staying, killed her and their two young children and then shot himself in Dexter.

This law would not have prevented that any more than the existing law did that took away his guns. I stand opposed to this measure. I appreciate the reason for it being put forward, but it is not the answer. Thank you, Madam Speaker.

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

Representative **KINNEY**: Thank you, Madam Speaker, Men and Women of the House. I stand in opposition to the pending motion.

This bill allows for no due process before removing firearms from law-abiding citizens, because someone thinks another person might possibly maybe someday possibly oh, I

think, may have a threatening thought. It could be a former spouse or a partner who didn't like the way a relationship ended and it's a way to get even by saying the other person is a threat, even if it's untrue. This has happened in other states where similar legislation has passed and law-abiding citizens have died because they were threatened by law enforcement, and I don't begin to blame law enforcement for doing a job they've been charged to do, but the law enforcement officer who was coming and trying to take away a law-abiding citizen's personal property because someone made a false claim.

Our Second Amendment right to keep and bear arms shall not be infringed and our Article 1, Section 16 rights here in Maine shall never be questioned. Thank you.

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

**ROLL CALL NO. 296**

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

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

ABSENT - Andrews, Brooks, Cebra, Grignon, Hobbs, Riley, Skolfield.

Yes, 61; No, 82; Absent, 7; Excused, 1.

61 having voted in the affirmative and 82 voted in the negative, with 7 being absent and 1 excused, and accordingly Report "A" **Ought to Pass as Amended** was **NOT ACCEPTED**.

Subsequently, Report "B" **Ought Not to Pass** was **ACCEPTED** in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Fund Collective Bargaining Agreements with Executive Branch Employees" (EMERGENCY)

(H.P. 1316) (L.D. 1845)

Sponsored by Representative GATTINE of Westbrook. (GOVERNOR'S BILL)

Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** suggested.

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

Representative **MILLETT**: Thank you, Madam Speaker, and Ladies and Gentlemen of the House. This is a two-year collective bargaining contract for four bargaining units with the State of Maine. I've had a chance to review it with Commissioner Figueroa. It looks to me to be a typical collective bargaining settlement bill. I found no problems with the wording or the financial arrangements. I just wanted to let you know that it has been reviewed and, to my knowledge, it represents an appropriate collective bargaining settlement.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

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

**REPORTS OF COMMITTEE  
Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass** on Bill "An Act To Clarify Various Provisions of the Maine Human Rights Act"

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

Signed:

Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

BAILEY of Saco  
BABBIDGE of Kennebec  
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 BAILEY of Saco moved that the House **ACCEPT** the Majority **Ought to Pass** Report.

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

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

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

**ROLL CALL NO. 297**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, 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, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, 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, Foster, Griffin, Haggan, Hall, Hanington, Hanley, Harrington, Head, Hutchins, Jayner, 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 - Andrews, Brooks, Cebra, Farnsworth, Grignon, Hobbs, Riley, Skolfield.

Yes, 89; No, 53; Absent, 8; Excused, 1.

89 having voted in the affirmative and 53 voted in the negative, with 8 being absent and 1 excused, and accordingly and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE**.

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

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

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-639)** on Bill "An Act To Protect Pregnant Workers"

(H.P. 487) (L.D. 666)

Signed:

Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

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

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

Signed:

Senator:

KEIM of Oxford

Representatives:

CURTIS of Madison  
DeVEAU of Caribou  
HAGGAN of Hampden

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (H-639)** 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-639)** and sent for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1272) (L.D. 1790) Bill "An Act To Amend the Law To Protect the Confidentiality of State and Local Government Employees' Private Information" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-638)**

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.

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

(S.P. 614) (L.D. 1824) Bill "An Act To Make Certain Snowmobile and Watercraft Laws Consistent with All-terrain Vehicle Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass**

(S.P. 52) (L.D. 165) Bill "An Act To Prohibit the Use of Handheld Phones and Devices While Driving" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-317)**

(S.P. 603) (L.D. 1787) Bill "An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-315)**

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

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

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

(H.P. 879) (L.D. 1219) Bill "An Act To Establish an Independent Board To Review Law Enforcement Officer-involved Deaths" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-644)**

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

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

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

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

Bill "An Act To Fund Collective Bargaining Agreements with Certain Judicial Department Employees" (EMERGENCY) (H.P. 1318) (L.D. 1846)

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

Committee on **JUDICIARY** suggested.

Under suspension of the rules, the Bill was given its **FIRST READING WITHOUT REFERENCE** to a committee.

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

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

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

**REPORTS OF COMMITTEE**

**Divided Reports**

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-642)** on Bill "An Act To Enhance the Administration of the Maine Human Rights Act" (H.P. 1217) (L.D. 1702)

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

**ROLL CALL NO. 298**

YEA - Ackley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Faulkingham, Fay, Fecteau J, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, 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, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Brooks, Cebra, Farnsworth, Grignon, Hobbs, Riley, Skolfield.

Yes, 90; No, 52; Absent, 8; Excused, 1.

90 having voted in the affirmative and 52 voted in the negative, with 8 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-642)** 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-642)** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-643)** on Bill "An Act To Improve Consistency within the Maine Human Rights Act" (H.P. 1218) (L.D. 1703)

Signed:  
Senators:

CARPENTER of Aroostook  
BELLOWS of Kennebec

Representatives:

BAILEY of Saco  
BABBIDGE of Kennebunk

CARDONE of Bangor  
CURTIS of Madison  
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:

DeVEAU of Caribou

HAGGAN of Hampden

**READ.**

Representative BAILEY of Saco 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**.

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

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

**ROLL CALL NO. 299**

YEA - Ackley, Alley, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blume, Brennan, Bryant, Caiazzo, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Daughtry, Denk, Dodge, Doore, Doudera, Dunphy, Evangelos, Fay, Fecteau R, Foley, Gattine, Gramlich, Grohoski, Handy, Harnett, Hepler, Hickman, Higgins, 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, Riseman, Roberts-Lovell, Rykerson, Schneck, Sharpe, Sheats, Stanley, Stover, Strom, Sylvester, Talbot Ross, Tepler, Terry, Tipping, Tucker, Verow, Warren, White B, Zeigler, Madam Speaker.

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

ABSENT - Andrews, Brooks, Cebra, Farnsworth, Grignon, Hobbs, Riley, Skolfield.

Yes, 91; No, 51; Absent, 8; Excused, 1.

91 having voted in the affirmative and 51 voted in the negative, with 8 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-643)** 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-643)** and sent for concurrence.

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

Majority Report of the Committee on **TAXATION** reporting **Ought Not to Pass** on Bill "An Act To Establish a Tax on Water Extracted for Bottling in Order To Secure the Economic Future of Rural Maine"

(H.P. 797) (L.D. 1074)

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 to Pass as Amended by Committee Amendment "A" (H-637)** on same Bill.

Signed:

Senator:

CHIPMAN of Cumberland

Representative:

TIPPING of Orono

**READ.**

Representative TIPPING of Orono 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 Old Orchard Beach, Representative Gramlich.

Representative **GRAMLICH**: Thank you, Madam Speaker. I object to the pending motion and I wish to speak to my motion.

Madam Speaker, Women and Men of the House, water is our most important shared resource. We all need it; in fact, we cannot live without it. We in Maine have done an excellent job protecting our natural resources. We've worked hard in Maine to assure that we have the cleanest, freshest water in the country, which makes it especially valuable. People all over the world desire our water and those who bottle and sell it enjoy huge financial gains. A portion of those gains should be going back to the State and to all the people who reside here.

I contend that we as Mainers own the water under our land. There's a simple solution to assure Maine is benefiting from the sale of our water; place a fee on the extraction of

ground water or surface water for commercial bottling for sale. While corporations who extract water in Maine indeed do pay municipalities a rate of a little over a half a penny a gallon for the water they extract, this is only done for select towns who appreciate this financial gain. It makes sense that when the State produces a profitable resource that the State should get some of that profit back. Water isn't a free resource to begin with; everyone pays a water bill when they use water at home, so why shouldn't companies do the same?

Imposing fees on our natural resources is not a new idea, nor would Maine be the first to put a modest fee on a resource that belongs to all of us. Currently --

The SPEAKER: The Member will defer. The House will be in order. If Members have conversations, please take them outside the chamber. The Member may proceed.

Representative **GRAMLICH**: Thank you, Madam Speaker. Currently, Maine imposes an excise tax on naturally occurring minerals, as the State has recognized that these precious natural resources are beholden to the State. Maine has a long precedence in taxing a renewable natural resource, which is our timber, through the commercial forestry excise tax. Should water, our most precious natural resource, be exempt from these types of fees?

Another example of states imposing fees on natural resources is natural gas. Thirty-four states currently produce natural gas and all 34 states have fees or taxes on that production. In Texas, there's a 7.5% tax on gas and a 4.5% tax on oil. Texas uses the resulting revenue for its rainy-day fund, their school program and their highway fund. There's a fear, Madam Speaker, when we talk about taxes or fees it will push industries away or create too much red tape, but the fact is this tax would be a modest one, one which would not put undue financial stress on Maine's bottlers. In fact, recently Michigan proposed a similar tax of 5 cents per gallon for all extracted water in Michigan. Michigan, like Maine, is a water-rich state. Bottling companies in Michigan threatened that they would leave the state; however, the Chief Sustainability Officer for Nestle North America said, and I quote, I don't think there'd be any intention to leave the state of Michigan.

The point is, Madam Speaker, the bottlers value our water and can afford this fee. Taxes like these are not meant to push businesses away. Bottling businesses are important to the State of Maine. They provide jobs and they improve our economy. They're a part of our community. This tax simply reflects that they are using our community resource and that they will give just a little bit of that benefit back to the State of Maine.

If we in Maine, like Michigan, had proposed, for example, a 5 cent per gallon tax on water extraction from the ground for purposes of bottling, Maine would receive an extra \$60 million annually. Just a few weeks ago, the Department of Transportation had to cut \$59 million from their budget, canceling plans for paving, safety improvements on Interstate 295 and 11 more construction projects. \$60 million from water extraction, for example, would create over 1500 well-paying jobs which would go to infrastructure needed to fix our roads, bridges and other highway projects.

We've done an excellent job branding our water in Maine, Madam Speaker, just as we have done with lobsters, with blueberries, potatoes and with our forests. We are, after all, known as the Pine Tree State. We in Maine have unique things to offer and all Mainers should reap the benefits of what we have to offer. We need to put a value on our brand. Mainers deserve the benefit from this life-sustaining resource.

We are so fortunate to be the home of the freshest water in the world; let's use that water to give back to the rest of the State.

Please vote down this pending motion and pass the Minority Ought to Pass Report. Thank you, Madam Speaker.

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

Representative **BICKFORD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House, water is not a finite resource like blueberries, they have to be replanted every year; potatoes, they have to be replanted every year. Natural gas is finite, minerals are finite, oil is finite. Water is replenished by nature.

Madam Speaker, the Tax Committee voted on LD 1074, 11-2 Ought Not to Pass. Yet, proponents of the Tax Committee's Minority Report, consisting of only two votes on LD 1074, are advocating that this Minority Report be sent out to referendum. This would set a very bad precedent for the Legislature. LD 1074 received the full scientifically and fact-based public hearing that analyzed the various facts and policy arguments. Again, it was soundly defeated; 11-2.

Now, only a handful of proponents testified in favor of LD 1074, while over 40 people testified in opposition, including the Commissioner of the Department of Economic and Community Development, businesses, associations and Poland Spring employees.

Proponents of the Minority Amendment claim that Poland Spring does not pay for its water, unlike all other users of water. That is simply not true. Madam Speaker, your microbreweries do not pay tax on their water like this proposes, your dairies do not pay a tax on the water they use as this proposes. This bill is an attack on one single industry in the State of Maine; one single business. The only thing different in this bill is it doesn't single out Poland Springs. Everything else in this bill is directed at one industry, one employer, one business in the State of Maine.

Poland Spring does buy spring water from a number of entities, as well as other landowners where the springs are located. At spring sites where Poland Spring owns the land, like any landowner who installs a well, and they pay property taxes on that property, Poland Springs pays for the infrastructure to withdraw the water. Poland Spring also serves as an excellent steward of the land surrounding the springs and to protect the quality of water.

Madam Speaker, I'm going to read a short excerpt of one of the testimonies that we did receive in Tax Committee in the Ought Not to Pass argument. This bill violates several of the most fundamental principles of sound tax policy. The first and foremost principle of sound tax policy is that any new tax should be fair and equitable. LD 1074 proposes a tax that is not fair, nor equitable, in two different ways. First, it effectively singles out one company to hear this tax based on a quantity of the resource withdrawn, Poland Spring. The tax applies only to a bottled water operator that annually extracts more than 1.5 million gallons of water. Again, Poland Spring. If a bottled water operator extracts 1.499 million gallons or less, there's a zero tax. Again, not Poland Spring. This is not fair and it's not equitable.

Second, LD 1074 only applies to a tax when a natural resource is used for one purpose; bottling or packaging water for sale. It does not apply the tax to others who also extract large quantities of water for other purpose. Again, dairies, microbreweries, large manufacturers. This is not fair and it's not equitable.

Madam Speaker, I urge the body to vote yes on the pending motion and support the Ought Not to Pass. 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. 300**

YEA - Alley, Arata, Austin B, Austin S, Babine, Bickford, Blier, Bradstreet, Bryant, Caiazzo, Campbell, Carney, Cloutier, Corey, Costain, Craven, Curtis, Denk, DeVeau, Dillingham, Dolloff, Doore, Drinkwater, Faulkingham, Fay, Fecteau J, Foley, Foster, Griffin, Haggan, Hall, Handy, Hanington, Hanley, Harrington, Head, Hepler, Higgins, Hubbell, Hutchins, Javner, Johansen, Jorgensen, Keschl, Kinney, Kryzak, Landry, Lockman, Lyford, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Matlack, McCrea, Millett, Moriarty, Morris, Nadeau, O'Connor, Ordway, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Prescott, Reed, Rudnicki, Rykerson, Sampson, Sharpe, Sheats, Stanley, Stearns, Stetkis, Stewart, Stover, Strom, Swallow, Terry, Theriault, Tucker, Tuell, Wadsworth, Warren, White B, White D, Madam Speaker.

NAY - Ackley, Babbidge, Bailey, Beebe-Center, Berry, Blume, Brennan, Cardone, Collings, Cooper, Crockett, Cuddy, Daughtry, Dodge, Doudera, Dunphy, Evangelos, Fecteau R, Gattine, Gramlich, Grohoski, Harnett, Hickman, Hymanson, Ingwersen, Kessler, Kornfield, Mastraccio, Maxmin, McCreight, McDonald, McLean, Melaragno, Meyer, Moonen, Morales, O'Neil, Paulhus, Pebworth, Pluecker, Reckitt, Riseman, Roberts-Lovell, Schneck, Sylvester, Talbot Ross, Tepler, Tipping, Verow, Zeigler.

ABSENT - Andrews, Brooks, Cebra, Farnsworth, Grignon, Hobbs, Riley, Skolfield.

Yes, 92; No, 50; Absent, 8; Excused, 1.

92 having voted in the affirmative and 50 voted in the negative, with 8 being absent and 1 excused, and accordingly the Majority **Ought Not to Pass** Report was **ACCEPTED** and sent for concurrence.

Majority Report of the Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-312)** on Bill "An Act To Authorize Maine Courts To Award Attorney's Fees and Costs to Citizens Who Prevail in Civil Litigation against the Executive Branch" (S.P. 211) (L.D. 698)

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

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-312)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-312)** 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-312)** in concurrence.

Nine Members of the Committee on **VETERANS AND LEGAL AFFAIRS** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-318)** on Bill "An Act To Ensure Proper Oversight of Sports Betting in the State" (S.P. 175) (L.D. 553)

Signed:

Senators:

LUCHINI of Hancock  
HERBIG of Waldo

Representatives:

SCHNECK of Bangor  
ACKLEY of Monmouth  
ANDREWS of Paris  
COOPER of Yarmouth  
DOLLOFF of Rumford  
HUBBELL of Bar Harbor  
STROM of Pittsfield

Three Members of the same Committee report in Report "B" **Ought to Pass as Amended by Committee Amendment "B" (S-319)** on same Bill.

Signed:

Senator:

CYRWAY of Kennebec

Representatives:

HANINGTON of Lincoln  
McCREIGHT of Harpswell

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

Signed:

Representative:

HICKMAN of Winthrop

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ** and **ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-318)**.

**READ.**

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-318)** 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-318)** in concurrence.

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

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

Bill "An Act To Amend the Licensing Laws of Certain Professions and Occupations"

(S.P. 580) (L.D. 1746)

**COMMITTED** to the Committee on **INNOVATION, DEVELOPMENT, ECONOMIC ADVANCEMENT AND BUSINESS** in the House on June 18, 2019.

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-303) AND SENATE AMENDMENT "A" (S-316)** in **NON-CONCURRENCE**.

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

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**ENACTORS**  
**Acts**

An Act To Clarify and Enhance Fish and Wildlife Enforcement Laws

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

(C. "A" S-315)

An Act To Make Certain Snowmobile and Watercraft Laws Consistent with All-terrain Vehicle Laws

(S.P. 614) (L.D. 1824)

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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An Act To Prohibit the Use of Handheld Phones and Devices While Driving

(S.P. 52) (L.D. 165)

(C. "A" S-317)

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**: 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. 301**

**YEA** - Ackley, Alley, Arata, Austin B, Babbidge, Babine, Bailey, Beebe-Center, Berry, Blier, Blume, Bradstreet, Brennan, Bryant, Caiazzo, Campbell, Cardone, Carney, Cloutier, Collings, Cooper, Corey, Craven, Crockett, Cuddy, Curtis, Daughtry, Denk, DeVeau, Dillingham, Dodge, Dolloff, Doore, Doudera, Dunphy, Evangelos, Faulkingham, Fay, Fecteau R, Foley, Foster, Gattine, Gramlich, Handy, Hanington, Hanley, Harnett, Harrington, Head, Hepler, Hickman, Higgins, Hubbell, Hymanson, Ingwersen, Jorgensen, Keschl, Kessler, Kornfield, Kryzak, Landry, Madigan C, Marean, Martin J, Martin R, Martin T, Mason, Mastraccio, Matlack, Maxmin, McCreight, McDonald, McLean, Melaragno, Meyer, Morales, Moriarty, Nadeau, O'Connor, O'Neil, Paulhus, Pebworth, Peoples, Perkins, Perry A, Perry J, Pickett, Pierce T, Pluecker, Prescott, Reckitt, Riseman, Roberts-Lovell, Rykerson, Sampson, Schneck, Sharpe, Sheats, Stanley, Stearns, Stewart, Stover, Swallow, Sylvester, Talbot Ross, Tepler, Terry, Theriault, Tipping, Tucker, Tuell, Verow, Warren, White B, Zeigler, Madam Speaker.

**NAY** - Austin S, Bickford, Costain, Drinkwater, Fecteau J, Griffin, Grohoski, Haggan, Hall, Hutchins, Javner, Johansen, Kinney, Lockman, Lyford, Moonen, Morris, Ordway, Reed, Rudnicki, Stetkis, Strom, White D.

**ABSENT** - Andrews, Brooks, Cebra, Farnsworth, Grignon, Hobbs, Millett, Riley, Skolfield, Wadsworth.

Yes, 117; No, 23; Absent, 10; Excused, 1.

117 having voted in the affirmative and 23 voted in the negative, with 10 being absent and 1 excused, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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**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" (S-238)** on Bill "An Act To Prohibit the Sale and Distribution of Flavored Tobacco Products"

(S.P. 364) (L.D. 1190)

Signed:

Senators:

CLAXTON of Androscoggin  
MOORE of Washington

Representatives:

HYMANSON of York  
CRAVEN of Lewiston  
GRIFFIN of Levant  
JAVNER of Chester  
MADIGAN of Waterville  
O'CONNOR of Berwick  
PERRY of Calais  
TALBOT ROSS of Portland

Minority Report of the same Committee reporting **Ought to Pass as Amended by Committee Amendment "B" (S-239)** on same Bill.



Signed:  
 Senator: GRATWICK of Penobscot

Representatives:  
 MEYER of Eliot  
 STOVER of Boothbay

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-238)**.

**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 Winslow, Representative Nadeau.

Representative **NADEAU**: Thank you, Madam Speaker. I need to tell a story and I'd like it on the record, if I may.

The SPEAKER: The Chair will inform the Member that she is on the record during the course of the debate of the bill.

Representative **NADEAU**: I'm telling a story from Jake. Jake Warren is a 19-year-old man from Winslow.

"As you consider how you're going to vote on this bill to prohibit the sale and distribution of flavored tobacco, I'd like to share my story. What I experienced in high school and am now seeing in college, flavored tobacco and e-cigarettes have completely taken over the school systems. When I was in high school, the bathrooms were filled with ten to 12 kids every break between classes, ripping their Juul and e-cig products. Young adults and teens don't see the connection between e-products and cigarettes and flavored tobacco. The dangers in addiction to nicotine are not recognized by my age group and younger. Some product like Juul has just as much nicotine within a pod as a pack of cigarettes. The pod is a small juice cartridge that contains nicotine, flavoring, most often fruit flavors and chemicals. These pods are much more easily consumed than a pack of cigs" Again, this is not my talk, this is him talking. "and much more quickly. It would be uncommon for a pod to last a full day. The pods are bought in packs of four and can easily be sold off within the school system. Pods are not that expensive. A pack of four retails for \$16 and the pods can be sold off for \$5 apiece, which is a reasonable price for middle school, high school and college students. For these reasons, e-cigs and Juuls and flavored tobacco have created its own underground network system that has completely spread through the schools. With no exaggeration, while I was in high school, 85% of the students were using these products. After a few weeks of using the devices, it becomes part of your life. Without even realizing it, you're addicted. It is just the norm now, it's like having a cellphone. E-cigs and Juuls and flavored was part of the social scene through my high school career. All groups in school are using, from athletes, nerds, weirdos and motorheads. I had always had an e-cig product through high school. Empire Vape would have game night for their vaping lounge. It would be filled with high schoolers and young adults. We are the consumers for this product and it was geared toward us, the new consumer. I would go there at the time at 16 and 17 years of age with no issues. If store owners claim that we aren't allowed, they are flat-out lying. E-cigs and Juul products and flavors were at our constant fingertips, ordering these products with ease on sites like eBay and Facebook. Once I got to college, where I was playing for an intense D2 soccer program, I bought my first Juul. I didn't

think it would become a problem for me since I was a driven college athlete. And while I knew my parents were very concerned about me doing this, I would dismiss their concern. I had done my research and even told my parents that. But, by the middle of the fall season, I was buying two packs per week at Cumby's, eight pods total per week, and it had completely taken over my life. I was spending much more than my budget for the week on this product. I started to rely on my Juul for my daily tasks and I couldn't go without it, because it would affect my mood and attitude too much to be productive at the level I needed to be at. I was anxious, irritable and very angry. And this is in addition to the physical effects of not feeling healthy and coughing. I am watching adults pointing the finger at each other; parents didn't do their jobs, teachers aren't paying attention, consequences aren't strict enough. But I think lawmakers let their guard down to tobacco companies. The tobacco setup money that comes to the State was used for other programs and was used to fill budget holes. Now my generation is paying the price. There's nothing out there educating me on the dangers of e-cigs, Juul, and flavors and the tobacco industry took advantage of that. There was nothing telling me and my peers that nicotine was a highly addictive drug and we could be setting ourselves up for lifetime addiction. We knew cigarettes were bad and I would never have smoked a cigarette, but we didn't know that e-cigarettes and tobacco products and flavors was bad. Campaigns should be run to tell kids, their parents, the adults who work with kids the truth about these products. More attention could be focused on efforts to help kids quit, schools can be educated on what to look for, youth can be trained to share their stories, efforts can be carried out to shut down underground markets and more. You have a chance to do something right now. Take one step in the right direction. Believe me, this cannot wait. This is addiction. We need to stop this problem before it gets worse or a whole generation will be paying the price." I thank you for your time.

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

The Bill was **READ ONCE**. **Committee Amendment "A" (S-238)** 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-238)** in concurrence.

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

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

(H.P. 603) (L.D. 829)

**FINALLY PASSED** in the House on May 28, 2019. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-320) AND SENATE AMENDMENT "A" (S-309)** in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Establishing the Working Group on Mental Health (EMERGENCY)

(S.P. 508) (L.D. 1602)

**FINALLY PASSED** in the House on June 7, 2019. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-213) AS AMENDED BY SENATE AMENDMENT "A" (S-310)** thereto in **NON-CONCURRENCE**.

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

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**Non-Concurrent Matter**

Resolve, Establishing a Task Force To Study the Creation of a Comprehensive Career and Technical Education System and Increased Crosswalks for Academic Credit between Secondary Schools and Career and Technical Education Programs (EMERGENCY)

(H.P. 766) (L.D. 1036)

**FINALLY PASSED** in the House on June 10, 2019. (Having previously been **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506)**)

Came from the Senate **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-506) AS AMENDED BY SENATE AMENDMENT "A" (S-311)** thereto in **NON-CONCURRENCE**.

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

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**ENACTORS**

**Acts**

An Act To Return Funds to Maine Property Tax Payers

(H.P. 1223) (L.D. 1713)

(C. "A" H-620)

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

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On motion of Representative FECTEAU of Biddeford, the House adjourned at 11:32 p.m., until 10:00 a.m., Wednesday, June 19, 2019, in honor and lasting tribute to Bruce W. Jonson, of Brewer and Springdale, Arizona and Lester Burton Young, of Brewer.